

THIRTY-THIRD DAY

Monday, March 8, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Ruth Senter of Wailua United Church of Christ, after which the Roll was called showing all members present with the exception of Representatives Morioka and Roehrig, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 39 to 43) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 39) transmitting Senate Bill No. 1608, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PREPAID HEALTH CARE LAW", which passed Third Reading in the Senate on March 5, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 40) transmitting Senate Bill No. 1807-76, entitled: "A BILL FOR AN ACT RELATING TO THE CONVERSION OF CERTAIN EXEMPT POSITIONS WITHIN THE DEPARTMENT OF DEFENSE TO PERMANENT CIVIL SERVICE STATUS", which passed Third Reading in the Senate on March 5, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 41) transmitting Senate Bill No. 1830-76, entitled: "A BILL FOR AN ACT RELATING TO INITIAL APPOINTMENTS", which passed Third Reading in the Senate on March 5, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 42) transmitting

Senate Bill No. 2080-76, entitled: "A BILL FOR AN ACT RELATING TO RECORDS OF THE LIQUOR COMMISSION", which passed Third Reading in the Senate on March 5, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 43) transmitting Senate Bill No. 2105-76, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT COURTS", which passed Third Reading in the Senate on March 5, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.B. Nos. 1608, SD 1; 1807-76; 1830-76; 2080-76 and 2105-76 passed First Reading by title and further action was deferred till later in the calendar.

The following introductions were made to the members of the House:

Representative Fong introduced 23 5th grade students from Punahou School. They were accompanied by their teacher, Mrs. Chris Yates.

Representative Cobb introduced Leighton Hashimoto and Cedric Chee. They are both Seniors at Iolani and are here for a week studying the legislative process.

Representative Ho introduced 100 5th grade students from Kaimiloa Elementary School. They were accompanied by their teachers, Mrs. Hasegawa, Mrs. Ouye, Mrs. Matsumura and Mrs. Azama.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
1608	Jointly to the Committees on Health and Labor and Public Employment
1807-76	Committee on Labor and Public Employment, then to the Committee on Finance
1830-76	Committee on Labor and Public Employment
2080-76	Committee on Judiciary

2105-76 Committee on Judiciary,
then to the Committee
on Finance

and Human Services

3368-76 Committee on Agriculture,
then to the Committee
on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 350 to 356) and concurrent resolutions (H.C.R. Nos. 57 to 59) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
350	Jointly to the Committees on Public Assistance and Human Services and Health
351	Committee on Judiciary
352	Committee on Culture and the Arts, then to the Committee on Water, Land Use, Development, and Hawaiian Homes
353	Jointly to the Committees on Labor and Public Employment and Public Assistance and Human Services
354	Committee on Environmental Protection, then to the Committee on Finance
355	Jointly to the Committees on Environmental Protection and Energy and Transportation
356	Jointly to the Committees on Environmental Protection and Energy and Transportation

H.C.R. Nos.

57	Committee on Judiciary
58	Committee on Culture and the Arts, then to the Committee on Water, Land Use, Development, and Hawaiian Homes
59	Jointly to the Committees on Labor and Public Employment and Public Assistance and Human Services

COMMITTEE REASSIGNMENT

The following were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
3113-76	Committee on Public Assistance

H.R. Nos.

14	Committee on Youth and Elderly Affairs, then to the Committee on Legislative Management
331	Committee on Youth and Elderly Affairs, then to the Committee on Legislative Management

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 289-76) informing the House that House Resolution Nos. 347 to 356, House Concurrent Resolution Nos. 57 to 59 and Standing Committee Report Nos. 290-76 to 318-76, have been printed and distributed.

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

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 290-76) recommending that H.B. No. 2935-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 2935-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TREATMENT AND PREVENTION OF ALCOHOLISM BY THE AGENCIES COMPRISING THE OAHU ALCOHOLISM COALITION", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 291-76) recommending that H.B. No. 2485-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 2485-

76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A GRANT-IN-AID TO DRUG REHABILITATION PROGRAMS", passed Second Reading and was referred to the Committee on Finance.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 292-76) recommending that H.B. No. 2440-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2440-76, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT COURTS", passed Second Reading and was referred to the Committee on Finance.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 293-76) recommending that H.B. No. 3109-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 3109-76, entitled: "A BILL FOR AN ACT RELATING TO MEMBERSHIP ON THE BOARD OF ACUPUNCTURE", passed Second Reading and was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 294-76) recommending that H.B. No. 2768-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2768-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INFORMATION AND REFERRAL PROGRAM", passed Second Reading and was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 295-76) recommending that H.B. No. 3119-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 3119-87, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH", passed Second Reading and was referred to the Committee on Finance.

Representatives Uechi and Sakima, for the Committees on Agriculture and Higher Education, presented a report (Stand. Com. Rep. No. 296-76) recommending that H.B. No. 2562-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Sakima and carried, the report of the joint Committee was adopted and H.B. No. 2562-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RESTORATION AND FILLING OF THE CLERK-STENO III POSITION FOR THE MOLOKAI COOPERATIVE EXTENSION SERVICE OFFICE", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 297-76) recommending that H.B. No. 3263-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3263-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL PARKS", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 298-76) recommending that H.B. No. 3276-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3276-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ESTABLISHMENT OF A BANANA PROCESSING PLANT ON THE ISLAND OF OAHU", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 299-76) recommending that H.B. No. 3270-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3270-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUPPLEMENTAL APPROPRIATIONS ACT OF 1974", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 300-76) recommending that H.B. No. 3272-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3272-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUPPLEMENTAL APPROPRIATIONS ACT OF 1974", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 301-76) recommending that H.B. No. 3261-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3261-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION RELATED TO AGRICULTURAL COMMODITIES", passed Second Reading and was referred to the Committee on Finance.

At 11:40 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:45 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Roehrig.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 302-76) recommending that H.B. No. 3274-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3274-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION RELATED TO AGRICULTURAL CONCERNS", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the majority of the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 303-76) recommending that H.B. No. 3269-76 pass Second Reading and be referred to the Committee on Finance.

Representative Uechi moved that the report of the majority of the Committee be adopted and that H.B. No. 3269-76 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Inaba.

Representative Larsen, upon being recognized, stated:

"Mr. Speaker, I would like to note, for the record, that we intend to file a minority report on H.B. No. 3269-76, Standing Committee Report No. 303-76."

The Chair then remarked:

"That is fine. Would you like to cast a 'no' vote on this measure?"

Representative Larsen replied in the affirmative and the Chair then stated:

"No objections. Mr. Clerk, please note a 'no' vote for Representative Larsen on H.B. No. 3269-76."

At this time, Representatives Clarke, Lum and Sutton also requested to have 'no' votes cast on this measure.

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 3269-76, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS AND AMENDING CHAPTER 155, HAWAII REVISED STATUTES", passed Second Reading and was referred to the Committee on Finance with Representatives Clarke, Larsen, Lum and Sutton voting no.

Representative Stanley, for the majority of the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 304-76) recommending that H.B. No. 148, as amended in

HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the majority of the Committee was adopted and H.B. No. 148, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL WORK", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 305-76) recommending that H.B. No. 2645-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2645-76, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS SERVICE", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 306-76) recommending that H.B. Nos. 2696-76, 2802-76, 2806-76, 2839-76, 2860-76, 2971-76 and 3010-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and the following bills passed Second Reading and were referred to the Committee on Finance:

H.B. No. 2696-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING AND INSTALLATION OF TRAFFIC SIGNALS AT THE INTERSECTION OF FORT WEAVER ROAD AND RENTON ROAD."

H.B. No. 2802-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CAPITAL IMPROVEMENT PROJECT IN THE 24TH REPRESENTATIVE DISTRICT, OAHU."

H.B. No. 2806-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE ELEVENTH REPRESENTATIVE DISTRICT."

H.B. No. 2839-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID FOR STREET RESURFACING."

H.B. No. 2860-76, entitled: "A BILL FOR AN ACT RELATING TO APPROPRIATIONS FOR TRANSPORTATION FACILITIES IN HAWAII COUNTY."

H.B. No. 2971-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE CITY AND COUNTY OF HONOLULU FOR IMPROVEMENTS TO MAUNAWILI ROAD, OAHU."

H.B. No. 3010-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NATURAL ENERGY LABORATORY."

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 307-76) recommending that H.B. No. 2430-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 2430-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE MOLOKAI HOSPITAL", passed Second Reading and was referred to the Committee on Finance.

Representatives Segawa and Stanley, for the Committees on Health and Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 308-76) recommending that H.B. No. 2934-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Segawa and carried, the report of the joint Committee was adopted and H.B. No. 2934-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEVELOPMENT OF A PLAN TO ESTABLISH SOCIAL REHABILITATION RESIDENTIAL PROGRAMS", passed Second Reading and was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 309-76) recommending that H.B. No. 2371-76, as amended in HD 1, pass Second Reading and

be referred to the Committee on Judiciary.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2371-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMANCIPATION OF CERTAIN MINORS", passed Second Reading and was referred to the Committee on Judiciary.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 310-76) recommending that H.B. No. 2556-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2556-76, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATION FOR AN ANALYSIS AND REPORT OF PESTICIDES FOR MINOR LOCAL CROPS", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 311-76) recommending that H.B. No. 3273-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3273-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH TO ASSESS THE ECONOMIC SIGNIFICANCE OF AND EVALUATE ALTERNATIVE PESTICIDES FOR ANT CONTROL IN PINEAPPLE CULTURE AND MAKING AN APPROPRIATION THEREFOR", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 312-76) recommending that H.B. No. 2566-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2566-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR

A SECOND PLANT CROP COUNTY AGENT FOR KONA, COUNTY OF HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 313-76) recommending that H.B. No. 2560-76 pass Second Reading and be referred to the Committee on Finance.

On motion by representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2560-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GREENHOUSE VEGETABLE PLANT RESEARCH PHYSIOLOGIST IN THE COLLEGE OF TROPICAL AGRICULTURE, THE UNIVERSITY OF HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 314-76) recommending that H.B. No. 621, HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 314-76 on H.B. No. 621, HD 2, was deferred until tomorrow, March 9, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 621, HD 2, were made available to the members of the House at 11:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 315-76) recommending that H.B. No. 2226-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 315-76 on H.B. No. 2226-76, HD 1, was deferred until tomorrow, March 9, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2226-76, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 316-76) recommending that H.B. No. 2227-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 316-76 on H.B. No. 2227-76 was deferred

until tomorrow, March 9, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2227-76 were made available to the members of the House at 11:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 317-76) recommending that H.B. No. 2537-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 317-76 on H.B. No. 2537-76, HD 1, was deferred until tomorrow, March 9, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2537-76, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 318-76) recommending that H.B. No. 2929-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2929-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII YOUTH CORRECTIONAL FACILITY", passed Second Reading and was referred to the Committee on Judiciary, with Representative Sutton voting no.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 357 to 359) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 357) congratulating the Women's Athletic Program of the University of Hawaii was jointly offered by Representatives Kamalii, Ajifu, Amaral, Carroll, Clarke, Cobb, Fong, Garcia, Hakoda, Ikeda, Kihano, Larsen, Lee, Lunasco, Medeiros, Morioka, Poepoe, Sakima, Santos, Segawa, Sutton, Yuen and Wakatsuki.

On motion by Representative Kamalii, seconded by Representative Lunasco and carried, H.R. No. 357 was adopted.

A resolution (H.R. No. 358) congratulating the Punahou School Varsity Soccer Team for winning the Interscholastic League and State Soccer Championships was jointly offered by Representatives Kamalii, Ajifu, Amaral, Carroll, Clarke, Cobb, Fong, Garcia, Hakoda, Ikeda, Kihano, Larsen, Lee, Lunasco, Medeiros, Morioka, Poepoe, Sakima, Santos, Segawa, Sutton, Yuen and Wakatsuki.

On motion by Representative Kamalii, seconded by Representative Lunasco and carried, H.R. No. 358 was adopted.

A resolution (H.R. No. 359) recognizing March 8, 1976 as International Woman's Day was jointly offered by Representatives Naito, Stanley, Cobb, Evans, Ikeda, Kamalii, Kimura, Kunimura, Lum, Lunasco, Peters, Sakima, Santos, Ushijima and Yuen.

On motion by Representative Naito, seconded by Representative Stanley and carried, H.R. No. 359 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 360 to 365) and concurrent resolutions (H.C.R. Nos. 60 and 61) were referred to the Committee on Legislative Management and further action was deferred until Tuesday, March 9, 1976:

A resolution (H.R. No. 360) requesting the University of Hawaii to implement an environmental studies curriculum was jointly offered by Representatives Kawakami, Clarke, Ho, Morioka and Roehrig.

A resolution (H.R. No. 361) requesting a review of the compensation schedule for living and care arrangements for elderly and disabled adults was jointly offered by Representatives Kawakami, Clarke, Ho, Kihano, Lum, Morioka, Roehrig, Yamada and Yap.

A resolution (H.R. No. 362) expressing support for the Joint University of Hawaii School of Law-Legislative Reference Bureau Projects was jointly offered by Representatives Sakima, Abercrombie, Blair, Cayetano, Cobb, Evans, Garcia, Hakoda, Ho, Ikeda, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lee, Machida, Mizuguchi, Naito, Oda, Roehrig, Santos, Segawa, Shito, Stanley, Takamine, Takamura, Ushijima, Yamada, Yap and Yuen.

A resolution (H.R. No. 363) expressing support for the various programs and projects initiated by the University

of Hawaii School of Law was jointly offered by Representatives Sakima, Abercrombie, Blair, Cayetano, Evans, Garcia, Hakoda, Ho, Ikeda, Kawakami, Kimura, Kondo, Kunimura, Lee, Machida, Mizuguchi, Naito, Oda, Roehrig, Santos, Segawa, Shito, Stanley, Takamine, Takamura, Ushijima, Yamada, Yap and Yuen.

A resolution (H.R. No. 364) requesting development of a Diamond Head-Fort Ruger Land Use Plan was jointly offered by Representatives Cobb, Larsen, Ajifu, Carroll, Fong, Hakoda, Ikeda, Kamalii, Kiyabu, Lum, Morioka, Naito, Poepoe and Sutton.

A resolution (H.R. No. 365) censuring the lack of forceful action in matters concerning Oahu prison was jointly offered by Representatives Kamalii, Ajifu, Carroll, Clarke, Hakoda, Larsen, Poepoe and Sakima.

A concurrent resolution (H.C.R. No. 60) regulation of smoking in public places was jointly offered by Representatives Kimura, Abercrombie, Ajifu, Blair, Carroll, Cayetano, Evans, Ho, Ikeda, Kunimura, Larsen, Mizuguchi, Morioka, Poepoe, Sakima, Segawa, Stanley, Sutton and Yuen.

A concurrent resolution (H.C.R. No. 61) requesting development of a Diamond Head-Fort Ruger Land Use Plan was jointly offered by Representatives Cobb, Larsen, Carroll, Hakoda, Ikeda, Kamalii, Kiyabu, Lum, Morioka, Naito, Poepoe and Sutton.

At this time, Representative Kunimura introduced Glen Uyeda, and Representative Sutton introduced four Roosevelt High School students.

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 12:05 o'clock p.m.

THIRD READING

S.B. No. 1771-76

Representative Roehrig moved that S.B. No. 1771-76, having been read throughout, pass Third Reading, seconded by Representative Uechi.

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

"Mr. Speaker"

Representative Kunimura, on a point of information, asked:

"I'm gonna maybe vote for this bill, but may I change my mind if the debate is a lousy one?"

The Chair then stated:

"Representative Sutton, will you proceed."

Representative Sutton continued, stating:

"Mr. Speaker, the relevant question is Article 15 of the State Constitution. Article 15, Section 2, provides in part that the Legislature or the Lieutenant Governor may submit the question of 'Shall there be a convention to propose a revision of, or amendments to, the Constitution?' to the electorate of the State. The Lieutenant Governor is required to certify the question for submittal to the electorate in the event a ten-year period elapses since the last submittal to the electorate. That ten-year period, sir, has not elapsed. Therefore, it would appear that the Lieutenant Governor does not have a discretionary role in submitting to the electorate, and furthermore, is bound to submit the question at the next general election following the tolling of ten years.

The Legislature, on the other hand, Mr. Speaker, is not bound by time constraints, and would appear to be free to submit the question to the electorate at any general or special election. Trying to find out whether or not the electorate so desired, a petition was circulated by the Republican Party, under the direction of our esteemed Minority Leader, and he has reported back to me that over 100,000 signatures were so secured. Where the Legislature desires to initiate the submittal of the question to the electorate, it does not appear that the Legislature is bound by specific form or type of action by the Constitution. It would, therefore, be proper for the Legislature to present the question by either a bill or a concurrent resolution; but we have a bill before us, so that is excellent.

Where the Legislature desires to submit the question to the electorate at a special election, then it would be required; but, we have in this bill that this be submitted at the

regular election.

Now, sir, we find that the electorate is behind this; we find a desire to amend the Constitution; we are a very young State; we have had but two Constitutional conventions and it is highly appropriate, therefore, that we act favorably on this bill which has been moved, and so excellently handled, by our Judiciary chairman.

Thank you."

Representative Abercrombie, upon being recognized, spoke in favor of the bill, stating:

"Mr. Speaker, along with others in this State, I feel that the opinion rendered by the Attorney General in July of last year in which he stated, 'ten years means ten years and the question must wait until the 1978 elections', was unfortunate, and one that while being within perhaps the letter of the Constitution, seemed to violate the very spirit of that document.

As you know, I addressed this point, also, in July of last year, in a letter in which I noted that the Legislature, under Article 15, could act on this matter regardless of the opinion rendered by the Attorney General. I am very pleased that the House and the Senate have considered this an important legislative measure and that this particular bill is before us for a vote this morning. I feel a convening of a Constitutional convention is very important now in the light of some of the questions which are facing us.

If S.B. No. 1771-76 is passed by this House and the convention question favored by the electorate at this year's general election, I would hope that the framework for that convention would be set during the next legislative session. This would enable election of delegates, the convention itself and the special ratification election to be held during the 1977 calendar year.

I feel this is a very important measure before us this morning, which would give the voters of this State a chance to decide on whether or not they want to have a Constitutional convention.

In conclusion, Mr. Speaker, I would urge all my colleagues on both sides of the aisle to vote in favor of this measure, and because

the language in the Committee Report is so impressive, Mr. Speaker, I would ask and request that prior to the vote that the Chairman of the Judiciary Committee read the two short paragraphs of the Committee Report so that prior to the vote, the members of the audience can understand the full impact of what is being done and being voted on this morning.

Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise to speak in favor of this bill, and in doing so, I will accommodate the prior speaker by addressing my remarks on this matter.

'In this, our nation's Bicentennial, all eyes of the people turn inward, contemplating the nation's past, present, and future. We examine our past history, to gain an insight on our strengths and weaknesses in order that we may plan our future more wisely. We scrutinize the status quo, in order to determine how much of our reality meets our ideals. We contemplate the future, in order that we may plan for the direction Hawaii needs to go in order that the State may provide for its people and its land.

The Constitution of the State of Hawaii comprises the structure and fiber of our society. Our society is composed of our people, the native children of Hawaii. Just as individuals must, from time to time, re-examine their conduct, beliefs, and values, so too must our society re-examine itself. In order to do this, we must look to that which comprises our structure and fiber, the Constitution of the State of Hawaii.'

Mr. Speaker, I think it's timely that in this bicentennial year that we do so, and I urge all members of the House to join me in voting aye on this measure.

Thank you."

Representative Kimura then rose and stated:

"Mr. Speaker and members of the House, on behalf of the Majority, I rise to speak in favor of Senate Bill 1771-76. Mr. Speaker, this bill provides for the submission of the Constitutional convention question to the electorate at the

1976 general election.

The United States was born in a revolution led by men of uncommon intelligence and integrity - men whose ideals were of an elevation rare in the history of revolutions. They provided us with model charters of freedom and with a governmental structure that, whatever its defects, has been workable enough to endure for nearly two centuries. They achieved a political unity that was in time, though not without strife, to become continental. The continent we claimed was enormously rich and fertile, and this made easier the maintenance of the liberties for which the charters provided. We attracted from other lands unable to achieve much in the way of either liberty or unity, millions of settlers and immigrants eager to share the opportunities our continent offered and, for the most part, eager to share our ideals. We enjoyed, in short, good fortune of a kind unknown in the past.

Our belief in and dedication to the dignity of each person is the essence of American democracy and, therefore, our society; the desire to preserve and perpetuate this fundamental principle is the force which compels us to seek changes through a process of peaceful evolution. Mr. Speaker, as important as change may be, I believe that the means by which we effect these changes are more important, for they ultimately affect the goals we seek.

The Constitution upon which our society is built, provides such instrument - a process or means whereby change is achieved through the will and consent of the common body. Born and upheld by the collective wisdom of generations, this integral part of our American system of government predicated on the dignity of people is the constitutional convention.

The Constitutional convention Mr. Speaker, is not a theoretical daydream but a real and viable means through which we can revise and amend our basic framework to keep pace with the inevitability of change.

Today, we are confronted with constitutional issues that require the immediate attention of the electorate. It is to this end, that I urge all members of this body to vote aye on the final passage of Senate Bill No. 1771.

Thank you, Mr. Speaker."

Representative Cobb then rose and spoke in favor of the bill, stating:

"Mr. Speaker, just a brief note of thanks to Representative Roehrig and the other members of the Judiciary Committee for their expeditious handling of this particular measure and for their clear recognition of the many side issues that really cannot be addressed until such time as the voters themselves say yes or no to the question.

I think it's a tribute to the Chairman of the Committee, in particular, for recognizing that the Senate Bill, as presented, addressed the question in its purest and simplest form - yes or no, shall there be a con-con. And in presenting that question to the voters, I'd urge all of my colleagues to vote aye.

Thank you."

Representative Poepoe then rose to speak in favor of the bill and on behalf of the Republican caucus, stated:

"Mr. Speaker, last year the members of this caucus took it upon themselves to take this issue before the public. We held hearings on the issue on our own time and at our own expense. We found that the response from the public was overwhelmingly in favor of placing the question before the people. We urge you to vote in favor."

The motion to pass S.B. No. 1771-76 on Third Reading was put by the Chair and carried by a vote of 49 ayes, with Representatives Lee and Morioka being excused.

The Chair directed the Clerk to note that S.B. No. 1771-76 had passed Third Reading not earlier than 12:18 o'clock p.m.

The Chair then stated:

"The Chair would like to remind all Committee Chairpersons that this is the thirty-third day - we have only seven legislative days before the fortieth cut-off date, so act accordingly."

ADJOURNMENT

At 12:20 o'clock p.m., on motion

by Representative Kimura, seconded
by Representative Ajifu and carried,
the House of Representatives adjourned
until 11:00 o'clock a.m. on Tuesday,
March 9, 1976.

THIRTY-FOURTH DAY

Tuesday, March 9, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Akira Sakima, after which the Roll was called showing all members present with the exception of Representatives Blair, Carroll, Kunimura, Lee, Medeiros, Peters and Takamura, who were excused.

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

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

DEPARTMENTAL COMMUNICATION

A communication from Andrew I. T. Chang, Director, Department of Social Services and Housing (Dept. Com. No. 10) transmitting a departmental response to Father Robert R. Mackey's letter dated February 9, 1976, regarding the Correctional Master Plan appropriation, was read by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications (Sen. Com. Nos. 44 to 48) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 44) transmitting Senate Concurrent Resolution No. 66, honoring Eugene Chang for this thirty years of service at the State Archives of Hawaii, which was adopted by the Senate on March 8, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 66 was adopted.

A communication from the Senate (Sen. Com. No. 45) transmitting Senate Bill No. 1832-76, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", which passed Third Reading

in the Senate on March 8, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 46) transmitting Senate Bill No. 2024-76, entitled: "A BILL FOR AN ACT RELATING TO SABBATICAL LEAVES", which passed Third Reading in the Senate on March 8, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 47) transmitting Senate Bill No. 2107-76, entitled: "A BILL FOR AN ACT RELATING TO LAW CLERKS FOR JUSTICES OF THE SUPREME COURT", which was adopted by the Senate on March 8, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 48) transmitting Senate Bill No. 2334-76, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS OF THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", which passed Third Reading in the Senate on March 8, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.B. Nos. 1832-76, S.D. 1, 2024-76, 2107-76 and 2334-76 passed First Reading by title and further action was deferred until later in the calendar.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 14 and 15) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Elmer F. Cravalho, Mayor, County of Maui (Misc. Com. No. 14) acknowledging receipt of House Resolution 308, expressing gratitude and appreciation to Chief Abraham Aiona, which was adopted by the Eighth Legislature, Regular Session of 1976, was placed on file.

A communication from Mrs. Nicholas A. Akana and Family (Misc. Com. No. 15) acknowledging receipt of House Resolution No. 293 which was adopted by the Eighth Legislature, Regular Session of 1976, was placed on file.

At this time, Representative Poepoe introduced to the members of the House 106 sixth grade students from Kamehameha Schools. They were accompanied

by their teachers, Mr. Cordy Dowsett, Ms. Donna Orr, Ms. Jave Chang, Mr. John White and principal, Mrs. Marian Wells.

H.C.R. Nos.

60 Committee on Health
61 Committee on Water, Land Use, Development, and Hawaiian Homes

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
1832-76	Committee on Labor and Public Employment
2024-76	Committee on Labor and Public Employment, then to the Committee on Finance
2107-76	Jointly to the Committees on Judiciary and Labor and Public Employment, then to the Committee on Finance
2334-76	Jointly to the Committees on Public Assistance and Human Services and Labor and Public Employment, then to the Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 360 to 365) and concurrent resolutions (H.C.R. Nos. 60 and 61) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
360	Committee on Environmental Protection, then to the Committee on Higher Education
361	Committee on Youth and Elderly Affairs, then to the Committee on Legislative Management
362	Committee on Higher Education, then to the Committee on Legislative Management
363	Committee on Higher Education
364	Committee on Water, Land Use, Development, and Hawaiian Homes
365	Committee on Judiciary

COMMITTEE REASSIGNMENTS

The following bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2057-76	Committee on Finance
2287-76	Committee on Finance
2314-76	Committee on Finance
2333-76	Committee on Finance
2350-76	Committee on Finance
2362-76	Committee on Finance
2402-76	Committee on Finance
2421-76	Committee on Finance
2422-76	Committee on Finance
2431-76	Committee on Finance
2451-76	Committee on Finance
2453-76	Committee on Finance
2458-76	Committee on Finance
2463-76	Committee on Finance
2464-76	Committee on Finance
2465-76	Committee on Finance
2466-76	Committee on Finance
2467-76	Committee on Finance
2468-76	Committee on Finance
2527-76	Committee on Finance
2528-76	Committee on Finance
2529-76	Committee on Finance
2536-76	Committee on Finance
2543-76	Committee on Finance
2544-76	Committee on Finance
2592-76	Committee on Finance
2600-76	Committee on Finance

2604-76	Committee on Finance	3227-76	Committee on Finance
2629-76	Committee on Finance	3234-76	Committee on Finance
2641-76	Committee on Finance	3235-76	Committee on Finance
2650-76	Committee on Finance	3236-76	Committee on Finance
2672-76	Committee on Finance	3237-76	Committee on Finance
2694-76	Committee on Finance	3407-76	Committee on Finance
2699-76	Committee on Finance	3409-76	Committee on Finance
2724-76	Committee on Finance		
2797-76	Committee on Finance		
2803-76	Committee on Finance		
2819-76	Committee on Finance		
2820-76	Committee on Finance		
2821-76	Committee on Youth and Elderly Affairs, then to the Committee on Finance		
2840-76	Committee on Finance		
2842-76	Committee on Finance		
2853-76	Committee on Finance		
2854-76	Committee on Finance		
2879-76	Committee on Finance		
2896-76	Committee on Finance		
2898-76	Committee on Finance		
2970-76	Committee on Finance		
3059-76	Committee on Finance		
3064-76	Committee on Finance		
3066-76	Committee on Finance		
3142-76	Committee on Finance		
3149-76	Committee on Finance		
3153-76	Committee on Finance		
3173-76	Committee on Finance		
3174-76	Committee on Finance		
3175-76	Committee on Finance		
3176-76	Committee on Finance		
3224-76	Committee on Finance		
3226-76	Committee on Finance		

At this time, the Chair directed the Clerk to note the presence of Representatives Blair, Kunimura, Lee and Takamura.

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 314-76 on H.B. No. 621, H.D. 2 (Deferred from March 8, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 621, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Medeiros and Peters being excused.

Stand. Com. Rep. No. 315-76 on H.B. No. 2226-76, H.D. 1 (Deferred from March 8, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2226-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Medeiros and Peters being excused.

Stand. Com. Rep. No. 316-76

on H.B. No. 2227-76 (Deferred from March 8, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2227-76, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER LAW", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Medeiros and Peters being excused.

Stand. Com. Rep. No. 317-76 on H.B. No. 2537-76, H.D. 1 (Deferred from March 8, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2537-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Medeiros and Peters being excused.

The Chair directed the Clerk to note that H.B. Nos. 621 and 2226-76 had passed Third Reading at 11:10 o'clock a.m.; H.B. No. 2227-76 at 11:11 o'clock a.m.; and H.B. No. 2537-76 at 11:12 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 319-76) informing the House that House Resolution Nos. 357 to 365, House Concurrent Resolution Nos. 60 and 61, and Standing Committee Report Nos. 320-76 to 340-76, have been printed and distributed.

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

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 320-76) recommending that H.B. No. 3368-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3368-

76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE", passed Second Reading and was referred to the Committee on Finance.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 321-76) recommending that H.C.R. No. 14 be referred to the Committee on Finance.

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

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 322-76) recommending that S.B. No. 1043 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and S.B. No. 1043, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE WEIGHT TAX", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 323-76) recommending that H.B. No. 2796-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 2796-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 324-76) recommending that H.B. No. 2525-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 2525-76,

H.D. 1, entitled: "BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STATEWIDE HEALTH CONFERENCE", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 325-76) recommending that H.B. No. 2588-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 2588-76, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR POISON INFORMATION", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 326-76) recommending that H.B. No. 3140-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 3140-76, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FEASIBILITY STUDY OF LEEWARD HOSPITAL TO PROVIDE EMERGENCY MEDICAL SERVICES AND HEALTH SERVICES", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 327-76) recommending that H.B. No. 2978-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 2978-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTS OF KALAUPAPA, MOLOKAI", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 328-76) recommending that H.B. No. 2377-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 2377-76, entitled: "A BILL FOR AN ACT RELATING TO FISHING VESSEL LOAN PROGRAMS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 10, 1976.

The Chair directed the Clerk to note that copies of H.B. No. 2377-76 were made available to the members of the House at 11:00 o'clock a.m.

Representatives Kawakami and Blair, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection, presented a report (Stand. Com. Rep. No. 329-76) recommending that H.B. No. 2479-76, as amended in H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Kawakami moved that action on Stand. Com. Rep. No. 329-76 on H.B. No. 2479-76, H.D. 1, be deferred until tomorrow, March 10, 1976, and the Chair, noting that there were no objections, so ordered.

Representatives Kawakami and Blair, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection, presented a report (Stand. Com. Rep. No. 330-76) recommending that H.B. No. 2104-76 pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the report of the Committee was adopted and H.B. No. 2104-76, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANS FOR NATURAL RESOURCES", passed Second Reading and was referred to the Committee on Judiciary.

Representatives Segawa and Kawakami, for the Committees on Health and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 331-76) recommending that H.B. No. 2888-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2888-76, H.D. 1, entitled: "A BILL

FOR AN ACT RELATING TO SAFE DRINKING WATER", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 332-76) recommending that H.B. No. 3255-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3255-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FARM FAIR", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 333-76) recommending that H.B. No. 3259-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 3259-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AGRICULTURE", passed Second Reading and was referred to the Committee on Finance.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 334-76) recommending that H.B. No. 2359-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2359-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION AND MAKING AN APPROPRIATION THEREFOR", passed Second Reading and was referred to the Committee on Finance.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 335-76) recommending that H.B. No. 2375-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2375-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF REGULATORY AGENCIES AS CONSUMER ADVOCATE BEFORE THE PUBLIC UTILITIES COMMISSION AND MAKING AN APPROPRIATION THEREFOR", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 336-76) recommending that H.B. No. 3132-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 3132-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EQUIPMENT FOR THE RADIATION SAFETY PROGRAM OF THE DEPARTMENT OF HEALTH", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 337-76) recommending that H.B. No. 2653-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Naito and carried, the report of the Committee was adopted and H.B. No. 2653-76, H.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE PRIVATE AMBULANCE SERVICE FOR MOLOKAI", passed Second Reading and was referred to the Committee on Finance.

Representatives Segawa and Kawakami, for the Committees on Health and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 338-76) recommending that H.B. No. 3015-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Kawakami and carried, the report of the Committees was adopted and H.B. No. 3015-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Second Reading and was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 339-76) recommending that H.R. No. 14 be referred to the Committee on Legislative Management.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 14, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF BOARDING HOMES", was referred to the Committee on Legislative Management.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 340-76) recommending that H.B. No. 3284-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 3284-76, entitled: "A BILL FOR AN ACT RELATING TO ROAD REPAIR AND RESURFACING", passed Second Reading and was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 341-76) recommending that H.B. No. 2831-76, as amended in H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2831-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A REAL PROPERTY TAX EXEMPTION FOR FOREIGN TRADE ZONES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 10, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 342-76) recommending that H.B. No. 2846-76, as amended in H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

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

H.B. No. 2846-76, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 10, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 2831-76, H.D. 1, and H.B. No. 2846-76, H.D. 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 343-76) recommending that H.B. No. 2407-76, as amended in H.D. 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 343-76 on H.B. No. 2407-76, H.D. 1, was deferred until tomorrow, March 10, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2407-76, H.D. 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 344-76) recommending that H.B. No. 2101-76, as amended in H.D. 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 344-76 on H.B. No. 2101-76, H.D. 1, was deferred until tomorrow, March 10, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2101-76, H.D. 1, were made available to the members of the House at 11:00 o'clock a.m.

At this point, Representative Sutton rose, stating:

"I rise on the privilege of the House."

Asked by the Chair to "state your privilege", Representative Sutton asked:

"The 24-hour notice--we convened yesterday at 11:30, today we convened at 11:00 o'clock--how does the 24-hour run, sir?"

At 11:19 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:25 o'clock a.m.

Representative Sutton rose, stating:

"Mr. Speaker, I had the floor and the privilege of the House and asked the question of the clocking of the time of the 24-hour notice on these two bills now before the House. The time was given to me by the Clerk as 11:00 o'clock. Thank you very much, sir."

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 345-76) recommending that H.B. No. 2596-76, as amended in H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2596-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND MAINTENANCE OF SIDEWALKS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 10, 1976.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 346-76) recommending that H.B. No. 626, as amended in H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVENTING LITTER FROM TRUCKS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 10, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 2596-76, H.D. 1 and H.B. No. 626, H.D. 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 347-76) recommending that H.B. No. 1275 pass Second Reading and be referred to the Committee on Education.

At this time, the Chair re-referred H.B. No. 1275 to the Committee on Energy and Transportation, then to the Committee on Finance.

Representative Cayetano moved that the report of the Committee be adopted and notwithstanding the report of the Committee, that H.B. No. 1275 pass Second Reading and be referred to the Committee on Finance, seconded by Representative Kiyabu.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and notwithstanding the report of the Committee, H.B. No. 1275, entitled: "A BILL FOR AN ACT RELATING TO COUNTY VEHICULAR TAXES", passed Second Reading and was referred to the Committee on Finance.

At 11:29 o'clock a.m., on request by Representative Poepoe, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:30 o'clock a.m.

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

"I don't believe I have the copies of the Committee Reports on my desk. Am I the only one in that particular situation?"

At 11:30 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:31 o'clock a.m.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 348-76) recommending that H.B. No. 2219-76, as amended in H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 2219-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 10, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 349-76) recommending that H.B. No. 2812-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee,

seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 2812-76, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION FROM MINIMUM WAGE LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 10, 1976, with Representatives Abercrombie and Sutton voting no.

The Chair directed the Clerk to note that printed copies of H.B. No. 2219, HD 1, and H.B. No. 2812-76 were made available to the members of the House at 11:00 o'clock a.m.

RECONSIDERATION OF ACTION TAKEN

Representative Kawakami moved that the House reconsider its action on Stand. Com. Rep. No. 329-76 on H.B. No. 2479-76, HD 1, seconded by Representative Blair and carried.

Representative Kawakami then moved that Stand. Com. Rep. No. 329-76 and H.B. No. 2479-76, HD 1, be recommitted to the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection (jointly), seconded by Representative Blair and carried.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 366 and 367) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 366) extending congratulations and best wishes to Kenneth Roy Kupchak on being selected a White House Fellowship regional finalist was jointly offered by Representatives Evans, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Clarke, Cobb, Fong, Garcia, Hakoda, Ho, Ikeda, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Peters, Poepoe, Roehrig, Santos, Segawa, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yap and Yuen.

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

Representative Evans then introduced the honoree, Kenneth Kupchak, stating:

"Mr. Speaker, we feel very honored to have such a young man who has so distinguished his career at such an early age, and we wish him well in the regional finals that will be held in San Francisco very soon, and I would like to introduce Mr. Kupchak as he is in the back there and we wish him well. Thank you."

A resolution (H.R. No. 367) honoring the memory of Caroline Lewis Medeiros and extending condolences and deepest sympathy to her family was jointly offered by Representatives Poepoe, Ajifu, Akizaki, Amaral, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lum, Lunasco, Morioka, Naito, Oda, Roehrig, Sakima, Santos, Segawa, Stanley, Sutton, Suwa, Takamura, Ushijima, Yap and Yuen.

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

By unanimous consent, the following resolutions (H.R. Nos. 368 to 373) and concurrent resolution (H.C.R. No. 62) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 10, 1976:

A resolution (H.R. No. 368) requesting the Department of Education to establish a formal mechanism to provide for more teacher input in curriculum planning was offered by Representative Ushijima.

A resolution (H.R. No. 369) requesting the Department of Education to establish a formal mechanism to provide for more teacher input in the planning of in-service training workshops was offered by Representative Ushijima.

A resolution (H.R. No. 370) requesting the Department of Planning and Economic Development to conduct an inventory of sand, rock and lime deposits in Hawaii was jointly offered by Representatives Kawakami, Abercrombie, Cayetano, Clarke, Evans, Ikeda, Larsen, Lee, Machida, Sakima, Santos, Segawa, Takamine and Yamada.

A resolution (H.R. No. 371) requesting a review of the civil service system was offered by Representative Lee.

A resolution (H.R. No. 372) requesting a study of the problems of the auto rental business was jointly offered

by Representatives Abercrombie and Cayetano.

A resolution (H.R. No. 373) relating to Kahana Valley was offered by Representative Garcia.

A concurrent resolution (H.C.R. No. 62) requesting a study of the problems of the auto rental business was jointly offered by Representatives Abercrombie and Cayetano.

COMMITTEE REASSIGNMENTS

At this time, the Chair re-referred the following bills:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1103	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture, then to the Committee on Finance
2170-76	Committee on Culture and the Arts, then to the Committee on Finance
3013-76	Jointly to the Committees

on Youth and Elderly Affairs, Public Assistance and Human Services and Health

3177-76 Committee on Health, then to the Committee on Finance

3282-76 Jointly to the Committees on Higher Education and Labor and Public Employment

3333-76 Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Agriculture, then to the Committee on Finance

ADJOURNMENT

At 11:45 o'clock a.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Wednesday, March 10, 1976, in memory of the late Mrs. Caroline Lewis Medeiros.

THIRTY-FIFTH DAY

Wednesday, March 10, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Donald Johnson of the Lutheran Church of Honolulu, after which the Roll was called showing all members present with the exception of Representative Kihano, who was excused.

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

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 107 to 109) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 107) transmitting copies of the annual report of the Department of Land and Natural Resources for the fiscal year ending June 30, 1975, was placed on file.

A message from the Governor (Gov. Msg. No. 108) transmitting copies of an addendum prepared by the Department of Health and the Department of Social Services and Housing to complete the report on H.C.R. No. 121, Relating to Medicaid and SSI Payments for Extended Care of Wards of the State, was placed on file.

A message from the Governor (Gov. Msg. No. 109) transmitting copies of a special report on the employment and earnings of Hawaii's women in relation to their personal characteristics and educational levels which was prepared by the State Commission on Manpower and Full Employment pursuant to Section 202-2, Hawaii Revised Statutes, was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 49 to 57) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 49) transmitting Senate Bill No. 1793-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROHIBITION AGAINST WATER POLLUTION", which passed Third Reading in the Senate on March 9, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 50) transmitting Senate Bill No. 1824-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE APPRAISAL OF PUBLIC LANDS", which passed Third Reading in the Senate on March 9, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 51) transmitting Senate Bill No. 1825-76, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF THE SPECIAL LAND AND DEVELOPMENT FUND", which passed Third Reading in the Senate on March 9, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 52) transmitting Senate Bill No. 1857-76, entitled: "A BILL FOR AN ACT AMENDING ACT 179, SESSION LAWS OF HAWAII 1975, RELATING TO A STATEWIDE TRANSPORTATION COUNCIL AND A STATEWIDE TRANSPORTATION PLANNING PROGRAM", which passed Third Reading in the Senate on March 9, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 53) transmitting Senate Bill No. 2028-76, entitled: "A BILL FOR AN ACT RELATING TO PAY OF OFFICERS AND EMPLOYEES ON ACTIVE MILITARY SERVICE", which passed Third Reading in the Senate on March 9, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 54) transmitting Senate Bill No. 2052-76, entitled: "A BILL FOR AN ACT RELATING TO ANNUAL REPORTS", which passed Third Reading in the Senate on March 9, 1976, was placed on file.

A communication from the Senate

(Sen. Com. No. 55) transmitting Senate Bill No. 2121-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR MEDICAL AND OTHER PROFESSIONAL HEALTH CARE SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS", which passed Third Reading in the Senate on March 9, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 56) transmitting Senate Bill No. 2139-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTERIM TOURISM POLICY ACT", which passed Third Reading in the Senate on March 9, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 57) transmitting Senate Bill No. 2521-76, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF RESTRICTIONS ON USE OF PUBLIC LANDS", which passed Third Reading in the Senate on March 9, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.B. Nos. 1793-76, SD 1; 1824-76, SD 1; 1825-76; 1857-76; 2028-76; 2052-76; 2121-76, SD 1; 2139-76, SD 1; and 2521-76 passed First Reading by title and further action was deferred until later in the calendar.

MISCELLANEOUS COMMUNICATIONS

A communication from James S. Ushijima, County Clerk of Maui (Misc. Com. No. 16) acknowledging receipt of H.R. No. 9, HD 1, was read by the Clerk and was placed on file.

The following introductions were made to the members of the House:

Representative Kimura introduced ten students from Kamehameha Schools who are studying the legislative process. They were accompanied by their teacher, Ms. Sandy Young.

Representative Kimura introduced 34 eighth grade students from Cathedral School who were accompanied by their teacher, Sister Rosealani, and mother, Mrs. Anita DeMatta.

Representative Poepoe introduced an old friend of his family, Mrs. Marilyn Bowman.

Representative Poepoe also introduced Mrs. Frank Judd who was "visiting us and attending some sessions with our caucus members and has asked me to thank all of you, on her behalf, for the very kind thoughts and gifts."

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
1793-76	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Environmental Protection
1824-76	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1825-76	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
1857-76	Committee on Energy and Transportation, then to the Committee on Finance
2028-76	Committee on Labor and Public Employment, then to the Committee on Finance
2052-76	Committee on Labor and Public Employment
2121-76	Jointly to the Committees on Public Assistance and Human Services and Health, then to the Committee on Finance
2139-76	Committee on Tourism, then to the Committee on Finance
2521-76	Committee on Water, Land Use, Development, and Hawaiian Homes

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 368 to 373) and concurrent resolution (H.C.R. No. 62) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
368	Committee on Education

369	Committee on Education	in favor of House Bill 2407-76, House Draft 1.
370	Committee on Water, Land Use, Development, and Hawaiian Homes	This bill related to the quota of scholarship units at the University of Hawaii. It provides that in the counting of students receiving financial aid, a student enrolled at two or more campuses will be counted against the campus where the student is seeking a certificate or degree.
371	Committee on Labor and Public Employment	
372	Committee on Consumer Protection and Commerce	
373	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance	This bill establishes a clear guideline for determining the scholarship quota at each campus.

Mr. Speaker, I urge this honorable body to pass this House Bill 2407-76, House Draft 1, on Third Reading."

H.C.R. No.

62	Committee on Consumer Protection and Commerce
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The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2407-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL AIDS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Kihano being excused.

COMMITTEE REASSIGNMENTS

The following bill (H.B. No. 2821-76) and resolution (H.R. No. 248) were re-referred as follows:

<u>H.B. No.</u>	<u>Re-referred to:</u>
2821-76	Committee on Finance

Stand. Com. Rep. No. 344-76 on H.B. No. 2101-76, HD 1 (Deferred from March 9, 1976):

<u>H.R. No.</u>	
248	Committee on Youth and Elderly Affairs

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 2101-76, as amended in HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

SUSPENSION OF RULES

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

Representative Suwa then requested that the following be inserted in the Journal:

"Mr. Speaker, I rise to speak in favor of House Bill 2101-76, House Draft 1.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 343-76 on H.B. No. 2407-76, HD 1 (Deferred from March 9, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 2407-76, as amended in HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

This bill will speed up the payment process to providers under the medicaid program by permitting the acceptance of original bills by the expending agency in non-document forms, for instance, computer tapes and listings, and microfilm. The intent is to reduce substantially the time involved in claims processing.

Mr. Speaker, I urge this body to pass House Bill 2101-76, House Draft 1 on Third Reading."

Representative Suwa then requested that the following be inserted in the Journal:

"Mr. Speaker, I rise to speak

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2101-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUDIT AND ACCOUNTING", having been

read throughout, passed Third Reading by a vote of 50 ayes, with Representative Kihano being excused.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 350-76) informing the House that House Resolution Nos. 366 to 373, House Concurrent Resolution No. 62, Standing Committee Report Nos. 341-76 to 349-76 and Standing Committee Report Nos. 351-76 to 357-76, have been printed and distributed.

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

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 351-76) recommending that H.B. No. 2886-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2886-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CONDEMNATION OF THE EQUITY OF THE LICENSEE WAIKIKI YACHT CLUB IN LICENSE NO. 66", passed Second Reading and was referred to the Committee on Finance.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 352-76) recommending that H.B. No. 3290-76 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 3290-76, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was referred to the Committee on Finance.

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

Upon reconvening at 11:55 o'clock a.m., the Vice-Speaker assumed the rostrum.

Representative Cayetano, upon being recognized, asked:

"Mr. Speaker, for my information, are we taking up H.B. No. 2886 at this time?"

The Chair replied:

"We've already acted on H.B. No. 2886-76, HD 1. Would you like to make any clarifying comments?"

Representative Cayetano replied:

"Okay. Right. Mr. Speaker and members, you may note that the Committee Report has excused Representative Carroll, and next to the word 'excused', in parenthesis, are the words 'could not be found'. At this time, may I state for the record that Representative Carroll was in contact with our office; we just kept on missing each other and we had to get the report down, and at that time and instance, he could not be found. Thank you."

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 353-76) recommending that H.B. No. 2743-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the report of the Committee was adopted and H.B. No. 2743-76, entitled: "A BILL FOR AN ACT RELATING TO FISH AND GAME PENALTIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1976.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 354-76) recommending that H.B. No. 3209-76, as amended in HD 1, pass Second Reading and be referred to the joint Committees on Finance and Legislative Management.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 3209-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REVIEW, EVALUATION AND COMPILATION OF HOUSING LAWS", passed Second Reading and was referred to the joint Committees on Finance and Legislative Management.

Representative Machida, for the Committee on Tourism, presented

a report (Stand. Com. Rep. No. 355-76) recommending that H.B. No. 2039-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Machida, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.B. No. 2039-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY ON TOURISM", passed Second Reading and was referred to the Committee on Finance.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 356-76) recommending that H.B. No. 2996-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Machida, seconded by Representative Morioka and carried, the report of the Committee was adopted, and H.B. No. 2996-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE BIG ISLAND TOURISM TASK FORCE", passed Second Reading and was referred to the Committee on Finance.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 357-76) recommending that H.C.R. No. 16 be adopted.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A THOROUGH STUDY AND EXAMINATION OF THE FUEL ADJUSTMENT CLAUSE AS A REGULATORY DEVICE FOR REVISING RATES FOR PUBLIC UTILITY ENERGY SERVICES", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 358-76) recommending that H.B. No. 2239-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 358-76 on H.B. No. 2239-76 was deferred until tomorrow, March 11, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2239-76 were made available to the members of the House at 12:10 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 359-76) recommending that H.B. No. 2163-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 359-76 on H.B. No. 2163-76 was deferred until tomorrow, March 11, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2163-76 were made available to the members of the House at 12:10 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 360-76) recommending that H.B. No. 2137-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 360-76 on H.B. No. 2137-76 was deferred until tomorrow, March 11, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2137-76 were made available to the members of the House at 12:10 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 361-76) recommending that H.B. No. 2247-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 361-76 on H.B. No. 2247-76 was deferred until tomorrow, March 11, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2247-76 were made available to the members of the House at 12:10 o'clock p.m.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 362-76) recommending that H.B. No. 2930-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2930-76, entitled: "A BILL FOR AN ACT RELATING TO PROVIDING WORKER'S COMPENSATION FOR SELF-EMPLOYED INDIVIDUALS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1976.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 363-76) recommending that H.B. No. 3023-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Machida, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 3023-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM POLICY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 11, 1976.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 374 to 378) and concurrent resolution (H.C.R. No. 63) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 374) extending congratulations to the 1976 Kalani-anaole Athletic Club/Holy Nativity Church Community Basketball League Champions for boys aged 13 through 15: The Stars was jointly offered by Representatives Abercrombie, Blair, Cobb, Ho, Ikeda, Kondo, Kunimura, Larsen, Lum and Segawa.

On motion by Representative Abercrombie, seconded by Representative Cobb and carried, H.R. No. 374 was adopted.

At this time, Representative Abercrombie introduced the members of the team and presented them with certified copies of the resolution.

A resolution (H.R. No. 375) congratulating the Pacific Palisades Women's club on its outstanding achievements and service to the Pacific Palisades community was jointly offered by Representatives Mizuguchi, Akizaki, Cayetano, Clarke, Cobb, Evans, Hakoda, Inaba, Kondo, Kunimura, Larsen, Lum, Peters, Shito, Sutton, Takamura and Yuen.

On motion by Representative Mizuguchi, seconded by Representative Cayetano and carried, H.R. No. 375 was adopted.

Representative Mizuguchi introduced the president of the Women's Club, Mrs. Priscilla Hickman, and presented her with a certified copy of the resolution, and Representative Cayetano

presented her with a white carnation lei.

A resolution (H.R. No. 376) commending Otto Orenstein for community service and participation in government was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, H.R. No. 376 was adopted.

A resolution (H.R. No. 377) congratulating the United States Army Schofield Medical Evacuation Teams was jointly offered by Representatives Lunasco, Oda, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Machida, Medeiros, Mizuguchi, Morioka, Naito, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Lunasco, seconded by Representative Oda and carried, H.R. No. 377 was adopted.

Representative Kunimura, upon being recognized, asked:

"May I request that you ask that question again, because you put aye and no in the same breath - it's very confusing. Will you do that all over again?"

The Chair replied:

"Representative Kimura, the Chair will now proceed in a very slow manner so that you can understand."

Representative Abercrombie, on a point of order, stated:

"The name is Kunimura, not Kimura."

Representative Kunimura, upon being recognized, stated:

"That's correct. The fat one is Kimura; the slender one is Kunimura."

The Chair then stated:

"Well, the reason why the Chair is confused is many times we confuse both of you. Mr. Clerk, let's proceed."

A resolution (H.R. No. 378) commending successful implementation of the Public Safety Program by the International Brotherhood of Electrical Workers, Local Union 1186 and the Pacific Electrical Contractors' Association was jointly offered by Representatives Yamada, Abercrombie, Akizaki, Blair, Cayetano, Cobb, Evans, Fong, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lee, Lum, Medeiros, Oda, Peters, Poepoe, Sakima, Shito, Stanley, Suwa, Takamine, Uechi, Ushijima and Yuen.

On motion by Representative Yamada, seconded by Representative Kondo and carried, H.R. No. 378 was adopted.

A concurrent resolution (H.C.R. No. 63) commending successful implementation of the Public Safety Program by the International Brotherhood of Electrical Workers, Local Union 1186 and the Pacific Electrical Contractors' Association was jointly offered by Representatives Yamada, Abercrombie, Akizaki, Blair, Cayetano, Cobb, Evans, Fong, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kondo, Kunimura, Lee, Lum, Medeiros, Oda, Peters, Poepoe, Sakima, Shito, Stanley, Suwa, Takamine, Uechi, Ushijima and Yuen.

On motion by Representative Yamada, seconded by Representative Kondo and carried, H.C.R. No. 63 was adopted.

Representative Kunimura, on a point of information, asked:

"Are we adopting two electrical resolutions today?"

The Chair replied:

"It seems apparent that we are. Yes, you're correct."

By unanimous consent, the following resolutions (H.R. Nos. 379 to 385) and concurrent resolutions (H.C.R. Nos. 64 and 65) were referred to the Committee on Legislative Management and further action was deferred until Thursday, March 11, 1976:

A resolution (H.R. No. 379) requesting higher education focus on encouraging women into nontraditional and

new, non-stereotyped occupations was jointly offered by Representatives Garcia, Naito, Stanley, Evans, Ikeda, Kamalii and Santos.

A resolution (H.R. No. 380) requesting the Department of Education to institute programs similar to Kailua High's Community Quest Program at high schools within the State was jointly offered by Representatives Yuen, Kimura, Blair, Carroll, Cayetano, Clarke, Evans, Fong, Hakoda, Ho, Ikeda, Kunimura, Lee, Machida, Medeiros, Morioka, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Stanley, Suwa, Takamine, Uechi, Yamada and Yap.

A resolution (H.R. No. 381) requesting the institution of a swimming instruction program adequate to the natural environment of the State was jointly offered by Representatives Lunasco, Abercrombie, Ajifu, Akizaki, Blair, Cayetano, Cobb, Evans, Garcia, Hakoda, Ikeda, Inaba, Kamalii, Kihano, Kimura, Kiyabu, Kunimura, Larsen, Lum, Machida, Medeiros, Mizuguchi, Poepoe, Sakima, Santos, Segawa, Shito, Takamine, Takamura, Yap, Yuen and Wakatsuki.

A resolution (H.R. No. 382) requesting the State Foundation on Culture and the Arts to utilize the one per cent appropriation to purchase a greater variety of works of art was jointly offered by Representatives Shito, Akizaki, Blair, Cayetano, Hakoda, Inaba, Kihano, Kimura, Kiyabu, Lee, Lunasco, Mizuguchi, Morioka, Naito, Sakima, Segawa, Stanley, Takamine, Takamura, Uechi, Ushijima, Yap and Yuen.

A resolution (H.R. No. 383) requesting the Department of Land and Natural Resources to adopt rules relating to the protection of Kona crabs was offered by Representative Kawakami.

A resolution (H.R. No. 384) requesting the Department of Education to permit alternative private sources for school lunches was jointly offered by Representatives Ho, Abercrombie, Akizaki, Machida, Oda, Stanley, Takamura and Yuen.

A resolution (H.R. No. 385) requesting the Department of Education to study the feasibility of establishing an Office of Health Services was offered by Representative Evans.

A concurrent resolution (H.C.R. No. 64) requesting the Department of Planning and Economic Development to conduct an inventory of sand, rock and lime deposits in Hawaii was offered by Representative Kawakami.

A concurrent resolution (H.C.R. No. 65) requesting a study concerning screening of persons for parasitic related diseases was offered by Representative Evans.

At 12:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:34 o'clock p.m.

THIRD READING

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

H.B. No. 2377-76

On motion by Representative Inaba, seconded by Representative Kawakami, H.B. No. 2377-76, entitled: "A BILL FOR AN ACT RELATING TO FISHING VESSEL LOAN PROGRAMS", passed Third Reading by a vote of 47 ayes, with Representatives Kihano, Naito, Roehrig and Wakatsuki being excused.

H.B. No. 2831-76, HD 1

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 2831-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A REAL PROPERTY TAX EXEMPTION FOR FOREIGN TRADE ZONES", passed Third Reading by a vote of 47 ayes, with Representatives Kihano, Naito, Roehrig and Wakatsuki being excused.

Representative Suwa requested that the following be inserted in the Journal:

"Mr. Speaker, I rise to speak in favor of House Bill 2831-76, House Draft 1.

This bill will exempt the foreign-trade zone from real property taxation. Foreign-trade zone activity is already exempt from the general excise, use, fuel, liquor, and tobacco taxes. The addition of the real property tax exemption is in line with the policy to encourage and stimulate foreign-trade zone activity.

The general economic benefits reaped by the State from the foreign-trade zone should offset the revenue loss due to the tax exemption.

Mr. Speaker, I urge this honorable body to pass House Bill 2831-76, House Draft 1 on Third Reading."

H.B. No. 2846-76, HD 1

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 2846-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", passed Third Reading by a vote of 47 ayes, with Representatives Kihano, Naito, Roehrig and Wakatsuki being excused.

Representative Suwa requested that the following be inserted in the Journal:

"Mr. Speaker, I rise to speak in favor of House Bill 2846-76, House Draft 1.

This bill conforms to State Income Tax Law with the Internal Revenue Code as to the deductions for contributions to retirement plans for the self-employed, individuals, and small business corporations.

This proposal is in line with the general legislative intent expressed in the State Income Tax Law to conform with the Internal Revenue Code in order to simplify the filing of returns and to minimize the taxpayer burden.

Mr. Speaker, I urge this body to pass this House Bill 2846-76, House Draft 1, on Third Reading.

H.B. No. 2596-76, HD 1

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, H.B. No. 2596-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND MAINTENANCE OF SIDEWALKS", was recommitted to the Committee on Energy and Transportation.

H.B. No. 626, HD 1

On motion by Representative Cayetano, seconded by Representative Kiyabu, H.B. No. 626, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVENTING LITTER FROM TRUCKS", passed Third Reading by a vote of 47 ayes, with Representatives Kihano, Naito, Roehrig and Wakatsuki being excused.

H.B. No. 2219-76, HD 1

On motion by Representative Lee, seconded by Representative Takamine

and carried, H.B. No. 2219-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPTIONS", was recommitted to the Committee on Labor and Public Employment

Representative Lee stated that "the comparable Senate Bill No. 1832-76 has arrived."

H.B. No. 2812-76

Representative Lee moved that action on H.B. No. 2812-76, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION FROM MINIMUM WAGE LAW", be deferred one day, and the Chair, noting that there were no objections, so ordered.

The Chair directed the Clerk to note that H.B. No. 2407-76, HD 1, had passed Third Reading at 11:42 o'clock a.m.; H.B. No. 2101-76, HD 1, at 11:43 o'clock a.m.; H.B. No. 2377-76 at 12:36 o'clock p.m.; H.B. No. 2831-76 at 12:37 o'clock p.m.; H.B. No. 2846-76, HD 1, at 12:38 o'clock p.m.; and H.B. No. 626, HD 1, at 12:39 o'clock p.m.

COMMITTEE REASSIGNMENTS

The Chair, at this time, with the consent of the Chairmen involved, re-referred the following:

<u>H.R. No.</u>	<u>Re-referred to:</u>
231	Committee on Youth and Elderly Affairs, then to the Committee on Higher Education

<u>H.C.R. No.</u>	
36	Committee on Youth and Elderly Affairs, then to the Committee on Higher Education

ADJOURNMENT

At 12:42 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:30 o'clock a.m. on Thursday, March 11, 1976.

THIRTY-SIXTH DAY

Thursday, March 11, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Richard Schumm of the Windward Missionary Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Kunimura, Machida, Naito, Peters, Roehrig, Suwa and Takamine, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 58 to 62) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 58) transmitting Senate Concurrent Resolution No. 70, commending successful implementation of the Public Safety Program by the International Brotherhood of Electrical Workers, Local Union 1186 and the Pacific Electrical Contractors' Association, which was adopted by the Senate on March 10, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.C.R. No. 70 was adopted.

A communication from the Senate (Sen. Com. No. 59) transmitting Senate Concurrent Resolution No. 24, SD 1, establishing that Salt Lake be preserved for park use, which was adopted by the Senate on March 10, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 24, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 60) transmitting Senate Bill No. 1623, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX BIAS IN SCHOOLS", which passed Third Reading in the Senate on March 10, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 61) transmitting Senate Bill No. 2231-76, entitled: "A BILL FOR AN ACT RELATING TO KULA HOSPITAL", which passed Third Reading in the Senate on March 10, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 62) transmitting Senate Bill No. 2235-76, entitled: "A BILL FOR AN ACT RELATING TO SECONDARY SCHOOL STUDENTS CONFERENCE", which passed Third Reading in the Senate on March 10, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.B. Nos. 1623, SD 1, 2231-76 and 2235-76 passed First Reading by title and further action was deferred until later in the calendar.

At this time, the Chair directed the Clerk to note the presence of Representatives Abercrombie, Kunimura, Machida, Naito, Peters, Roehrig and Suwa.

The following introductions were then made to the members of the House:

Representative Hakoda introduced 46 fifth grade students from Hokulani Elementary School. They were accompanied by their teachers, Mrs. Okinaka and Mr. Nagaishi, and parents, Mrs. Morse and Mrs. Yoshida.

Representative Ho introduced 10 students from Campbell High School and their teachers, Mr. Bernie Dowse and Mr. Dennis Kajikawa.

Representative Fong introduced 42 students from Roosevelt High School who have been studying the State government for the past few days. They were accompanied by their teacher, Mrs. Faith Lee.

Representative Yap introduced 80 fifth grade students from Likelike Elementary School. They were accompanied by their teachers,

Mrs. Kajikawa, Mrs. Takamori and Miss Okamoto, and chaperones, Mr. Command, Mrs. Cornelio and Mrs. Au.

Representative Kunimura introduced Mr. Frank Rita, Fire Chief of the County of Kauai, and Judge Alfred Lauretta, who were seated in the gallery.

SUSPENSION OF RULES

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 386 to 390) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 386) congratulating the 1976 Hawaii High School Wrestling Tournament champions was jointly offered by Representatives Carroll, Abercrombie, Ajifu, Clarke, Cobb, Evans, Fong, Hakoda, Ikeda, Kawakami, Kondo, Kunimura, Lum, Lunasco, Machida, Medeiros, Morioka, Oda, Peters, Poepoe, Santos, Segawa, Shito, Suwa, Takamine, Takamura, Uechi, Ushijima and Yuen.

On motion by Representative Carroll, seconded by Representative Oda and carried, H.R. No. 386 was adopted.

At this time, Representative Carroll introduced the honorees to the members of the House, as follows: Nolan Baker, Waialua High School; Dennis Bentosino, Saint Louis High School; Blenn Fujimoto, Saint Louis High School; Rick Fullum, Radford High School; Corey Gima, Radford High School; William Kamakana, Punahou School; John Leupp, Radford High School; Bryan Lindsey, Saint Louis High School; John Lino, Radford High School; Matthew Mark, Waialua High School; Ken Oishi, Punahou School; and Ernest Santiago, Waipahu High School. The boys were accompanied by Mr. Bob Frye, coach of the State championship team.

Representative Santos then presented certified copies of House Resolution No. 386 to the honorees.

At 11:53 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

The House of Representatives reconvened at 11:57 o'clock a.m.

A resolution (H.R. No. 387) recognizing and thanking Mrs. Genevieve Okinaga for her countless hours dedicated to the coordinated child care committee was jointly offered by Representatives Kimura, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap and Yuen.

On motion by Representative Kimura, seconded by Representative Kunimura and carried, H.R. No. 387 was adopted.

A resolution (H.R. No. 388) honoring the Kalaheo High School Mustangs Basketball Team was jointly offered by Representatives Poepoe, Medeiros, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Cayetano, Cobb, Evans, Ho, Ikeda, Kamalii, Kihano, Kiyabu, Kondo, Kunimura, Lum, Machida, Mizuguchi, Morioka, Oda, Peters, Sakima, Suwa, Takamura, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Poepoe, seconded by Representative Medeiros and carried, H.R. No. 388 was adopted.

A resolution (H.R. No. 389) extending recognition to Randy Adams, Kalaheo High School Mustangs basketball player was jointly offered by Representatives Medeiros, Poepoe, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Cayetano, Cobb, Evans, Ho, Ikeda, Kamalii, Kihano, Kiyabu, Kondo, Kunimura, Lum, Machida, Mizuguchi, Morioka, Oda, Peters, Sakima, Suwa, Takamura, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Medeiros, seconded by Representative Poepoe and carried, H.R. No. 389 was adopted.

A resolution (H.R. No. 390) honoring Merv Lopes, basketball coach at Kalaheo High School was jointly offered by Representatives Medeiros, Poepoe, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Cobb, Evans, Ho, Ikeda, Kamalii, Kihano, Kiyabu, Kondo, Kunimura, Lum, Machida, Mizuguchi, Morioka, Oda, Peters, Sakima, Suwa, Takamura, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Medeiros, seconded by Representative Poepoe

and carried, H.R. No. 390 was adopted.

At this time, Representative Medeiros introduced the honorees to the members of the House, as follows: Merv Lopes, coach; Randy Adams, Player of the Year; and Wade Nakashima, co-captain of the team.

Representative Poepeo then presented certified copies of the resolutions to the honorees.

At 12:03 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

The House of Representatives reconvened at 12:57 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
1623	Committee on Education, then to the Committee on Judiciary
2231-76	Committee on Health
2235-76	Committee on Education, then to the Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 379 to 385) and concurrent resolutions (H.C.R. Nos. 64 and 65 and S.C.R. No. 24) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
379	Jointly to the Committees on Higher Education and Education
380	Committee on Education
381	Committee on Education
382	Committee on Culture and the Arts
383	Committee on Water, Land Use, Development, and Hawaiian Homes

384	Committee on Education
385	Committee on Education, then to the Committee on Health

H.C.R. Nos.

64	Committee on Water, Land Use, Development, and Hawaiian Homes
65	Jointly to the Committees on Health and Public Assistance and Human Services

S.C.R. No.

24	Committee on Water, Land Use, Development, and Hawaiian Homes
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SUSPENSION OF RULES

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

UNFINISHED BUSINESS

H.B. No. 2812-76 on Third Reading (Deferred from March 10, 1976):

Representative Lee moved that consideration of H.B. No. 2812-76 on Third Reading be deferred until Monday, March 15, 1976, and the Chair, noting that there were no objections, so ordered.

Stand. Com. Rep. No. 358-76 on H.B. No. 2239-76 (Deferred from March 10, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2239-76, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Takamine and Uechi being excused.

The Chair directed the Clerk to note that H.B. No. 2239-76 had passed Third Reading at 12:59 o'clock p.m.

Stand. Com. Rep. No. 359-76 on H.B. No. 2163-76 (Deferred from March 10, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2163-76, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Takamine and Uechi being excused.

Stand. Com. Rep. No. 360-76 on H.B. No. 2137-76 (Deferred from March 10, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2137-76, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Takamine and Uechi being excused.

Stand. Com. Rep. No. 361-76 on H.B. No. 2247-76 (Deferred from March 10, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2247-76, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Takamine and Uechi being excused.

The Chair directed the Clerk to note that H.B. Nos. 2163-76, 2137-76 and 2247-76 had passed Third Reading at 1:00 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 364-76) informing the House that House Resolution Nos. 374 to 385, House Concurrent Resolution Nos. 63 to 65, Standing Committee Report Nos. 358-76 to 363-76, and Standing Committee Report Nos. 365-76 to 370-76, have been printed and distributed.

On motion by Representative Akizaki,

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

Representatives Cayetano and Blair, for the Committees on Energy and Transportation and Environmental Protection, presented a report (Stand. Com. Rep. No. 365-76) recommending that H.B. No. 2967-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Blair and carried, the report of the Committees was adopted and H.B. No. 2967-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY BEAUTIFICATION", passed Second Reading and was referred to the Committee on Finance.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 366-76) recommending that H.R. No. 231 be referred to the Committee on Higher Education.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 231, entitled: "HOUSE RESOLUTION REQUESTING THE DELEGATION OF THE COMMUNITY GARDENING PROGRAM TO THE COLLEGE OF TROPICAL AGRICULTURE", was referred to the Committee on Higher Education.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 367-76) recommending that H.C.R. No. 36 be referred to the Committee on Higher Education.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DELEGATION OF THE COMMUNITY GARDENING PROGRAM TO THE COLLEGE OF TROPICAL AGRICULTURE", was referred to the Committee on Higher Education.

Representatives Lee and Sakima, for the Committees on Labor and Public Employment and Higher Education, presented a report (Stand. Com. Rep. No. 368-76) recommending that H.B. No. 3282-76 pass Second Reading and be recommitted jointly to the Committees on Labor and Public Employment and Higher Education.

On motion by Representative Lee, seconded by Representative Sakima and carried, the report of the Committees was adopted and H.B. No. 3282-76, entitled: "A BILL FOR AN ACT RELATING TO THE TENURE OF THE FACULTY OF THE UNIVERSITY OF HAWAII", passed Second Reading and was recommitted jointly to the Committees on Labor and Public Employment and Higher Education, with Representatives Abercrombie, Carroll and Sutton voting no.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 369-76) recommending that H.B. No. 3283-76 pass Second Reading and be recommitted to the Committee on Higher Education.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 3283-76, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII FACULTY", passed Second Reading and was recommitted to the Committee on Higher Education.

Representatives Shito and Takamura, for the Committees on Housing and Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 370-76) recommending that H.B. No. 3230-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Takamura and carried, the report of the Committees was adopted and H.B. No. 3230-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING FOR THE ELDERLY", passed Second Reading and was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 371-76) recommending that H.B. No. 3299-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3299-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 372-76) recommending that H.B. No. 2220-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 372-76 on H.B. No. 2220-76 was deferred until tomorrow, March 12, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2220-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 373-76) recommending that H.B. No. 2211-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 373-76 on H.B. No. 2211-76 was deferred until tomorrow, March 12, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2211-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 374-76) recommending that H.B. No. 2949-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 374-76 on H.B. No. 2949-76 was deferred until tomorrow, March 12, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2949-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 375-76) recommending that H.B. No. 2230-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 375-76 on H.B. No. 2230-76 was deferred until tomorrow, March 12, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2230-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Commit-

tee on Finance, presented a report (Stand. Com. Rep. No. 376-76) recommending that H.B. No. 2345-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 376-76 on H.B. No. 2345-76 was deferred until tomorrow, March 12, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2345-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 377-76) recommending that H.B. No. 2212-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 377-76 on H.B. No. 2212-76 was deferred until tomorrow, March 12, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2212-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 378-76) recommending that H.B. No. 2023-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 378-76 on H.B. No. 2023-76 was deferred until tomorrow, March 12, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2023-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 379-76) recommending that H.B. No. 3108-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 3108-76, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 380-76) recommending that H.B. No. 2210-76, 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 Ho and carried, the report of the Committee was adopted and H.B. No. 2210-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION, MANAGEMENT AND PROTECTION OF ENDANGERED OR THREATENED SPECIES OF WILDLIFE OR PLANTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 381-76) recommending that H.B. No. 1441, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 381-76 on H.B. No. 1441, HD 2, was deferred until tomorrow, March 12, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1441, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 382-76) recommending that H.B. No. 2828-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 2828-76, entitled: "A BILL FOR AN ACT RELATING TO PARKS AND PLAYGROUNDS FOR SUBDIVISIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

Representatives Kawakami and Blair, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection, presented a report (Stand. Com. Rep. No. 383-76) recommending that H.B. No. 2479-76, as amended

in H.D. 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Blair and carried, the report of the Committees was adopted and H.B. No. 2479-76, HD 2, entitled: "A BILL FOR AN ACT AMENDING SECTION 205-35 OF THE HAWAII REVISED STATUTES, RELATING TO SHORELINE SETBACKS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 3299-76, HD 1; H.B. No. 3108-76; H.B. No. 2210-76, HD 1; H.B. No. 2828-76; and H.B. No. 2479-76, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representatives Blair and Cayetano, for the Committees on Environmental Protection and Energy and Transportation, presented a report (Stand. Com. Rep. No. 384-76) recommending that H.R. No. 132, as amended in HD 1, be adopted.

Representative Blair moved that the report of the Committees be adopted and H.R. No. 132, HD 1, be adopted, seconded by Representative Ho.

Representative Sutton then rose and stated:

"Mr. Speaker, I would like to speak against this resolution."

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

"Mr. Speaker, we live in the 20th century; we live in a day and an age of great technological changes; we are having our 200th bicentennial. We, in Hawaii, have always been a progressive place. The most famous flights, other than Lindbergh's have occurred in the Pacific. We have a natural spot as the center of the hub of the Pacific. The Concorde can fly from vast regions and for vast amounts of time. They take enormous numbers of passengers at very, very little time. Time is of the essence as you know in your own pleadings, Mr. Speaker, and time is of the essence as we know in this day and age of transport. It is appropriate for us to examine what the facts are.

A Concorde landing at Honolulu International Airport makes a longitudinal decibel of only 7 decibels more than the 707 and 5 decibels less, Mr. Speaker, than the outward noise of a 707. Therefore, Mr. Speaker, it is very inappropriate at this juncture for us to pass a resolution which prohibits the very thing which we, in Hawaii, have always stood for, and that is progress, and progress in aviation, because today, Mr. Speaker, aviation is the means of reaching our gorgeous empire. Thank you."

Representative Blair was then recognized by the Chair and he stated:

"Mr. Speaker, I would like to speak in favor of this resolution at this time."

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

"The previous speaker has mentioned that Hawaii is the site of many of the most famous flights in aviation history. My feeling, and the feeling of the Committee, is that the SST would be recorded, not among the most famous, but among the most infamous of flights should it ever land here."

Representative Roehrig then rose, stating:

"Mr. Speaker, speaking in favor of this resolution--the speaker before Representative Blair spoke against it--had some very fine words to say about it. My impression regarding the Concorde is that I am very concerned about the hot air that it emits--same like I am concerned about some of the hot air in this hall. Thank you."

Representative Cobb then rose, stating:

"Mr. Speaker, I rise to speak in favor of it and in doing so, correct some of the previous remarks. Testimony and discussion within the Committee during decision-making on this bill indicated that the Concorde has less passenger carrying capacity than many of today's conventional jets and that it uses three times as much fuel in a Transpacific or Transatlantic flight than those of a conventional jet.

Furthermore, when we consider the question of noise, the decibel scale that was mentioned is a logarithmic scale, meaning that a decibel level of 4 points higher is, in fact, twice as noisy, and that to say that a decibel level of 7 would be insignificant is

such not the case--it would be almost 200 percent more noise. As a result, Mr. Speaker, the Committee felt, and I think quite properly so--there are great many unresolved environmental problems, and until those problems are resolved, this resolution expresses a sense and the concern of this legislature, and I would urge its adoption."

Representative Abercrombie then rose and upon being recognized, stated:

"Thank you, Mr. Speaker.

Mr. Speaker, I think that when we do refer to technological achievements, we should refer to the costs as well. The people in Great Britain and in France are now finding themselves on the short end of an incredible subsidy that has gone in to the building of the Concorde, the SST. They have sunk millions upon millions upon millions of dollars into this plane. The only reason that it is in existence at all at the moment is to make some pitiful attempt to try to recoup this loss. At the same time, it's a measure, not so much of progress, but of progress gone insane--the kind of thing that develops technology for its own sake regardless of the human cost involved.

Great Britain is now experiencing a tremendous recession and depression. France's economy is also depressed. Much of it has to do with this kind of speculative technological so-called innovation which is actually a regression. We would be helping, in effect, to try to subsidize the mistakes of England and France in this regard.

Also, I think it is very important to realize that we would be disturbing the ozone layer over the earth, and the fact that that might not be disturbed because we are immediately over in Hawaii does not obviate us in the least of our responsibility as citizens of the world to respect the air space in other sections of the world that would be affected, and of course, if this ozone layer is disturbed in any degree, we run the risk of contributing to an increase in the amount of cancer rate for citizens other than ourselves, and I think that responsibility has to be kept in mind."

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to speak in favor of this resolution. I would echo the remarks of Representative

Abercrombie as it relates to the ozone layer and my own personal experience at high altitude flight indicates that that is an extremely fragile area and I feel great concern about the environmental effects, not from noise which I think can technologically be controlled, but by the potentially irreversible effects on the atmosphere, and I do not feel that this resolution goes nearly far enough, but since this is the only measure before the House, I would urge that we vote 'aye'."

Representative Sutton again rose, stating:

"Under the rules of Cushing which prevail when your own party rules do not prevail, we have a right of rebuttal for the first speaker."

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

"Mr. Speaker, we have not heard any valid arguments really for the adoption of a resolution which would prohibit the Concorde from coming here. Mr. Speaker, we have heard scare tactics--something is going to happen to the ozone layer; something might happen in the way of excessive noises but we have not heard anything valid.

Governor Ariyoshi is of a different party, sir, than I am, but I applaud his appointment of a full Admiral, Admiral E. Alvey Wright. Admiral Wright merely wishes to have a trial. He wants to see if it will work. We are not comparable in any way, shape, or manner to the circumstances of John Kennedy Memorial Airport in New York. We are very unique; we are 2,500 miles from the mainland, closest mainland and, sir, these are very unique conditions. We have a runway at Honolulu Airport that can include Hickam Field and, therefore, be the largest runway in the world. We do not have any problem of accommodation. All we need to do is to give this a chance, and Admiral E. Alvey Wright only wishes to have a pilot program. If it does not work, it can be cancelled. Why not try something, Mr. Speaker, and see if these arguments of fear that these others have brought out are valid.

I hope that all my colleagues would vote against the resolution. Thank you, sir."

Representative Ho then rose on a point of information, stating:

"The last speaker spoke pertaining

to the Department of Transportation director, Mr. E. Alvey Wright, and said that he had been an Admiral and he was for this. My concern is being that he couldn't be the Admiral for the ferry system, maybe he is trying to be the Admiral for the air system."

Representative Abercrombie then rose and being recognized by the Speaker, stated:

"Excuse me, Mr. Speaker. Thank you. I realize this is going on, but this is an extremely serious situation and I mean it in all sincerity that the proper place for experimentation when cancer is involved is at the Center for Cancer Research.

We have here responsible people who recognize that it is far from the case that we can speak about invalid concerns when we are talking about the possibility of increasing the cancer rate. As a matter of fact, the State of Hawaii is now one of the leading centers in the entire United States, and therefore the world, in trying to treat with the situation of the inducement of cancer, and I think that it is hardly an argument that should be condoned by this House that we should take chances with that kind of serious illness."

The motion was put by the Chair and carried, and the report of the Committees was adopted and H.R. No. 132, H.D. 1, entitled: "HOUSE RESOLUTION OPPOSING LANDING RIGHTS GRANTED THE SUPERSONIC TRANSPORT", was adopted.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 385-76) recommending that H.B. No. 3158-76, as amended in H.D. 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, Stand. Com. Rep. No. 385-76 and H.B. No. 3158-76, HD 1, were recommitted to the Committee on Consumer Protection and Commerce.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 386-76) recommending that H.B. No. 3090-76, as amended in HD 1, pass Second Reading and be placed

on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the majority of the Committee was adopted and H.B. No. 3090-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BATHHOUSES AND BATHHOUSE OPERATORS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 387-76) recommending that H.B. No. 3095-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 3095-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 388-76) recommending that H.B. No. 2891-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2891-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SERVICE OF HEARING NOTICES BY REGULATORY BOARDS AND COMMISSIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 389-76) recommending that H.B. No. 2824-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2824-76, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO CREDIT LIFE INSURANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 390-76) recommending that H.B. No. 2893-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2893-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 12, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 3090-76, HD 1; H.B. No. 3095-76, HD 1; H.B. No. 2891-76, HD 1; H.B. No. 2824-76, HD 1; and H.B. No. 2893-76, HD 1, were made available to the members of the House at 11:45 o'clock a.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 391-76) recommending that H.B. No. 2595-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2595-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS FOR SOLAR ENERGY HEATING SYSTEMS IN RESIDENCES", passed Second Reading and was referred to the Committee on Finance.

Representatives Kawakami and Uechi, for the majority of the Committees on Water, Land Use, Development, and Hawaiian Homes and Agriculture, presented a report (Stand. Com. Rep. No. 392-76) recommending that H.B. No. 3333-76, as amended in H.D. 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Inaba and carried, the report of the majority

of the Committees was adopted and H.B. No. 3333-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", passed Second Reading and was referred to the Committee on Finance, with Representative Larsen voting no.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 391 and 392) and concurrent resolutions (H.C.R. Nos. 66 to 68) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 12, 1976:

A resolution (H.R. No. 391) requesting a review of policies on dropouts was offered by Representative Santos.

A resolution (H.R. No. 392) requesting Matson Navigation Company and the Federal Maritime Commission to exempt fresh and processed Hawaii produced eastbound agricultural products from the increase in rates in the United States Pacific/Hawaiian Domestic Offshore Trade to become effective December 8, 1975 (rate increase suspended to April 7, 1976) was jointly offered by Representatives Uechi, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Medeiros, Morioka, Oda, Poepoe, Segawa, Shito, Suwa, Takamura, Yamada, Yap, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 66) requesting Matson Navigation Company and the Federal Maritime Commission to exempt fresh and processed Hawaii produced eastbound agricultural products from the increase in rates in the United States Pacific/Hawaiian Domestic Offshore Trade to become effective December 8, 1975 (rate increase suspended to April 7, 1976) was jointly offered by Representatives Uechi, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Medeiros, Morioka, Oda, Poepoe, Segawa, Shito, Suwa, Takamura, Yamada, Yap, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 67) requesting the State of

Hawaii administration to study the feasibility of providing for regular tours of the State Capitol was jointly offered by Representatives Evans, Ikeda, Inaba, Kamalii, Medeiros, Morioka, Oda, Santos, Uechi and Yap.

A concurrent resolution (H.C.R. No. 68) requesting a feasibility study on the establishment of vocational technical skill centers in Hawaii was offered by Representative Evans.

THIRD READING

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

H.B. No. 2743-76

On motion by Representative Kawakami, seconded by Representative Ho and carried, H.B. No. 2743-76, entitled: "A BILL FOR AN ACT RELATING TO FISH AND GAME PENALTIES", passed Third Reading by a vote of 49 ayes, with Representatives Takamine and Uechi being excused.

H.B. No. 2930-76

On motion by Representative Lee, seconded by Representative Peters and carried, H.B. No. 2930-76, entitled: "A BILL FOR AN ACT RELATING TO PROVIDING WORKER'S COMPENSATION FOR SELF-EMPLOYED INDIVIDUALS", passed Third Reading by a vote of 48 ayes, to 1 no, with Representative Sutton voting no, and Representatives Takamine and Uechi being excused.

At 1:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:21 o'clock p.m.

H.B. No. 3023-76, HD 1

On motion by Representative Machida, seconded by Representative Morioka and carried, H.B. No. 3023-76, HD 1, was recommitted to the Committee on Tourism.

The Chair directed the Clerk to note

that H.B. No. 2743-76 and H.B. No. 2930-76 had passed Third Reading at 1:18 o'clock p.m.

At this time, Representative Segawa, on behalf of the members of the House, extended birthday greetings to Representative Roehrig. A carnation lei was then presented by Representative Stanley.

At 1:26 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:29 o'clock p.m.

COMMITTEE REASSIGNMENT

At this time, the Chair, with all Chairpersons consenting, re-referred H.B. No. 2862-76 to the Committee on Water, Land Use, Development, and Hawaiian Homes solely.

The Chair then stated:

"Be prepared for long legislative days on Monday, Tuesday and Wednesday so set your appointments accordingly. We will probably have caucuses during the evenings. This is the last weekend prior to the 40th Day, so all Chairmen, please proceed accordingly with your decision-making and preparing your Committee Reports for decking. The last day for decking will be Tuesday."

At 1:31 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:32 o'clock p.m. at which time the Chair stated:

"The Chair stands corrected. The last day to deck all Third Reading bills will be Wednesday (March 17, 1976) and passage on Third Reading on Thursday (March 18, 1976)."

ADJOURNMENT

At 1:35 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Friday, March 12, 1976.

THIRTY-SEVENTH DAY

Friday, March 12, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Thomas B. Choo of St. Augustine Church, after which the Roll was called showing all members present.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 63 to 71) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 63) returning H.C.R. No. 63 which was adopted by the Senate on March 11, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 64) transmitting Senate Bill No. 1949-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICY PLANNING", which passed Third Reading in the Senate on March 11, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 65) transmitting Senate Bill No. 2092-76, SD 2, entitled: "A BILL FOR AN ACT AMENDING SECTION 205-35 OF THE HAWAII REVISED STATUTES, RELATING TO SHORELINE SETBACKS", which passed Third Reading in the Senate on March 11, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 66) transmitting Senate Bill No. 2094-76, entitled: "A BILL FOR AN ACT AMENDING SECTION 101-2 OF THE HAWAII REVISED STATUTES, RELATING TO TAKING OF PRIVATE PROPERTY FOR PUBLIC USE AND THE DISPOSAL OF EXCESS PROPERTY", which

passed Third Reading in the Senate on March 11, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 67) transmitting Senate Bill No. 2884-76, entitled: "A BILL FOR AN ACT RELATING TO THE APPOINTMENT OF AN EXECUTIVE OFFICER BY THE STATE LAND USE COMMISSION AND THE EXEMPTION OF THE POSITION FROM CIVIL SERVICE STATUS", which passed Third Reading in the Senate on March 11, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 68) transmitting Senate Bill No. 2885-76, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO DISTRICT BOUNDARIES BY THE STATE LAND USE COMMISSION AND TO SPECIAL USE PERMITS", which passed Third Reading in the Senate on March 11, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 69) transmitting Senate Bill No. 2326-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", which passed Third Reading in the Senate on March 11, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 70) transmitting Senate Bill No. 2519-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER", which passed Third Reading in the Senate on March 11, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 71) transmitting Senate Bill No. 2545-76, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION", which passed Third Reading in the Senate on March 11, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.B. Nos. 1949-76, SD 1; 2092-76, SD 2; 2094-76; 2884-76; 2885-76; 2326-76, SD 1; 2519-76, SD 1; and 2545-76 passed First Reading by title and further action was deferred till later in the calendar.

The following introductions were made to the members of the House:

Representative Segawa introduced 134 members of the Hilo High School Vikings Band and their Director, Mr. Edwin Yamamura.

Representative Segawa also introduced seven adults and twenty students from the Special Education Class at Hilo Union School. They were accompanied by the Vice-Principal, Mr. George Miyashiro; teachers, Mrs. Margaret Lee, Mrs. Jo Bright and Mrs. Sumi Kushi; assistants, Mrs. Mary Baptiste and Mrs. Doris Kida; and chaperone, Mr. Robert Lee.

Representative Hakoda introduced 52 students from Aliiolani Elementary School who were accompanied by their teachers, Mrs. Au and Mrs. Fujishima, and parents, Mrs. Morimoto and Mrs. Tanaka.

Representative Akizaki introduced twenty-nine first grade students from Kuhio Elementary School who were accompanied by their teacher, Ms. Margaret Ojima, and parents, Mrs. Murphy, Mrs. Fujichaku and Mrs. Kanemitsu.

Representative Kimura introduced Ms. Jane Hatanaka and Ms. Lori Aquino, students at St. Andrews Priory, who "have been visiting us and observing the legislative process under the auspices of my office and that of Representative Henry Peters."

Representative Kihano introduced Mrs. Lei Tennis - "we all call her Aunty Lei."

Representative Takamine introduced Mrs. Jean Matsuda who is a member of the Hawaii County Water Board.

Representative Kimura introduced Ms. Ann Park, "a charming lady, good friend and constituent."

At 11:40 o'clock a.m., upon the request of Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

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

Representative Kunimura then rose and stated:

"Mr. Speaker, today is like Kauai Day, and on behalf of the Kauai delegation, Representatives Yamada, Kawakami and myself, we have a lot of people from Kauai visiting

our chambers today. First, I would like to introduce forty musicians from Kapaa High School band and their chaperone and instructor, Mrs. Norma 'Dr.' Spocks. And, also, we have with us this morning, County Engineer who is interested in the capital improvement bill that the House Finance Committee is now putting together -- none other than the County Engineer of the County of Kauai, Mr. Akira Fujita. Least, but not last, I hope, we have a large delegation from the Waimea High School Government class under the instruction and guidance of Mrs. Moriguchi.

We are a small County, Mr. Speaker, but when we come, we come in great numbers, so we have overwhelmed the chambers this morning and I hope you will forgive us for this."

The Chair then stated:

"The Chair always welcomes the neighbor island visitors."

Representative Ho then introduced Mrs. Emma Jean Martin from Ewa Beach.

Representative Garcia introduced "someone that many of us already know, the beautiful Mrs. James Wakatsuki."

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
1949-76	Committee on Water, Land Use, Development, and Hawaiian Homes
2092-76	Jointly to the Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection
2094-76	Committee on Water, Land Use, Development, and Hawaiian Homes
2326-76	Committee on Labor and Public Employment
2519-76	Jointly to the Committees on Health and Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance

2545-76 Committee on Water,
Land Use, Development,
and Hawaiian Homes,
then to the Committee
on Environmental Protection

and Elderly Affairs

S.B. No.

2884-76 Committee on Water,
Land Use, Development,
and Hawaiian Homes,
then to the Committee on
Finance

714 Jointly to the Committees
on Water, Land Use,
Development, and Hawaiian
Homes and Housing

SUSPENSION OF RULES

2885-76 Committee on Water,
Land Use, Development,
and Hawaiian Homes

On motion by Representative Kimura,
seconded by Representative Ajifu
and carried, the rules were suspended
for the purpose of permitting members
to offer resolutions.

DEFERRED RESOLUTIONS

The following resolutions (H.R.
Nos. 391 and 392) and concurrent
resolutions (H.C.R. Nos. 66 to
68) were disposed of as follows:

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

The House of Representatives
reconvened at 11:49 o'clock a.m.

H.R. Nos. Referred to:

391 Committee on Education

392 Jointly to the Committees
on Agriculture and
Water, Land Use, Develop-
ment, and Hawaiian Homes,
then to the Committee on
Energy and Transportation

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R.
Nos. 393 to 395) were read by the
Clerk and were disposed of as follows:

H.C.R. Nos.

66 Jointly to the Committees
on Agriculture and
Water, Land Use, Develop-
ment, and Hawaiian Homes,
then to the Committee on
Energy and Transportation

67 Committee on Tourism,
then to the Committee
on Legislative Management

68 Jointly to the Committees
on Higher Education
and Education

A resolution (H.R. No. 393) commen-
ding Frenchie DeSoto on her valiant
efforts was jointly offered by Represen-
tatives Ho, Peters, Abercrombie,
Akizaki, Amaral, Blair, Carroll,
Cayetano, Clarke, Cobb, Evans,
Fong, Inaba, Kamalii, Kawakami,
Kihano, Kimura, Kiyabu, Kondo,
Kunimura, Lee, Lunasco, Machida,
Medeiros, Mizuguchi, Morioka,
Naito, Oda, Poepoe, Sakima, Segawa,
Shito, Stanley, Suwa, Takamine,
Takamura, Uechi, Ushijima, Yamada,
Yap, Yuen and Wakatsuki.

On motion by Representative Ho,
seconded by Representative Peters
and carried, H.R. No. 393 was
adopted.

COMMITTEE REASSIGNMENT

The following were re-referred
as follows:

H.B. Nos. Re-referred to:

2291-76 Jointly to the Committees
on Water, Land Use,
Development, and Hawaiian
Homes and Housing

2719-76 Committee on Labor
and Public Employment

2989-76 Committee on Youth

Representative Ho, upon being
recognized, stated:

"Mr. Speaker, honorable members,
I would like to say it is my privilege
and honor, at this time, to introduce
a woman who is truly dedicated
to the people on the Waianae coast.
Her dedication to the people who
were re-located during the heavy
rains on February 7th and 8th is
very commendable. She not only
helped people at the Satellite City
Hall, but was able to secure food
and clothing from businesses and
fellow residents. She stayed up
countless hours - approximately

26-30 hours to help the people in the Waianae area. Her love for the people is great and at the time of hardship her devotion to the people is beyond words.

Mr. Speaker, accompanying Mrs. DeSoto today is Pat DeCosta, the City Complaints, and Happy Hanohano.

Mr. Speaker and members of this honorable body, may I present, at this time, Mrs. Frenchie DeSoto."

Representative Ho presented the honoree with a pikake and maile lei and Representative Peters presented her with a red carnation lei and a certified copy of the resolution.

A resolution (H.R. No. 394) congratulating the Girl Scouts on the occasion of their 64th birthday, March 12, 1976, was jointly offered by Representatives Evans, Abercrombie, Akizaki, Amaral, Carroll, Clarke, Cobb, Fong, Hakoda, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Larsen, Machida, Medeiros, Mizuguchi, Naito, Oda, Poepoe, Sakima, Santos, Segawa, Sutton and Yap.

On motion by Representative Evans, seconded by Representative Santos and carried, H.R. No. 394 was adopted.

At this time, Representative Evans stated:

"Mr. Speaker, it is indeed a privilege and an honor for me to have the House recognize the Girl Scouts and their Girl Scout birthday.

As a former Girl Scout and a mother of two active Girl Scouts, I do believe, and I think many of us do believe, in the Girl Scout movement and what it hopes to have young women achieve.

This past week has indeed been Girl Scout Week and it was signed by our honorable Governor Ariyoshi in a proclamation, and tonight all the girls of Oahu gather at Washington Place for a candlelighting ceremony, and at about the same time throughout the nation, candles will be lit.

Today we have with us two representatives from the Girl Scout Council of the Pacific, Ms. Karen Nichols and Mrs. Lorraine Inouye.

Mr. Speaker, with your permission, I would like to have our two Republican leaders present them with bouquets of daisies, which is a representative

flower of the Girl Scouts. It wasn't planned, but the two gentlemen have green jackets on, which is the color of Girl Scouts. With your permission, please, sir?"

The Chair then replied:

"On the condition that they are doing so on behalf of the Democratic majority also. Proceed."

Representative Evans stated:

"Certainly, sir."

At this time, Representatives Poepoe and Ajifu presented Ms. Nichols and Mrs. Inouye with bouquets of daisies and Representative Evans presented them with certified copies of the resolution.

A resolution (H.R. No. 395) extending birthday greetings to the Honorable George R. Ariyoshi, Governor of Hawaii was jointly offered by Representatives Peters, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Peters, seconded by Representative Poepoe, H.R. No. 395 was adopted by a standing vote.

Representative Peters, upon being recognized, rose and stated:

"Mr. Speaker, few Americans have exerted so strong a personal feeling of government as the present Governor of this great State of ours. It certainly is my privilege this morning to have this resolution introduced, with the assistance of my colleagues.

I think this resolution is a little timely. We had an earlier resolution congratulating another person whom I love very much, Mrs. DeSoto, as it had to do with her involvement in our community; more especially, by way of handling the different tasks and responsibilities placed on her during the last rainstorm. The Governor also has played an important role in that task, and

it gives me the privilege of thanking him personally this morning and wishing him the very, very best. There are some people whom you meet in life that you like - very few whom you meet and you love, and I love these two people.

With that, Mr. Speaker, I would like to call upon Representative Kinau Kamalii to present our birthday gift to him, and, of course, to call upon my other colleague, Representative Cayetano to present a lei to the beautiful First Lady."

At this time, Representative Kamalii proceeded to present the Governor with a pikake and maile lei and Representative Cayetano presented Mrs. Ariyoshi with a white carnation lei.

At 12:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, to meet the honored guests.

The House of Representatives reconvened at 12:07 o'clock p.m.

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 372-76 on H.B. No. 2220-76 (Deferred from March 11, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2220-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Abercrombie and Kimura being excused.

Stand. Com. Rep. No. 373-76 on H.B. No. 2211-76 (Deferred from March 11, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, H.B. No. 2211-76, entitled: "A BILL FOR AN ACT RELATING TO THE APPRAISAL OF PUBLIC LANDS", was recommitted to the

Committee on Finance.

Stand. Com. Rep. No. 374-76 on H.B. No. 2949-76 (Deferred from March 11, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2949-76, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Abercrombie being excused.

Stand. Com. Rep. No. 375-76 on H.B. No. 2230-76 (Deferred from March 11, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2230-76, entitled: "A BILL FOR AN ACT RELATING TO FEES APPLICABLE TO PRACTICING PSYCHOLOGISTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Abercrombie being excused.

Stand. Com. Rep. No. 376-76 on H.B. No. 2345-76 (Deferred from March 11, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, H.B. No. 2345-76, entitled: "A BILL FOR AN ACT RELATING TO PAY OF OFFICERS AND EMPLOYEES ON ACTIVE MILITARY SERVICE", was recommitted to the Committee on Finance.

Stand. Com. Rep. No. 377-76 on H.B. No. 2212-76 (Deferred from March 11, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, H.B. No. 2212-76, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF THE SPECIAL LAND AND DEVELOPMENT FUND", was recommitted to the Committee on Finance.

Stand. Com. Rep. No. 378-76 on H.B. No. 2023-76 (Deferred from March 11, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 2023-76, having

been read throughout, pass Third Reading, seconded by Representative Akizaki.

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

"This measure, I believe, will provide Hawaii's taxpayers with tax relief that is much needed and long overdue.

The purpose of this bill is to adopt federal income tax provisions which allow working people the right to deduct household and dependent care expenses. The present law provides household dependent care deduction only for those families whose combined income does not exceed \$6,000. There have been no changes in this law since it first went into effect in 1965. Meanwhile, the cost of living here in Hawaii has skyrocketed and continues to climb at an alarming rate; and women now, more than ever before, must work to augment the family income. As a result, child care and adult care expenses have risen dramatically and is still going up with no end in sight. This has contributed to the heavy tax burden the average taxpayer must now bear. And, more each day, families are finding it more difficult to make ends meet.

To be sure, H.B. No. 2023-76 does not propose the far-reaching tax reform Hawaii's working people truly deserve. It does, however, provide immediate relief to a large segment of our taxpayers by helping them to provide adequate care for their children and elderly, while stimulating the economy, lowering the unemployment rolls and taking a step towards remedying discrimination against women who want or need to work.

Rarely do we, in the Youth and Elderly Affairs Committee, have the opportunity to assist both youth and elderly in a single measure. This bill presents us with just such an opportunity, so I'd like to urge the adoption of this bill."

Representative Poepoe then rose and asked:

"Mr. Speaker, will the Chairman of Finance yield to a question?"

Representative Suwa replied:

"Yes, Mr. Speaker."

Representative Poepoe then asked:

"Mr. Speaker, is this bill in total conformity with the federal law?"

Representative Suwa replied:

"That is correct, Mr. Speaker."

Representative Poepoe then said: "Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2023-76, entitled: "A BILL FOR AN ACT RELATING TO THE DEDUCTION OF EXPENSES FOR HOUSEHOLD AND DEPENDENT CARE", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2220-76 had passed Third Reading at 12:09 o'clock p.m.; H.B. Nos. 2949-76 and 2230-76 at 12:10 o'clock p.m.; and H.B. No. 2023-76 at 12:14 o'clock p.m.

At 12:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:15 o'clock p.m.

Stand. Com. Rep. No. 381-76 on H.B. No. 1441, HD 2 (Deferred from March 11, 1976):

Representative Kawakami moved that action on H.B. No. 1441, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NIGHT HUNTING OF BIRDS AND MAMMALS", be deferred one day, and the Chair noting that there were no objections, so ordered.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 393-76) informing the House that House Resolution Nos. 386 to 392, House Concurrent Resolution Nos. 66 to 68, Standing Committee Report Nos. 371-76 to 403-76, have been printed and distributed.

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

Representatives Uechi and Sakima, for the Committees on Agriculture and Higher Education, presented

a report (Stand. Com. Rep. No. 394-76) recommending that H.B. No. 2740-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2740-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF THE PINEAPPLE RESEARCH INSTITUTE, WAIPIO, OAHU, FOR USE BY THE COLLEGE OF TROPICAL AGRICULTURE", passed Second Reading and was referred to the Committee on Finance.

Representative Kawakami, for the majority of the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 395-76) recommending that S.B. No. 1191, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the majority of the Committee was adopted and S.B. No. 1191, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS BY ASSESSMENT AND THE FINANCING THEREOF", passed Second Reading and was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 396-76) recommending that H.B. No. 3099-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 396-76 on H.B. No. 3099-76, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3099-76, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 397-76) recommending that H.B. No. 2698-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 397-76 on H.B. No. 2698-76, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies

of H.B. No. 2698-76, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 398-76) recommending that H.B. No. 2150-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 398-76 on H.B. No. 2150-76, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2150-76, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 399-76) recommending that H.B. No. 3112-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 399-76 on H.B. No. 3112-76, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3112-76, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 400-76) recommending that H.B. No. 2438-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 400-76 on H.B. No. 2438-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2438-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 401-76) recommending that H.B. No. 2718-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 401-76 on H.B. No. 2718-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2718-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 402-76) recommending that H.B. No. 2715-76, H.D. 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 402-76 on H.B. No. 2715-76, H.D. 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2715-76, H.D. 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 403-76) recommending that H.B. No. 2167-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 403-76 on H.B. No. 2167-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2167-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 404) recommending that H.B. No. 2248-76, HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 404-76 on H.B. No. 2248-76, HD 2, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2248-76, HD 2, were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 405-76) recommending that H.B. No. 2147-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 405-76 on H.B. No. 2147-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2147-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 406-76) recommending that H.B. No. 2717-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 406-76 on H.B. No. 2717-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2717-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 407-76) recommending that H.B. No. 2312-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 407-76 on H.B. No. 2312-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2312-76 were made available to the members of the House at 11:30 o'clock a.m.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 408-76) recommending that H.B. No. 2284-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2284-76, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 409-76) recommending that H.B. No. 2068-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2068-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 410-76) recommending that H.B. No. 3239-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 3239-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 411-76) recommending that H.B. No. 2131-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2131-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES LEFT UNATTENDED ON PRIVATE PROPERTY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Roehrig, for the majority of the Judiciary Committee, presented a report (Stand. Com. Rep. No. 412-76) recommending that H.B. No. 500 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Cobb and carried, the report of the majority of the Committee was adopted and H.B. No. 500 passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 413-76) recommending that H.B. No. 2165-76, 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 Ho and carried, the report of the Commit-

tee was adopted and H.B. No. 2165-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 414-76) recommending that H.B. No. 2168-76, 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 Ho and carried, the report of the Committee was adopted and H.B. No. 2168-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 415-76) recommending that H.B. No. 2827-76, 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 Ho and carried, the report of the Committee was adopted and H.B. No. 2827-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 416-76) recommending that H.B. No. 2015-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 416-76 on H.B. No. 2015-76, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2015-76, HD 1, 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.

2284-76; 2068-76, HD 1; 3239-76, HD 1; 2131-76, HD 1; 500; 2165-76, HD 1; 2168-76, HD 1; and 2827-76, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 396 to 400) and concurrent resolution (H.C.R. No. 69) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 15, 1976:

A resolution (H.R. No. 396) in recognition of the efforts of Project R.I.S.E. was jointly offered by Representatives Kihano, Peters, Akizaki, Blair, Cayetano, Lee, Naito, Roehrig, Santos, Shito, Suwa and Yap.

A resolution (H.R. No. 397) requesting that a light aircraft landing port at Bellows Field, Waimanalo, be prohibited was jointly offered by Representatives Yuen, Cayetano, Medeiros and Poepoe.

A resolution (H.R. No. 398) relating to lifeguards and public beaches was offered by Representative Evans.

A resolution (H.R. No. 399) requesting the Governor to proclaim the week of March 14-20 as "Save Our Wetlands" Week was jointly offered by Representatives Lum, Ajifu, Akizaki, Blair, Cayetano, Clarke, Cobb, Fong, Garcia, Hakoda, Ikeda, Inaba, Kamalii, Kimura, Kiyabu, Lunasco, Medeiros, Mizuguchi, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Sutton, Takamura and Yap.

A resolution (H.R. No. 400) requesting first aid training for high school students was offered by Representative Garcia.

A concurrent resolution (H.C.R. No. 69) requesting the U.S. Congress to enact legislation to compensate or to make reparation to Hawaiians for damages suffered by them at the time of annexation was jointly offered by Representatives Peters, Kunimura, Akizaki, Cayetano, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Lee, Mizuguchi, Oda, Roehrig, Stanley, Suwa, Takamura, Ushijima, Yamada and Yuen.

THIRD READING

The following bills, which were

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

H.B. No. 3299-76, HD 1:

Representative Suwa moved that H.B. No. 3299-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

At this time, Representative Ho rose to speak in favor of the bill, stating:

"Mr. Speaker, I think this bill is very important not only to the Waianae coast, but to the State of Hawaii. In this respect, when we had a disaster on February 7th and 8th, it brought to the attention of the State of Hawaii that such a bill is needed. Being that we have in the books, on Chapter 209 of the Hawaii Revised Statutes, law pertaining to major disasters, we do not, at this time, have any measures pertaining to immediate or emergency disasters.

The Waianae coast, Mr. Speaker, has an opportunity to get loans from the Model Cities, but this is not made available to any other part of the State who does not come under the code of Model Cities.

This bill here, if passed by this honorable body, and I am sure it will, would, in effect, assist any other area in the future where there would be a disaster but not declared a major disaster, and to give commercial loans up to \$25,000 and personal loans of \$5,000 with a twenty year period.

This, I would like to say, I would like to comment, General Seifferman and the Administration to look at this and say, 'A bill such as this is needed.'

I would like to say to Finance that they did an outstanding job in this bill, but the only regret is that we couldn't use the Administration's bill.

Thank you."

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

"As the introducer of this measure, I think it's important for me to note that the Administration's bill was devoid of two very important features or provisions. One had to do with the interest rates - Administration was requesting for 6%; Finance, by way of showing a touch of social consciousness, we decided to go with 5%. The other very important provision

is that it makes this bill, as soon as it is enacted and becomes law, makes all of the provisions of this law retroactive to January 1st. As a consequence, would qualify many of our people in Waianae for the benefits of this program. That's basically the reason we decided to go with my vehicle as opposed to the administration's vehicle. Thank you."

Representative Cobb, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of this measure, but in doing so, with a degree of reluctance based on some procedural matters that have come to my attention and have been raised on the floor of this House.

This bill is a substitute for House Bill 3294, the so-called administration bill in long form. The original draft of House Bill 3299, which is before us now, was introduced as a short form bill by one individual. The long form bill was introduced by two individuals. Now, there may have been some defects in the original administration bill, 3294, but those defects could have been cured by using that as the vehicle."

The Chair, at this time, stated:

"Representative Cobb, the Chair will appreciate it if you will confine your discussion to the merits or demerits of the bill at this time."

Representative Cobb then stated:

"Mr. Speaker, I would maintain that the procedure of how a bill is passed is just as important as what is passed and that a discussion of that is relevant at any time on the floor of this House."

The Chair then stated: "Proceed."

Representative Cobb continued, saying:

"Mr. Speaker, I would ask, what happened to the principle of fairness or the idea of equality or the principle we agreed on that the first bill in would be the first bill out? I am sorry to see that that situation has not occurred in this particular bill before us, although I would agree with my colleagues who have spoken on the matter that the measure of emergency aid is too important

to allow a procedural question to interfere by voting against the bill.

Nevertheless, Mr. Speaker, this is a very clear case of where a bill with a lower number has been substituted by a bill with a higher number, and I think that, Mr. Speaker, is in violation of the doctrine of fairness.

Thank you."

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

"Mr. Speaker, I want to indicate that I think that this bill is far too important to play games with it politically and I'm sorry that it happened."

Representative Kunimura, upon being recognized, stated:

"As a member of the Finance Committee, and knowing the facts, I would like to have it inserted for the record that both bills, administration measure and this particular bill, the principle introducer is my very good friend and colleague, Representative Henry Peters."

Representative Cobb then asked:

"Mr. Speaker, would the previous speaker yield to a question?"

Representative Kunimura replied in the negative.

Representative Cobb then stated:

"Then, by rebuttal, Mr. Speaker, I would point out very clearly that both bills have been introduced by the senior representative from the district in question, but the prior bill, the one with the lower number, was introduced by one of the individuals who spoke first, the junior representative from that district. Yet, he was not included on the other measure."

Representative Kihano, on a point of order, stated:

"Mr. Speaker, the speaker is speaking in terms of the bill that was introduced and the administration bill introduced. This is not in question, Mr. Speaker. I think he should stick to the bill we are discussing at the present time."

The Chair then stated:

"Point is well taken. Representative Cobb, with that point in mind, will you proceed."

Representative Cobb replied:

"Yes, Mr. Speaker, the only difference I can ascertain between these two bills, since the title was identical, either which could have been used, unfortunately, was the signatories of the introducers."

The motion to pass H.B. No. 3299-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF AND REHABILITATION", on Third Reading was put by the Chair and carried by a vote of 51 ayes.

H.B. No. 3108-76

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 3108-76, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 51 ayes.

H.B. No. 2210-76, HD 1

On motion by Representative Kawakami, seconded by Representative Ho, H.B. No. 2210-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION, MANAGEMENT AND PROTECTION OF ENDANGERED OR THREATENED SPECIES OF WILDLIFE OR PLANTS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2828-76

On motion by Representative Kawakami, seconded by Representative Ho, H.B. No. 2828-76, entitled: "A BILL FOR AN ACT RELATING TO PARKS AND PLAYGROUNDS FOR SUBDIVISIONS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2479-76, HD 2

On motion by Representative Kawakami, seconded by Representative Blair and carried, H.B. No. 2479-76, HD 2, was recommitted to the joint Committees on Water, Land Use, Development, and Hawaiian Homes and Environmental Protection.

H.B. No. 3090-76, HD 1

Representative Kunimura moved that H.B. No. 3090-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative

Yamada.

Representative Sutton, upon being recognized, stated:

"I'm taking a lot of heat on this bill, but I will go along with it."

The motion to pass H.B. No. 3090-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BATHHOUSES AND BATHHOUSE OPERATORS", on Third Reading was put by the Chair and carried by a vote of 51 ayes.

H.B. No. 3095-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 3095-76, 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. 2891-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2891-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SERVICE OF HEARING NOTICES BY REGULATORY BOARDS AND COMMISSIONS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2824-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2824-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT LIFE INSURANCE", passed Third Reading by a vote of 51 ayes.

H.B. No. 2893-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2893-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3299-76, HD 1, had passed Third Reading at 12:27 o'clock p.m.; H.B. No. 3108-76 at 12:28 o'clock p.m.; H.B. Nos. 2210-76, HD 1, and 2828-76 at 12:29 o'clock p.m.; H.B. No. 3090-76, HD 1, at 12:30 o'clock p.m.; H.B. No. 3095-76, HD 1, at 12:31 o'clock p.m.; H.B. Nos. 2891-76, HD 1, and 2824-76, HD 1, at 12:32 o'clock p.m.; and H.B. No. 2893-76, HD 1, at 12:33 o'clock p.m.

At 12:33 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

STANDING COMMITTEE REPORT

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 417-76) recommending that H.B. No. 2700-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2700-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PROFESSIONAL LIABILITY", passed Second Reading and was referred to the Committee on Finance.

At 1:03 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 5:00 o'clock p.m. this evening.

EVENING SESSION

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

STANDING COMMITTEE REPORTS

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 418-76) recommending that H.B. No. 2181-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 418-76 on H.B. No. 2181-76, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2181-76, HD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 419-76) recommending that H.B. No. 2895-76, HD 1, pass Third Reading.

By unanimous consent, consideration

of Stand. Com. Rep. No. 419-76 on H.B. No. 2895-76, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2895-76, HD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 420-76) recommending that H.B. No. 2722-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 420-76 on H.B. No. 2722-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2722-76 were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 421-76) recommending that H.B. No. 2022-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 421-76 on H.B. No. 2022-76, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2022-76, HD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 422-76) recommending that H.B. No. 3102-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 422-76 on H.B. No. 3102-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3102-76 were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 423-76) recommending that H.B. No. 3106-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 423-76

on H.B. No. 3106-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3106-76 were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 424-76) recommending that H.B. No. 3103-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 424-76 on H.B. No. 3103-76 was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3103-76 were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 425-76) recommending that H.B. No. 2102-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 425-76 on H.B. No. 2102-76, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2102-76, HD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 426-76) recommending that H.B. No. 942, as amended by HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 426-76 on H.B. No. 942, HD 1, was deferred until Monday, March 15, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 942, HD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 427-76) recommending that H.B. No. 3105-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Mizugu-

chi, seconded by Representative Sakima and carried, the report of the Committee was adopted and H.B. No. 3105-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RETENTION OF MEDICAL RECORDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 428-76) recommending that H.B. No. 2319-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2319-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH-VOLTAGE POWER TRANSMISSION LINES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 429-76) recommending that H.B. No. 3213-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 3213-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL BOXING CORPORATIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 430-76) recommending that H.B. No. 2074-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2074-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 431-76) recommending that H.B. No. 3096-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 3096-76, 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 15, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 432-76) recommending that H.B. No. 2892-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2892-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 433-76) recommending that H.R. No. 331, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Takamura, seconded by Representative Ushijima and carried, the report of the Committee was adopted and H.R. No. 331, HD 1, entitled: "A RESOLUTION REQUESTING A REVIEW OF THE COMPENSATION SCHEDULE FOR LIVING AND CARE ARRANGEMENTS FOR ELDERLY AND DISABLED ADULTS", was referred to the Committee on Legislative Management.

Representatives Takamura and Stanley, for the Committees on Youth and Elderly Affairs and Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 434-76) recommending that H.R. No. 305 be referred to the Committee on Legislative Management.

On motion by Representative Takamura, seconded by Representative Cobb and carried, the report of the joint Committees was adopted and H.R. No. 305, entitled: "A RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF DEPARTMENT OF SOCIAL SERVICES AND HOUSING'S PROVISION OF CHILDREN'S SERVICES", was referred to the Committee on Legislative Management.

Representatives Takamura and Stanley, for the Committees on Youth and Elderly Affairs and Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 435-76) recommending that H.C.R. No. 50 be referred to the Committee on Legislative Management.

On motion by Representative Takamura, seconded by Representative Cobb and carried, the report of the joint Committees was adopted and H.C.R. No. 50, entitled: "A RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF DEPARTMENT OF SOCIAL SERVICES AND HOUSING'S PROVISION OF CHILDREN'S SERVICES", was referred to the Committee on Legislative Management.

Representatives Takamura and Shito, for the Committees on Youth and Elderly Affairs and Housing, presented a report (Stand. Com. Rep. No. 436-76) recommending that H.R. No. 294 be referred to the Committee on Legislative Management.

On motion by Representative Takamura, seconded by Representative Shito and carried, the report of the joint Committees was adopted and H.R. No. 294, entitled: "A RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A HAWAII STATE VETERANS HOME", was referred to the Committee on Legislative Management.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 437-76) recommending that H.B. No. 2496-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ho, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2496-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO PROVIDE A

GRANT-IN-AID TO THE BISHOP MUSEUM", passed Second Reading and was referred to the Committee on Finance.

Representative Ho, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 438-76) recommending that H.R. No. 332 be referred to the Committee on Water, Land Use, Development, and Hawaiian Homes.

On motion by Representative Ho, seconded by Representative Sutton and carried, the report of the Committee was adopted and H.R. No. 332, entitled: "A RESOLUTION REQUESTING A HISTORICAL-ARCHAEOLOGICAL STUDY OF KALAUPAPA, MOLOKAI", was referred to the Committee on Water, Land Use, Development, and Hawaiian Homes.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 439-76) recommending that H.B. No. 2563-76, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Akizaki, seconded by Representative Mizuguchi and carried, the report of the Committee was adopted and H.B. No. 2563-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REIMBURSEMENT OF ASSESSMENTS MADE IN THE PANAEWA FARM AND HOUSE LOTS SUBDIVISION", passed Second Reading and was placed

on the calendar for Third Reading on Monday, March 15, 1976.

Representatives Blair and Kawakami, for the Committees on Environmental Protection and Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 440-76) recommending that H.B. No. 2880-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Cobb and carried, the report of the joint Committees was adopted and H.B. No. 2880-76, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ENVIRONMENTAL POLICY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 15, 1976.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 3105-76, HD 1; 2319-76, HD 1; 3213-76, HD 1; 2074-76, HD 1; 3096-76, HD 1; 2892-76, HD 1; 2563-76, HD 1; and 2880-76 were made available to the members of the House at 5:00 o'clock p.m.

ADJOURNMENT

At 5:28 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:00 o'clock a.m. on Monday, March 15, 1976.

THIRTY-EIGHTH DAY

Monday, March 15, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Michael Rymer of the Saint Constantine Greek Orthodox Church, after which the Roll was called showing all members present with the exception of Representatives Kimura, Kunimura and Machida, who were excused.

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

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Seventh Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 110 to 114) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 110) transmitting copies of an interim assessment of the Purchase of Services Program prepared by the Program Development Office, Public Welfare Division, Department of Social Services and Housing and the Budget Planning and Management Division, Department of Budget and Finance, in lieu of an evaluation of the DSSH's Purchase of Services Program which has not been started and which will be submitted prior to the convening of the 1977 Regular Session, in accordance with Senate Resolution 180 (1975), was placed on file.

A message from the Governor (Gov. Msg. No. 111) transmitting copies of a report prepared by the Department of Agriculture in compliance with Act 226, SLH 1974, relating to planning and development of North Kohala, was placed on file.

A message from the Governor (Gov. Msg. No. 112) transmitting copies of the Annual Report of the Department of Taxation for the year ending June 30, 1975, was placed on file.

A message from the Governor (Gov. Msg. No. 113) transmitting copies of a report prepared by the Department of Regulatory Agencies in response to Senate Resolution No. 203, relating to continuing medical education and relicensure of health professionals, was placed on file.

A message from the Governor (Gov. Msg. No. 114) transmitting copies of a report on "Carrying Capacity Prototype Investigations in the State of Hawaii", conducted in response to Senate Concurrent Resolutions 26, 27 and 53, and to House Resolution No. 62, 1974 Legislature, was placed on file.

DEPARTMENTAL COMMUNICATION

A communication from Hideo Murakami, Comptroller, Department of Accounting and General Services (Dept. Com. No. 11) transmitting a report of the Bond Funds at December 31, 1975, which reflects the status of appropriations after encumbered appropriations were lapsed in accordance with Act 201, SLH 1971, as amended by Act 74, SLH 1972, was read by the Clerk and was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 72 and 73) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 72) transmitting Senate Bill No. 2225-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", which passed Third Reading in the Senate on March 12, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 73) transmitting Senate Bill No. 2902-76, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES", which passed Third Reading in the Senate on March 12, 1976, was placed on file.

On motion by Representative Ushijima, seconded by Representative Ajifu and carried, S.B. Nos. 2225-76, SD 2, and 2902-76 passed First Reading by title and further action was deferred until later in the calendar.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 17 and 18) were read by the Clerk and were disposed of as follows:

A communication from H. Spofford Canfield, Administrative Assistant to the President of the Senate (Misc. Com. No. 17) acknowledging receipt of House Resolution No. 317, was placed on file.

A communication from the Honorable John J. Medeiros, Representative, 25th District (Misc. Com. No. 18) acknowledging receipt of House Resolution No. 367, honoring the memory of his mother, the late Mrs. Caroline Lewis Medeiros, was placed on file.

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

Representative Fong introduced 53 eighth and ninth grade students from Stevenson Intermediate School. They were accompanied by their teachers, Mrs. Akutagawa, Mrs. Ching and Mr. Inouye.

Representative Ho introduced 8 students from the Hawaii Baptist Academy. They were accompanied by their teacher, Mr. Bob Owens.

Representative Larsen introduced Representative John Carroll's mother, Mrs. Faye McKay, and sister, Ms. Mary Ruth McDonald.

Representative Cobb introduced Jay Akamine, a senior at Iolani School, who is here to study the legislative process.

Representative Lum introduced 21 third grade students from Wailupe Elementary School and their teacher, Mrs. Lake.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
2225-76	Jointly to the Committees on Labor and Public Employment and Health

2902-76 Committee on Housing

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 396 to 400) and concurrent resolution (H.C.R. No. 69) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
396	Jointly to the Committees on Higher Education and Education
397	Committee on Energy and Transportation
398	Committee on Water, Land Use, Development, and Hawaiian Homes
399	Committee on Water, Land Use, Development, and Hawaiian Homes
400	Committee on Education

H.C.R. No.

69 Committee on Judiciary

COMMITTEE REASSIGNMENT

H.R. No. 314 was re-referred jointly to the Committees on Youth and Elderly Affairs, Health and Public Assistance and Human Services.

At 11:10 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:11 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Kimura, Kunimura and Machida.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of permitting members to offer resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 401 to 404) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 401) congratu-

lating the Queen Emma Hawaiian Civic Club for winning the Outstanding Hawaiian Civic Club Award for 1975 was jointly offered by Representatives Kamalii, Kimura, Ajifu, Akizaki, Blair, Carroll, Clarke, Evans, Hakoda, Ho, Ikeda, Inaba, Larsen, Lum, Naito, Santos, Shito, Suwa, Takamine and Yuen.

On motion by Representative Kamalii, seconded by Representative Kimura and carried, H.R. No. 401 was adopted.

At this time, Representative Kamalii rose and stated:

"Mr. Speaker, it is indeed an honor to introduce the President of the Queen Emma Hawaiian Civic Club. I have been involved in the State Association of Hawaiian Civic Clubs for several years and I have seen this Club grow from its infancy, and the help of all of the members of their Club, stick together, learn their culture and then pass it on to all of us as citizens of this State. They are well deserving of this honor and it is indeed a pleasure for me to introduce the President of this Club, Paulette Kahalepuna. Will you please stand?"

Representative Sutton then presented Ms. Kahalepuna with a carnation lei and a certified copy of House Resolution No. 401 was presented by Representative Kamalii.

Representative Kamalii then introduced the newly elected President of the State Association of Hawaiian Civic Clubs, stating:

"Mr. Speaker, it is indeed an honor for me to introduce, not only a dear friend, but the newly elected President of the State Association of Hawaiian Civic Clubs who has dedicated many years of his adult life to the Hawaiian Civic Club movement.

I would like this body to meet the President of the State Association of Hawaiian Civic Clubs, Mr. Whitney T. Anderson, and alongside Mr. Anderson, his lovely wife, Henny Anderson.

Thank you very much."

A resolution (H.R. No. 402) congratulating Mrs. Louise N. Chun for being named the Outstanding Hawaiian Civic Club Member was jointly offered by Representatives Peters, Kamalii, Ajifu, Akizaki, Blair, Carroll, Cayetano,

Clarke, Evans, Hakoda, Ho, Ikeda, Inaba, Kimura, Larsen, Lee, Lum, Naito, Santos, Shito, Takamine and Yuen.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 402 was adopted.

At this time, Representative Peters introduced to the members of the House Mrs. Louise N. Chun.

Representative Peters then presented the honoree with a carnation lei and a certified copy of House Resolution No. 402 was presented to her by Representative Kamalii.

A resolution (H.R. No. 403) congratulating the Waimea Hawaiian Civic Club, Island of Hawaii, for winning the 1975 Association of Hawaiian Civic Clubs Awards for the Annual Aha Ho'okuku Mele was jointly offered by Representatives Kamalii, Inaba, Ajifu, Akizaki, Blair, Carroll, Cayetano, Clarke, Evans, Hakoda, Ho, Ikeda, Kimura, Larsen, Lee, Lum, Naito, Santos, Shito, Suwa, Takamine and Yuen.

On motion by Representative Kamalii, seconded by Representative Inaba and carried, H.R. No. 403 was adopted.

A resolution (H.R. No. 404) congratulating Elaine Brown Mullaney for being selected the winner of the Outstanding Hawaiian Award by the Association of Hawaiian Civic Clubs was jointly offered by Representatives Kamalii, Sutton, Ajifu, Akizaki, Blair, Cayetano, Clarke, Evans, Ho, Ikeda, Inaba, Kimura, Larsen, Lee, Lum, Naito, Santos, Shito, Suwa, Takamine and Yuen.

On motion by Representative Kamalii, seconded by Representative Sutton and carried, H.R. No. 404 was adopted.

At this time, Representative Kamalii rose, stating:

"Mr. Speaker and fellow members of this honorable body, it is indeed a pleasure that I have awaited for many, many years to introduce Aunty Elaine. She has been an outstanding Hawaiian for many, many years and I am pleased that we are now honoring her today, and the State Association of Hawaiian Civic Clubs chose to honor her at their State Convention at Kamehameha Schools.

May I present to you Aunty Elaine Brown Mullaney, the Outstanding Hawaiian of the Year."

Representative Kimura then presented the honoree with a carnation lei, and a certified copy of House Resolution No. 404 was presented to her by Representative Kamalii.

At 11:25 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

The House of Representatives reconvened at 11:57 o'clock a.m.

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

H.B. No. 2812-76 on Third Reading (Deferred from March 11, 1976):

Representative Lee moved that consideration of H.B. No. 2812-76 be deferred to the end of the calendar and the Chair, noting that there were no objections, so ordered.

Stand. Com. Rep. No. 381-76 on H.B. No. 1441, HD 2 (Deferred from March 12, 1976):

Representative Kawakami moved that action on Stand. Com. Rep. No. 381-76 on H.B. No. 1441, HD 2, be deferred until tomorrow, March 16, 1976, and the Chair, noting that there were no objections, so ordered.

Stand. Com. Rep. No. 396 on H.B. No. 3099-76, HD 1 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3099-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INTAKE SERVICE CENTER ADVISORY BOARD", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 397-76 on H.B. No. 2698-76, HD 1 (Deferred from March 12, 1976):

On motion by Representative Suwa,

seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2698-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING TICKETS", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Stand. Com. Rep. No. 398-76 on H.B. No. 2150-76, HD 1 (Deferred from March 12, 1976):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 2150-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Sakima then rose and asked the Chair for a ruling as to whether or not there was a conflict of interest as he was a Notary Public.

The Chair ruled that there was no conflict of interest and Representative Sakima was not excused from voting on this measure.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2150-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 399-76 on H.B. No. 3112-76, HD 1 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3112-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 400-76 on H.B. No. 2438-76 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2438-76, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Third

Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Stand. Com. Rep. No. 401-76 on H.B. No. 2718-76 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2718-76, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS AUTHORIZED UNDER VARIOUS ACTS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 402-76 on H.B. No. 2715-76, HD 1 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2715-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REVOLVING FUNDS FOR CORRECTIONAL FACILITY STORES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 403-76 on H.B. No. 2167-76 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2167-76, entitled: "A BILL FOR AN ACT RELATING TO THE SANITATION AND RECLAMATION EXPERT UNDER HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 404-76 on H.B. No. 2248-76, HD 2 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2248-76, HD 2, entitled: "A BILL FOR AN ACT ESTABLISHING A DUPLICATING SERVICES REVOLVING FUND FOR THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 405-76 on H.B. No. 2147-76 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2147-76, entitled: "A BILL FOR AN ACT RELATING TO LOANS INSURED BY THE DEPARTMENT OF AGRICULTURE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 406-76 on H.B. No. 2717-76 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2717-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 407-76 on H.B. No. 2312-76 (Deferred from March 12, 1976):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 2312-76, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

The Chair then stated:

"Before we take a vote, Representative Stanley, the Chair apologizes."

Representative Stanley replied:

"Since Representative Kimura blocks your view, I accept your apology."

Representative Stanley then spoke in favor of the bill, stating:

"Mr. Speaker, I rise to speak in favor of House Bill 2312-76. While I urge all my colleagues to vote for this measure, I wish to make some observations about the weakness of the present construction plan which we will be funding.

I believe it is poor social policy to place the Oahu Intake Service Center, a cornerstone of our new correctional system, at the same location as the Oahu Community Correctional Centers.

When we place those awaiting trial--those who have not been convicted and found guilty--alongside those who have been convicted and are serving terms, I believe we do damage to our principle of presuming innocence until proven guilty. When people are in close proximity with others, they often become labeled criminal, in essence, guilty by association. Thus, plans to house pre-trial persons near convicted misdemeanants and felons, will, I believe, work against the basic concepts of diversion and community placement endowed in this State's correctional master plan.

I do not believe that the present construction plans are those that can best implement the intent of the Master Plan; however, the time for action is at hand. The construction of the proposed facilities will at least provide more humane treatment for those who will be housed there.

Therefore, with reservations and these words of caution, I urge my colleagues to vote for this measure. Thank you."

Representative Abercrombie was then recognized by the Chair and he stated:

"Mr. Speaker, grave questions have been asked in the community and have been addressed to the Judiciary Committee. The Chairman of the Judiciary Committee has had to withstand duress in his chairmanship of the proceedings. The members of the Judiciary Committee themselves have withstood duress in dealing with the issues that are involved in this particular appropriation and other measures before the Judiciary Committee. The reason that they have had to undergo these things is the highly emotional content, the very nature of the situation that is being dealt with in terms of the facilities being appropriated for here.

It has been my observation that the Chairman and his committee have understood all those problems, and when they make a recommendation to the Finance Committee, subsequently approved by the Finance Committee, I believe without amendment, for appropriation of funds for the planning and construction of the correctional facilities in conformance with the Hawaii Correctional Master Plan, it is my considered judgment that they have not done so with the idea of ignoring or forgetting about the

social and personal questions that are involved, both for the inmates or for those accused, those convicted and the families of those people who are accused and convicted.

On the contrary, Mr. Speaker, I believe that I can vote in good conscience for this bill and those bills connected with it because the Judiciary Committee has been vigilant and determined in its processes to see that these facilities are accompanied by programs.

I want to congratulate the Chairman of Judiciary and his committee for seeing that in the next biennium, the foundation has been laid; that these programs, including probation, work furlough and other devices and means whereby the community can be well served financially as well as socially, in terms of rehabilitation, will be well underway.

Thank you."

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

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

Mr. Speaker, I recognize the extremely excellent job the Chairman of the Judiciary Committee has done. I recognize the enormous problems that have been presented and that the Governor made a request that we add an additional \$10 million to a previously appropriated \$16 million, meaning \$26 million. But, Mr. Speaker, I do believe that Governor Burns was on the right track when he suggested that facilities should be considered for our neighbor islands. I recognize that there was great opposition on the island of Maui, but we have beautiful islands that permit the type of resort where we would not for any intents or purposes have anything other than a beautiful location but, at the same time, not subject either the community or to the inmates to the type of harrassment that occurs at present.

I do not see how, Mr. Speaker, we take an old facility and demolish it and at the same time try to erect modules and have a going concern. I do not see why with the condemnation power that this State has that we have to take a second-rate location and build a second-rate facility and spend \$26 million.

Thank you very much."

Representative Carroll was recognized by the Chair and he stated:

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

Mr. Speaker, the Correctional Master Plan, while it does many good things, is based on what is essentially a false premise, and that is that many of the people who are involved in the correctional system are going to be rehabilitatable. At the same time we are considering this particular measure, we are, I believe, getting ready to adopt minimum mandatory sentencing for a number of types of crimes and this is going to have the effect of increasing the population at the Dillingham site considerably more than what we see there now. And I think that to spend \$10 million at this time is premature and very likely a waste of the taxpayers' money. No effort is being made to study the rehabilitation, if you will, of the Dillingham site to make it a secure, a proper place.

Additionally, the thing that most of the testimony indicated to us on the Judiciary Committee, as I read it, were the lack of programs, supervision, discipline and control and it seems to me that if we were to put out this kind of money, it should be put into this kind of an area.

For these reasons, I ask that we vote 'no' on this measure."

Representative Kunimura was recognized by the Chair and stated:

"I rise to speak in favor of this measure and I would like to correct for the record that the words spoken by the Representative of the 15th district--I would like to request that he research it out better.

It was not the opposition of the people of Maui that this prison is coming back to Oahu but, rather, it was the opposition of the Oahu people that caused the Legislature to turn 180 degrees and bring it back to Oahu."

Representative Naito was recognized by the Chair and she stated:

"Mr. Speaker, I rise to speak in favor of this measure because of some of the previous remarks that were made on the floor.

The \$10 million that are addressed in this specific issue regard the

building of the Intake Service Center. It has been said that it is premature at this time. It happens that if we don't build the Intake Service Center, we will have no place to put all of the people who are supposed to go in for this evaluation. Not only is the \$10 million for the Intake Service Center--it is also for the hospital so that the prison will have a hospital, and in addition, last but not least, this \$10 million encompasses the dormitories for the women, and I think that is very important.

Thank you."

Representative Cobb was then recognized by the Chair and he stated:

"Mr. Speaker, I rise to speak in favor of the bill and in doing so would like to address, as a concern, some of the remarks of one of the previous speakers about the idea of moving a prison site from the source of the problem.

When I was Chairman of the Corrections and Rehabilitation Committee three years ago, a great deal of testimony came to me regarding the proposed site locations, and one of the major concerns expressed, not only by corrections administrators here on Oahu, but also by the inmates, by their families, and by those who are the resource people--the experts working in the correctional field--was to have the site location as close as possible in Honolulu where most of the resources are available. In short, Mr. Speaker, not to remove the facility from the community or the problems that surround it, for to do so would cut off interchange and visits and work programs and many opportunities for rehabilitation.

As one of the Committee members, I expressed a considerable concern for programs, and I am going to continue to follow this as I am sure the Judiciary Chairman and other members of the Committee will. But this measure, Mr. Speaker, replaces with reason some of the rhetoric that has been said, particularly from outside. It is a reasoned step in the right direction; not the final step; not the ultimate step; but a step towards providing segregation of maximum security from that of minimum security and a step wherever possible to insure that whenever the conditions of society, the public safety permit, we will have both treatment and rehabilitation consonant with programs. Accordingly, Mr. Speaker, I would want to urge my colleagues to vote 'aye'."

Representative Roehrig then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure. Much of what I would have said has already been stated by members here on the floor and we appreciate their comments.

I think that it is well to understand that at the present time, the administration intends to go ahead with the planning and construction of all of the facilities that we have heretofore funded starting in 1974, and that this \$10 million is not going to be determinative of them going ahead, they are going to go ahead notwithstanding. However, this \$10 million will be the last piece of the puzzle, so to speak, in giving sufficient funds so that the planning and construction can be done as a package in order to provide adequate funding here on Oahu for the Intake Service Center and the Community Correction Center facility to be at Dillingham Boulevard. And I am confident, after having discussed this matter with some of the people who have been former residents of the Oahu Prison site and with others in the community, that if and when the present inmates fully understand the benefits to be gained by having adequate living facilities that are up to date, that provide adequate internal security for themselves during the night-time hours, that provide a new kind of more personal setting for each of them as they spend their time in the prison, that they will come to be supporters of this thing as well.

I would like to further state that our Committee gave considerable weight to the feelings of those in the community who are in the corrections and rehabilitation business. I believe our Committee feels that people who are in prison can be rehabilitated, and I think that this is a premise upon which your Committee on Judiciary had been proceeding during the last two years, and in this regard I think that the \$10 million request by the administration should be viewed in light of the other matters that pertain to the prison; such as the intent to increase the minimum wage of the prisoners from the present 12 cents an hour to 50 cents an hour, the expansion of the home furlough program, the setting up of the private non-profit corporation for prisoners' legal services which is now in effect and for which they are presently seeking a director. This corporation

came about as a direct result of this Legislature, last session, mandating its existence. It is now in existence. The Senate and the House Judiciary Chairmen have the privilege of serving on the Board of Directors and we are presently trying to get an executive director to run that program. This should also be viewed in light of the efforts that have been made by this Legislature and the University to coordinate the programs at the Hoomana School with the College of Continuing Education at the University of Hawaii which is presently in the works. It should also be viewed in conjunction with the efforts to properly fund the staff of the Public Defender's Office. It should also be viewed in light of the administration's intent to forthwith appoint the two last members of the Public Defender Advisory Council and it should also be viewed in light of the Legislature's concern about a full-time parole board.

Yes, Mr. Speaker, I think that everybody should be given an opportunity at the prison to consider rehabilitation. I think that the remarks made by Representative Stanley are well taken. We would certainly urge that every effort be made to keep pre-trial detainees at the Intake Service Center physically apart from those who have been convicted of a misdemeanor or a felony.

In the final analysis, Mr. Speaker, I would urge that all members of the Legislature in this House vote in favor of this measure so that the administration can get on with its business of providing a more humane environment for those who are in prison at the present time.

Thank you."

Representative Kamalii then rose, stating:

"Mr. Speaker, I rise to speak in favor of this bill with a great deal of reservation. I wonder, Mr. Speaker, if the problem at Oahu Prison is one of management, or one of poor facilities, or poor programs, or all three. If so, then new facilities possibly might be the solution. I am concerned with the well-being of the convicts but I am also concerned with the citizens of the State. If these facilities and if the \$26 million are going to take care of what we have and are now experiencing, fine. They can walk out whenever they please, but still,

in my estimation, we can have the best facilities costing \$50 million but if you have poor administration, they are worth nothing.

Thank you, Mr. Speaker."

Representative Suwa then rose and stated:

"Mr. Speaker, in speaking for this bill, I have seen this subject matter tossed around for 18 years and everytime there is a problem at the prison, the National Guards move in. When the Legislature took a field trip to the prison, they shake their heads coming out from that prison and other facilities. Now, this is to correct them, Mr. Speaker, and only in the area of programs. From time to time, the Legislature can direct the administration in this area.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2312-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANNING AND CONSTRUCTION OF CORRECTIONAL FACILITIES IN CONFORMANCE WITH THE HAWAII CORRECTIONAL MASTER PLAN AND PROVIDING FOR THE ISSUANCE OF BONDS", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Carroll and Sutton voting no.

Stand. Com. Rep. No. 416-76 on H.B. No. 2015-76, HD 1 (Deferred from March 12, 1976):

On motion by Representative Kawakami, seconded by Representative Ho and carried, the report of the Committee was adopted and H.B. No. 2015-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE-OWNED LANDS SUITABLE AND AVAILABLE FOR RESIDENTIAL DEVELOPMENT", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 418-76 on H.B. No. 2181-76, HD 1 (Deferred from March 12, 1976):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 2181-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Naito then rose, stating:

"Mr. Speaker, I rise to speak in favor of House Bill 2181-76, House Draft 1, which calls for the development of a master plan for the criminally insane.

Recent events in our State demonstrate the overwhelming necessity for such a master plan with maximum input from all segments of the community. It is extremely distressing that our laws dealing with the criminally insane appear to lack sufficient safeguards to respond to the public's demand for a safe environment.

The reasons are evident. It is difficult enough to deal with criminal behavior but the problem is enormously compounded when the action is both criminal and psychotic. A comprehensive assessment of all laws and agencies dealing with the question of criminal insanity is of urgent necessity and nothing less will suffice.

A major part of the problem is identifying the treatment agency. The existing penal system appears to have extremely basic flaws in terms of classifying the person either as a criminal and incarcerating him in a penal institution or classifying the person as mentally ill and placing him in a hospital which lacks sufficient security for the protection of society.

In addition, our current judicial process in this area does not appear to have the needed continuity nor the sufficient safeguards so that those adjudged legally incompetent neither receive the necessary treatment for their own eventual rehabilitation nor does society have the protection it deserves.

In light of the many complexities of the laws and the system dealing with the criminally insane, it is of utmost necessity at this point that nothing short of a comprehensive investigation be undertaken and a plan implemented that would result in closing the cracks of the fractured approach we now apply in the area of criminal insanity.

I, therefore, strongly urge my colleagues in this honorable body to vote in favor of this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2181-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION

FOR THE DEVELOPMENT OF A MASTER PLAN FOR THE CRIMINALLY INSANE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 419-76 on H.B. No. 2895-76, HD 1 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2895-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PLANS AND CONSTRUCTION OF INTERIM LAW SCHOOL FACILITIES AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS, AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 420-76 on H.B. No. 2722-76 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2722-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYMENT SECURITY LAW", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Stand. Com. Rep. No. 421-76 on H.B. No. 2022-76, HD 1 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2022-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF STATE POLICY FOR SENIOR CENTERS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 422-76 on H.B. No. 3102-76 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3102-76, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", having been read throughout, passed Third Reading

by a vote of 51 ayes.

Stand. Com. Rep. No. 423-76 on H.B. No. 3106-76 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3106-76, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF MANPOWER PLANNING ADMINISTRATOR", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 424-76 on H.B. No. 3103-76 (Deferred from March 12, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 3103-76, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Suwa then rose, stating:

"Just to clarify the Committee Report as amended here is amended by the Auditor's Office but putting it in the proper perspective, Mr. Speaker, the problem was pointed out by the Auditor's Office as to the action but it is the action of the Legislature."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3103-76, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 425-76 on H.B. No. 2102-76, HD 1 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2102-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PURCHASES AND CONTRACTS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 426-76 on H.B. No. 942, HD 1 (Deferred from March 12, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BONUS TO PENSIONERS", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3099-76, 2698-76 and 2150-76 had passed Third Reading at 11:59 o'clock a.m.; H.B. Nos. 3112-76 and 2438-76 at 12:00 noon; H.B. Nos. 2718-76, 2715-76 and 2167-76 at 12:01 o'clock p.m.; H.B. Nos. 2248-76, 2147-76 and 2717-76 at 12:02 o'clock p.m.; H.B. No. 2312-76 at 12:21 o'clock p.m.; H.B. No. 2015-76 at 12:22 o'clock p.m.; H.B. No. 2181-76 at 12:25 o'clock p.m.; H.B. Nos. 2895-76, 2722-76 and 2022-76 at 12:26 o'clock p.m.; H.B. Nos. 3102-76 and 3106-76 at 12:27 o'clock p.m.; H.B. No. 3103-76 at 12:28 o'clock p.m.; and H.B. Nos. 2102-76 and 942 at 12:29 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 441-76) informing the House that House Resolution Nos. 393 to 400, House Concurrent Resolution No. 69, Standing Committee Report Nos. 404-76 to 440-76, and Standing Committee Report Nos. 442-76 to 445-76, have been printed and distributed.

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

Representative Takamura, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 442-76) recommending that H.B. No. 2989-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2989-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH CAMPS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented

a report (Stand. Com. Rep. No. 443-76) recommending that H.B. No. 2473-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2473-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STAGGERED SYSTEM OF MOTOR VEHICLE REGISTRATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 444-76) recommending that H.B. No. 2182-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2182-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 445-76) recommending that H.B. No. 2786-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the majority of the Committee was adopted and H.B. No. 2786-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEAS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 2989-76, HD 1; H.B. No. 2473-76, HD 1; H.B. No. 2182-76, HD 1; and H.B. No. 2786-76, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

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 12:32 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 405 and 406) and concurrent resolution (H.C.R. No. 70) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 405) commending Frank Edward Brunings for his service as a VISTA volunteer in Hawaii and extending best wishes for his future endeavors was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Stanley, seconded by Representative Abercrombie and carried, H.R. No. 405 was adopted.

A resolution (H.R. No. 406) honoring and commending the Charles Henry Atherton YMCA for exceptional service to the community was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Cobb and carried, H.R. No. 406 was adopted.

A concurrent resolution (H.C.R. No. 70) commending and congratulating the Hawaii Army Reserves on their anniversary and for their achievements in community service projects was jointly offered by Representatives Cobb, Abercrombie, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Clarke, Evans, Fong, Garcia, Hakoda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura,

Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yuen and Wakatsuki.

On motion by Representative Cobb, seconded by Representative Carroll and carried, H.C.R. No. 70 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 407 to 409) and concurrent resolution (H.C.R. No. 71) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 16, 1976:

A resolution (H.R. No. 407) requesting the acquisition of Parcel A in the Salt Lake area for recreational purposes was jointly offered by Representatives Garcia, Kawakami, Naito, Sakima, Takamine, Uechi and Wakatsuki.

A resolution (H.R. No. 408) requesting the Department of Transportation to expedite the replacement of bridges and culverts along the Hana Highway was offered by Representative Machida.

A resolution (H.R. No. 409) requesting the Department of Education to study appropriate methods of servicing children with dyslexia was offered by Representative Evans.

A concurrent resolution (H.C.R. No. 71) requesting the Department of Transportation to expedite the replacement of bridges and culverts along the Hana Highway was offered by Representative Machida.

At this time, the Chair, with the Chairman consenting, re-referred House Resolution No. 399, requesting the Governor to proclaim the week of March 14-20 as "Save Our Wetlands" Week, back to the floor to lay on the Clerk's desk for action at this time.

On motion by Representative Lum, seconded by Representative Clarke and carried, H.R. No. 399 was adopted.

At 12:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:36 o'clock p.m., Representative Evans introduced Mr. and Mrs. Harold Spencer from

Oakland, Iowa, to the members of the House.

THIRD READING

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

H.B. No. 2284-76

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2284-76, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER", passed Third Reading by a vote of 51 ayes.

At 12:36 o'clock p.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

H.B. No. 2068-76, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2068-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Third Reading by a vote of 51 ayes.

H.B. No. 3239-76, HD 1

Representative Roehrig moved that action on H.B. No. 3239-76 be deferred until tomorrow, March 16, 1976, and the Chair, noting that there were no objections, so ordered.

H.B. No. 2131-76, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2131-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLES LEFT UNATTENDED ON PRIVATE PROPERTY", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ikeda voting no.

H.B. No. 500

Representative Roehrig moved that H.B. No. 500, having been read throughout, pass Third Reading, seconded by Representative Garcia.

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

"I would like to know if somebody could inform me as to whether this is the bill to allow a 'mahu' to be hired by a State or County agency."

There was no response and the Chair stated: "No response. Representative Kimura?"

Representative Lum then asked:

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

Representative Roehrig replied: "Mr. Speaker, I will yield to a question."

Representative Lum then stated:

"I am trying to . . . last night at a late hour, we tried to discuss this particular measure and I am trying to find out if this is the bill that will allow a person who is a 'mahu' to be hired by the Police Department?"

Representative Roehrig replied:

"Mr. Speaker, in answer to the question, first of all, I think that the question is somewhat inflammatory but the Representative is entitled to ask it in that fashion. I would answer that question this way. This bill seeks to remove any potential discrimination from hiring practices and housing on the basis of sexual orientation. It does not act in an affirmative fashion and mandate that there shall be hiring or that housing shall be made available for a person who may have homosexual tendencies, what have you. It merely removes that potential basis for discrimination."

The Chair then said: "Representative Lum?"

Representative Lum replied: "Mr. Speaker, I would like to ask another question. Does that mean that. . ."

At this point, Representative Garcia asked for a recess and the Chair declared a recess at 12:40 o'clock p.m., subject to the call of the Chair.

Upon reconvening at 12:42 o'clock p.m., Representative Lum rose and stated:

"Mr. Speaker, I believe I have the floor."

The Chair replied:

"You are recognized, Representative Lum."

Representative Lum continued, saying:

"Will the Clerk record a 'no' vote for me, please."

The Chair then stated:

"The Chair has not called for a vote as yet. Any further discussion?"

Representative Kunimura then rose and requested a Roll Call on this measure.

Representative Abercrombie then rose and upon being recognized by the Chair, stated:

"Thank you, Mr. Speaker. I had not intended to but I raised a couple of points in caucus last night and because of the questioning there, I feel it is necessary to make a short statement on it.

Mr. Speaker, in the history of the United States of America these past 200 years, we have had a constant reference from those who are interested in the political history of the country to the Constitution and its meaning. We have had to fight a civil war, the effects of which have not ended to this time even though it took place over one hundred years ago in order to defend that Constitution. Central to that Constitution is that series of statements and beliefs and principles revolving around the fact that people should be judged on their worth and on their merit in terms of what they can accomplish and contribute to society rather than on such things as their sex, their race, their age, their religion, their color, their ancestry or their political considerations or presumed political considerations attached to those factors.

The sad part of it is that the Constitution, in my opinion, as originally drafted, took care of all those concerns. When we have seen it necessary in the ensuing years, perhaps the most recent example, the one best known to us being the civil rights movement where it was necessary for legislatures and even the Congress itself to pass laws which would specifically spell out those rights in terms of race and sex, age and religion and such so that there would be no mistaking that the Constitution of the United States defended those propositions of freedom, of due process under law, of equal treatment

under the law.

It was argued when the civil rights movement was under way that there was no such need, that the Constitution already adequately took care of these things, but the sad fact of our social economic life has been that redress of grievance in legislative halls of the nation and the states was necessary in order to insure these things.

I think that this particular situation involving sexual orientation is but another necessary step in the continuing spelling out for our posterity of those principles that this country is supposed to stand for, and on that basis, I believe it is necessary to pass this bill.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 500, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION", having been read throughout, passed Third Reading by a roll call vote of 44 ayes to 7 noes, with Representatives Ajifu, Cobb, Kawakami, Kunimura, Lum, Uechi and Yamada voting no.

H.B. No. 2165-76, HD 1

On motion by Representative Kawakami, seconded by Representative Ho, H.B. No. 2165-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

H.B. No. 2168-76, HD 1

Representative Kawakami moved that H.B. No. 2168-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Ho.

Representative Sutton then rose and upon being recognized by the Chair, stated:

"Mr. Speaker, there are quite a few in this room that were with me in the Constitutional Convention. . ."

At this point, Representative Kimura rose, stating:

"Point of order, Mr. Speaker, is he for or against the bill?"

The Chair asked:

"Representative Sutton?"

Representative Sutton continued, saying:

"I am against the bill.

Mr. Speaker, there are quite a few in this room who served with me in the Constitutional Convention of 1968 and 1969. At that time, we incorporated the Hawaiian Homes Act into and made it a part of our Constitution. I am opposed to any change in the amendment that would in any way, shape or manner, alter the Hawaiian Homes Act. We are approaching, Mr. Speaker, the birthday of our own Prince Kuhio and I think it is highly inappropriate that we try any amendment that would alter or in any way, shape or manner, the rights and duties under the law that was passed in the Congress of the United States by our own Prince Kuhio.

Now, Mr. Speaker, we have administrative rulings and regulations that can be made by the Department Head, Mrs. Billie Beamer, and they can accomplish these various missions that are hereby set out. But I do not subscribe to any change in the Hawaiian Homes Act. Period.

Thank you, Mr. Speaker."

Representative Kunimura then rose and asked:

"Will the Republican member from the 15th district yield to a question, Mr. Speaker?"

The Chair asked: "Mr. Sutton, will you yield?"

Representative Sutton replied:

"Yes, I am glad I am asked to yield on this particular subject because the previous subject I was not an expert on."

The Chair then said:

"Meaning that you are not an expert on this also."

Representative Kunimura then asked:

"Mr. Speaker, I would appreciate it if you would ask the Republican member from the 15th district if he is against any amendment regardless of the benefit to the Hawaiians or not?"

Representative Sutton answered:

"Mr. Speaker, the gentleman from Kauai is doing what we call in law school, 'begging the question', and you as an attorney that used to work with me on criminal law know that. . ."

Representative Kunimura then stated:

"Point of order, Mr. Speaker, I would request a straight answer for a straight question."

Representative Sutton replied:

"Mr. Speaker, he was assuming something not in evidence."

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

"That question isn't germane to the subject matter at hand. Ask a proper question."

The Chair replied:

"The question is proper, Representative Poepoe."

Representative Kunimura stated:

"The question is proper because he is against the amendment. I would like to know if he is against the amendment that would improve the Hawaiian Homes Commission Act or not."

Representative Sutton answered:

"Mr. Speaker, I will now answer it because he has stricken that part about whether it is and he assumes for the benefit of the Hawaiian people. Naturally, I am anything. . . I am for anything for the benefit of the Hawaiian people but I do not think it is for the benefit of the Hawaiian people to alter, amend, change, or in any way, shape or manner, to make a change in an Act that needs supplementation by the Congress of the United States that we cannot possibly change here except that it is approved by the Congress of the United States because inherent in the Hawaiian Homes Act is the approval of the Congress of the United States."

Representative Kunimura then stated:

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

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

"I have suspected for a long time, Mr. Speaker, that we shouldn't follow

all the advice of all the attorneys, that we should follow some of the advices from some of the attorneys. And certainly, Mr. Speaker, the previous. . . I mean the person from the Fifteenth District is trying to becloud the issue. This is part of the Hawaiian Homes Commission Act that allows the Legislature to amend and, Mr. Speaker, this is a crime of the Hawaiian people in the Hawaiian Homes Commission for many years that they would like to have the right to determine their own destiny without the Department of Land and Natural Resources cutting in and doing what the Hawaiians do for themselves."

The motion was put by the Chair and carried, and H.B. No. 2168-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

H.B. No. 2827-76, HD 1

On motion by Representative Kawakami, seconded by Representative Ho and carried, H.B. No. 2827-76 was recommitted to the Committee on Water, Land Use, Development, and Hawaiian Homes.

H.B. No. 3105-76, HD 1

On motion by Representative Segawa, seconded by Representative Naito, H.B. No. 3105-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RETENTION OF MEDICAL RECORDS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2319-76, HD 1

Representative Yamada moved that H.B. No. 2319-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Hakoda, at this time, rose, stating:

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

Mr. Speaker, I would like to speak in favor of House Bill 2319-76, House Draft 1. This bill will require the Public Utilities Commission to hold a public hearing prior to approving the installation of above-ground high voltage electric transmission line in a residential area. The installation

of such a transmission line may have an impact on the environment of the area through which it passes.

Thus, I strongly believe that a public hearing is necessary in order that the affected community may express their concerns and their recommendations. Therefore, I urge all members of this honorable body to vote 'aye' on House Bill 2319-76, House Draft 1.

Thank you, Mr. Speaker."

Representative Abercrombie was recognized by the Chair and he stated:

"Thank you, Mr. Speaker.

Mr. Speaker, while I am not speaking for Representative Ushijima, I am sure, on his behalf, I can say that I am in full agreement with Representative Hakoda. The people in Manoa Valley, especially, will benefit from this bill and I might say in addition that the exact situation that took place in Palolo Valley is also threatening Manoa Valley.

For that reason, I urge that this bill be passed."

The motion was put by the Chair and carried, and H.B. No. 2319-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH-VOLTAGE POWER TRANSMISSION LINES", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 3213-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 3213-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL BOXING CORPORATIONS", passed Third Reading by a vote of 51 ayes.

H.B. No. 2074-76, HD 1

Representative Yamada moved that H.B. No. 2074-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Naito then rose, stating:

"Mr. Speaker, I rise to speak in favor of House Bill 2074-76, House Draft 1.

The purpose of this bill is to require all health care insurance policies providing maternity benefits to include

coverage of pregnancy complications.

At present, complications of pregnancy which require specific laboratory or X-ray procedures during the pre-natal period are not covered by some Hawaii insurers. This means that either the individual must pay for these necessary tests--some of which may be expensive--or elect not to have them because of the cost, regardless of how necessary they may be.

Doctors testifying at the committee hearing detailed the ill effects that are currently taking place due to the financial constraints of their patients who choose not to utilize recommended procedures such as fetal monitoring when such fetal monitoring seems to be indicated. These ill effects range all the way from the death of the mother, of the fetus, or the birth of a retarded child.

This bill represents an all out effort to remove the remaining barriers that might discourage or prevent pregnant women from receiving optimum care for the sake of their health and that of their unborn child.

The sick fetus after birth is covered by insurance, but the sick fetus in the uterus is not. By utilizing their new knowledge and tests, physicians believe the high cost of intensive care for the sick newborn as well as the high cost of care for the handicapped newborn that may require institutional care all its life will be greatly alleviated.

In addition, H.M.S.A. agrees with the bill, as amended, and will add the requested coverage if the bill becomes law.

Therefore, I strongly urge my colleagues to vote in favor of this bill."

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

"Mr. Speaker, the excellent statement made by my colleague on this Committee should only be supplemented by one bit of testimony.

I am for this bill, Mr. Speaker, because of the excellent testimony given by Dr. Sharon Bintliff. She is a modern 'Joan of Arc' of modern medicine and she came before us and gave the statistics and they were appalling because people cannot

afford to have the proper fetal monitoring, have a proposition where you lose both mother and the child or you have a child born that is defective.

During this testimony, she gave us statistics that showed us the need for this type of insurance--the HMSA, the Kaiser Plan and the others came in--and showed a great deal of tolerance of this point of view.

I am very happy indeed to have been a sponsor of this legislation and wish to vote in favor and have all my colleagues do so."

The motion was put by the Chair and carried, and H.B. No. 2074-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 3096-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 3096-76, 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. 2892-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2892-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES", passed Third Reading by a vote of 51 ayes.

H.B. No. 2563-76, HD 1

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 2563-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REIMBURSEMENT OF ASSESSMENTS MADE IN THE PANAWEA FARM AND HOUSE LOTS SUBDIVISION", passed Third Reading by a vote of 51 ayes.

H.B. No. 2880-76

Representative Blair moved that H.B. No. 2880-76, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"Mr. Speaker, according to Rule

30.2, it states 'when a bill is being amended in the existing section of the Hawaii Revised Statutes, it shall set forth the sections or subsection in full' and the Ramseyer method apply.

I believe that this bill does not meet that requirement, Mr. Speaker."

At 1:01 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:11 o'clock p.m., the Chair stated:

"I believe, Representative Ajifu, you had the floor."

Representative Ajifu then stated:

"Yes, Mr. Speaker, I just wanted to get clarification on it. I know the rules provide for exceptions and where the exception is made, the statement must be clearly identified and understood and in my opinion, this was not so. I am willing to accept an exception, Mr. Speaker, if there is a ruling by you as Speaker."

The Chair stated:

"After reviewing the particular bill, the Chair finds that the question raised by Representative Ajifu is not a very significant one and therefore the Chair makes an exception to this particular rule and asks the House to vote on this particular measure."

The motion was put by the Chair and H.B. No. 2880-76, entitled: "A BILL FOR AN ACT RELATING TO THE STATE ENVIRONMENTAL POLICY", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2284-76 had passed Third Reading at 12:36 o'clock p.m.; H.B. No. 2068-76 at 12:38 o'clock p.m.; H.B. No. 2131-76 at 12:39 o'clock p.m.; H.B. Nos. 500, 2165-76 at 12:47 o'clock p.m.; H.B. No. 2168-76 at 12:52 o'clock p.m.; H.B. No. 3105-76 at 12:53 o'clock p.m.; H.B. Nos. 2319-76 and 3213-76 at 12:55 o'clock p.m.; H.B. Nos. 2074-76 and 3096-76 at 12:59 o'clock p.m.; H.B. Nos. 2892-76 and 2563-76 at 1:00 o'clock p.m. and H.B. No. 2880-76 at 1:12 o'clock p.m.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

H.B. No. 2812-76 on Third Reading:

On motion by Representative Lee, seconded by Representative Takamine and carried, H.B. No. 2812-76 was recommitted to the Committee on Labor and Public Employment.

At 1:13 o'clock p.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:19 o'clock p.m.

At 1:21 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 4:30 o'clock p.m. this afternoon.

AFTERNOON SESSION

The House of Representatives reconvened at 4:52 o'clock p.m.

The Chair then stated:

"The House will be reconvening at 10:30 o'clock p.m. this evening. In the meantime, the Clerk will receive all of the bills made available to him, deck the time thereof, and at 10:30, we will pass all those bills that require passage on Second Reading.

Also, I believe a public caucus for the Third Reading bills for tomorrow will be held at 11:00 o'clock this evening."

At 4:55 o'clock p.m., on motion by Representative Kimura, seconded by Representative Garcia and carried, the House of Representatives stood in recess until 10:30 o'clock tonight.

NIGHT SESSION

The House of Representatives reconvened at 10:42 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 446-76) recommending

that H.B. No. 3011-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 3011-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE COUNCIL OF HOUSING AND CONSTRUCTION INDUSTRY", passed Second Reading and was referred to the Committee on Finance.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 447-76) recommending that H.B. No. 3138-76, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 3138-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 448-76) recommending that H.B. No. 3052-76, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3052-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS FEES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 3052-76, HD 1, were made available to the members of the House at 4:45 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 449-76) recommending that H.B. No. 2809-76, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 450-76) recommending that H.B. No. 2910-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 451-76) recommending that H.B. No. 3109-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 452-76) recommending that H.B. No. 2999-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 453-76) recommending that H.B. No. 2170-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 454-76) recommending that H.B. No. 2427-76, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 455-76) recommending that H.B. No. 3133-76, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 456-76) recommending that H.B. No. 3230-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 457-76) recommending that H.B. No. 2001-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 458-76) recommending that H.B. No. 2598-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 459-76) recommending that H.B. No. 2978-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 460-76) recommending that H.B. No. 2976-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 461-76) recommending that H.B. No. 2070-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented

a report (Stand. Com. Rep. No. 462-76) recommending that H.B. No. 2626-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 463-76) recommending that H.B. No. 2006-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 464-76) recommending that H.B. No. 2335-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 465-76) recommending that H.B. No. 3261-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 466-76) recommending that H.B. No. 2633-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 467-76) recommending that H.B. No. 2960-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 468-76) recommending that H.B. No. 3171-76, as amended in HD 2, pass Third Reading.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 469-76) recommending that H.B. No. 2149-76, as amended in HD 1, pass Third Reading.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 470-76) recommending that H.B. No. 2812-76, HD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 449-76 on H.B. No. 2809-76, HD 1; 450-76 on H.B. No. 2910-76; 451-76 on H.B. No. 3109-76; 452-76 on H.B. No. 2999-76; 453-76 on H.B. No. 2170-76; 454-76 on H.B. No. 2427-76, HD 1; 455-76 on H.B. No. 3133-76, HD 1; 456-76 on H.B. No. 3230-76, HD 2; 457-76 on H.B. No.

2001-76, HD 2; 458-76 on H.B. No. 2598-76, HD 2; 459-76 on H.B. No. 2978-76, HD 2; 460-76 on H.B. No. 2976-76, HD 2; 461-76 on H.B. No. 2070-76, HD 2; 462-76 on H.B. No. 2626-76, HD 2; 463-76 on H.B. No. 2006-76, HD 2; 464-76 on H.B. No. 2335-76, HD 2; 465-76 on H.B. No. 3261-76, HD 2; 466-76 on H.B. No. 2633-76; 467-76 on H.B. No. 2960-76; 468-76 on H.B. No. 3171-76, HD 2; 469-76 on H.B. No. 2149-76, HD 1, and 470-76 on H.B. No. 2812-76, HD 1, was deferred until tomorrow, March 16, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2809-76, HD 1; H.B. No. 2910-76; H.B. No. 3109-76; H.B. No. 2999-76; H.B. No. 2170-76; H.B. No. 2427-76, HD 1; H.B. No. 3133-76, HD 1; H.B. No. 3230-76, HD 2; H.B. No. 2001-76, HD 2; H.B. No. 2598-76, HD 2; H.B. No. 2978-76, HD 2; H.B. No. 2976-76, HD 2; H.B. No. 2070-76, HD 2; H.B. No. 2626-76, HD 2; H.B. No. 2006-76, HD 2; H.B. No. 2335-76, HD 2; H.B. No. 3261-76, HD 2; H.B. No. 2633-76; H.B. No. 2960-76; H.B. No. 3171-76, HD 2; H.B. No. 2149-76, HD 1; and H.B. No. 2812-76, HD 1, were made available to the members of the House at 4: 45 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 471-76) recommending that H.B. No. 2439-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 472-76) recommending that H.B. No. 3162-76, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 473-76) recommending that H.B. No. 3290-76 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 474-76) recommending that H.B. No. 3255-76, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 475-76) recommending that H.B. No. 2342-76 pass Third Reading.

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 476-76) recommending that H.B. No. 2359-76, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 477-76) recommending that H.B. No. 1247, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 478-76) recommending that H.B. No. 2302-76, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 479-76) recommending that H.B. No. 2375-76, HD 1, pass Third Reading.

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 480-76) recommending that H.B. No. 2632-76, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 471-76 on H.B. No. 2439-76; 472-76 on H.B. No. 3162-76, HD 1; 473-76 on H.B. No. 3290-76; 474-76 on H.B. No. 3255-76, HD 2; 475-76 on H.B. No. 2342-76; 476-76 on H.B. No. 2359-76, HD 1; 477-76 on H.B. No. 1247, HD 1; 478-76 on H.B. No. 2302-76, HD 1; 479-76 on H.B. No. 2375-76, HD 1; and 480-76 on H.B. No. 2632-76, HD 2 was deferred until tomorrow, March 16, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2439-76; H.B. No. 3162-76, HD 1; H.B. No. 3290-76; H.B. No. 3255-76, HD 2; H.B. No. 2342-76; H.B. No. 2359-76, HD 1; H.B. No. 1247, HD 1; H.B. No. 2302-76, HD 1; H.B. No. 2375-76, HD 1; and H.B. No. 2632-76, HD 2, were made available to the members of the House at 8:40 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 481-76) recommending that H.B. No. 683, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 683,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representatives Takamura, Stanley and Segawa, for the Committees on Youth and Elderly Affairs, Public Assistance and Human Services and Health, presented a report (Stand. Com. Rep. No. 482-76) recommending that H.B. No. 3013-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamura, seconded by Representative Kunimura and carried, the report of the Committees was adopted and H.B. No. 3013-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT FAMILY BOARDING HOMES AND CARE HOMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 483-76) recommending that H.B. No. 3242-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the majority of the Committee was adopted and H.B. No. 3242-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 484-76) recommending that H.B. No. 2249-76 pass Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, Stand. Com. Rep. No. 484-76 and H.B. No. 2249-76 were recommitted to the Committee on Judiciary inasmuch as a Senate Bill relating to the same subject matter had come over.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 485-76) recommending that H.B. No. 2185-76 pass Second Reading

and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2185-76, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION OF DEFENDANTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 486-76) recommending that H.B. No. 2188-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2188-76, entitled: "A BILL FOR AN ACT RELATING TO ASSAULT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 487-76) recommending that H.B. No. 3040-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 3040-76, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL CONTEMPT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 488-76) recommending that H.B. No. 2160-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2160-76, entitled: "A BILL FOR AN ACT RELATING TO STADIUMS AND AMENDING CHAPTER 109, HAWAII REVISED STATUTES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 489-76) recommending that H.B. No. 2235-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2235-76, entitled: "A BILL FOR AN ACT RELATING TO PRISON CONTRABAND", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 490-76) recommending that H.B. No. 2151-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2151-76, entitled: "A BILL FOR AN ACT RELATING TO THE EXPUNGEMENT OF ARREST RECORDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 491-76) recommending that H.B. No. 2234-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2234-76, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 492-76) recommending that H.B. No. 3196-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the majority

of the Committee was adopted and H.B. No. 3196-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF FIREARMS IN CERTAIN OFFENSES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 493-76) recommending that H.B. No. 2706-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2706-76, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 494-76) recommending that H.B. No. 3111-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 3111-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 495-76) recommending that H.B. No. 3100-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 3100-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report

(Stand. Com. Rep. No. 496-76) recommending that H.B. No. 2554-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2554-76, entitled: "A BILL FOR AN ACT RELATING TO CLASSES OF INSURANCE COVERAGE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 497-76) recommending that H.B. No. 2256-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2256-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 498-76) recommending that H.B. No. 2128-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2128-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER SALES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 499-76) recommending that H.B. No. 1810, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 1810,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREFERENCES FOR HAWAII SERVICES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 500-76) recommending that H.B. No. 2678-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2678-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 501-76) recommending that H.B. No. 2984-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2984-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Agriculture, presented a report (Stand. Com. Rep. No. 502-76) recommending that H.B. No. 3262-76, 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 Ushijima and carried, the report of the Committees was adopted and H.B. No. 3262-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

At 10:50 o'clock p.m., on request by Representative Kunimura, the

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

The House of Representatives reconvened at 10:53 o'clock p.m.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 503-76) recommending that H.B. No. 2744-76, 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 Cayetano and carried, the report of the Committee was adopted and H.B. No. 2744-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Shito, for the majority of the Committee on Housing, presented a report (Stand. Com. Rep. No. 504-76) recommending that H.B. No. 3088-76, 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 Cayetano and carried, the report of the majority of the Committee was adopted and H.B. No. 3088-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL REAL PROPERTY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 505-76) recommending that H.B. No. 3208-76, 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 Cayetano and carried, the report of the Committee was adopted and H.B. No. 3208-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 506-76) recommending that H.B. No. 2947-76, 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 Cayetano and carried, the report of the Committee was adopted and H.B. No. 2947-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 16, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 683, HD 1; H.B. No. 3013-76, HD 1; H.B. No. 3242-76, HD 1; H.B. No. 2185-76; 2188-76; H.B. No. 3040-76; H.B. No. 2160-76; H.B. No. 2235-76; H.B. No. 2151-76; H.B. No. 2234-76; H.B. No. 3196-76; H.B. No. 2706-76; H.B. No. 3111-76, HD 1; H.B. No. 3100-76, HD 1; H.B. No. 2554-76; H.B. No. 2256-76, HD 1; H.B. No. 2128-76, HD 1; H.B. No. 1810, HD 1; H.B. No. 2678-76, HD 1; H.B. No. 2984-76, HD 1; H.B. No. 3262-76, HD 1; H.B. No. 2744-76, HD 1; H.B. No. 3088-76, HD 1; H.B. No. 3208-76, HD 1; and H.B. No. 2947-76, HD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 507-76) recommending that H.B. No. 2596-76, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 507-76 on H.B. No. 2596-76, HD 2, was deferred until tomorrow, March 16, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2596-76, HD 2, were made available to the members of the House at 8:40 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 508-76) recommending that H.B. No. 3070-76, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 508-76 on H.B. No. 3070-76, HD 1, was deferred until tomorrow, March 16, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3070-76, HD 1, were made available to the members of the House at 8:40 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No.

509-76) recommending that H.B. No. 2998-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 509-76 on H.B. No. 2998-76 was deferred until tomorrow, March 16, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2998-76 were made available to the members of the House at 8:40 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 510-76) recommending that H.B. No. 2300-76, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 510-76 on H.B. No. 2300-76, HD 2, was deferred until tomorrow, March 16, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2300-76, HD 2, were made available to the members of the House at 8:40 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 511-76) recommending that H.B. No. 3458-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 511-76 on H.B. No. 3458-76, HD 1, was deferred until tomorrow, March 16, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3458-76, HD 1, were made available to the members of the House at 8:40 o'clock p.m.

At 10:55 o'clock p.m., on request by Representative Kimura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:59 o'clock p.m.

At 11:00 o'clock p.m., on request by Representative Poepoe, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:01 o'clock p.m.

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

"Is today March the 15th?"

The Chair answered:

"That is correct."

Representative Kunimura then stated:

"Is today . . . does today have a significance in literature--Julius Caesar I think it was--the Ides of March? Is it?"

The Chair replied:

"May I refer that question . . . Representative Sutton?"

Representative Sutton then stated:

"If he had read his William Shakespeare and had read Julius Caesar, the query would not have aroused him. He would have known immediately that he was correct. I just hate to see this self-doubt occurring. William Shakespeare has a volume right over here in the public library. . ."

Representative Kunimura interrupted:

"Mr. Speaker, he has answered my query and now, Mr. Speaker,

may I make a very serious announcement?"

The Chair said: "Proceed."

Representative Kunimura went on to say: "BEWARE, THE IDES OF MARCH!"

At this time, Representative Sutton was permitted to make a late introduction and he introduced to the members of the House, a former colleague, Senator Anson Chong, who was seated in the gallery.

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

"May I request the Speaker to check with the House Attorney if we are covered under the Fair Labor Standards Act?"

ADJOURNMENT

At 11:05 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Tuesday, March 16, 1976.

THIRTY-NINTH DAY

Tuesday, March 16, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Rubin Creel of the Trinity Missionary Baptist Church, after which the Roll was called showing all members present with the exception of Representatives Amaral, Blair, Hakoda, Inaba, Kamalii, Kondo, Kunimura, Lum, Mizuguchi, Suwa and Yamada, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 74 to 84) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 74) transmitting Senate Concurrent Resolution No. 37, SD 1, supporting the efforts of the Kaneohe Outdoor Circle in sponsoring the implementation of the "Kaneohe Bay Park" concept, now a part of the 1976 American Revolution Bicentennial Observance in the State of Hawaii which was adopted by the Senate on March 15, 1976, was placed on file.

By unanimous consent, action on S.C.R. No. 37, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 75) transmitting Senate Bill No. 1512, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MARKETING ORDER REVOLVING FUND", which passed Third Reading in the Senate of March 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 76) transmitting Senate Bill No. 1794-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", which passed

Third Reading in the Senate on March 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 77) transmitting Senate Bill No. 1801-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", which passed Third Reading in the Senate on March 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 78) transmitting Senate Bill No. 1805-76, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS", which passed Third Reading in the Senate on March 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 79) transmitting Senate Bill No. 1809-76, entitled: "A BILL FOR AN ACT RELATING TO AGENTS OF PRIVATE SCHOOLS AND CORRESPONDENCE SCHOOLS", which passed Third Reading in the Senate on March 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 80) transmitting Senate Bill No. 1849-76, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXES", which passed Third Reading in the Senate on March 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 81) transmitting Senate Bill No. 1850-76, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", which passed Third Reading in the Senate on March 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 82) transmitting Senate Bill No. 1859-76, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION OF THE CAMPUS CENTER SPECIAL FUND, UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 83) transmitting Senate Bill No. 2333-76, entitled: "A BILL FOR AN ACT RELATING TO REVOLVING FUNDS FOR CORRECTIONAL FACILITY STORES", which passed Third Reading in the Senate

on March 15, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 84) transmitting Senate Bill No. 2643-76, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", which passed Third Reading in the Senate on March 15, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.B. Nos. 1512, SD 1; 1794-76, SD 1; 1801-76, SD 1; 1805-76; 1809-76; 1849-76; 1850-76; 1859-76; 2333-76; and 2643-76 passed First Reading by title and further action was deferred until later in the calendar.

The following introductions were made to the members of the House:

Representative Kiyabu introduced 44 second and third graders from Waikiki Elementary School who were accompanied by their teachers, Mrs. Irene Fujii and Mrs. Eunice Higashi, and chaperones, Mrs. May Kama, Ms. Viola Kama, Mrs. Irmel Boyle, Mrs. Jean Viela, Mrs. Gerry Baker and Mrs. Jennie Borge.

Representative Kimura introduced 75 sixth and seventh grade students from Sacred Hearts Convent. They were accompanied by Sister Myra, Sister Lucille and Ms. Marion Moore.

Representative Fong introduced 75 eighth and ninth grade students from Robert Louis Stevenson Intermediate School. They were accompanied by their teachers, Mrs. Akutagawa, Mrs. Ching and Mr. Okimoto.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
1512	Committee on Agriculture, then to the Committee on Finance
1794-76	Committee on Judiciary, then to the Committee on Finance
1801-76	Committee on Judiciary, then to the Committee on

Finance

1805-76	Committee on Finance
1809-76	Committee on Education, then to the Committee on Finance
1849-76	Committee on Finance
1850-76	Committee on Finance
1859-76	Committee on Higher Education, then to the Committee on Finance
2333-76	Committee on Judiciary, then to the Committee on Finance
2643-76	Committee on Labor and Public Employment, then to the Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 407 to 409) and concurrent resolutions (H.C.R. No. 71 and S.C.R. No. 37) were disposed of as follows:

<u>H.R. No.</u>	<u>Referred to:</u>
407	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Finance
408	Committee on Energy and Transportation
409	Committee on Education

H.C.R. No.

71	Committee on Energy and Transportation
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S.C.R. No.

37	Committee on Water, Land Use, Development, and Hawaiian Homes, then to the Committee on Culture and the Arts
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COMMITTEE REASSIGNMENT

The following were re-referred as follows:

<u>H.R. No.</u>	<u>Re-referred to:</u>
392	Jointly to the Committees on Agriculture and Water,

Land Use, Development,
and Hawaiian Homes

H.C.R. No.

66 Jointly to the Committees
on Agriculture and Water,
Land Use, Development,
and Hawaiian Homes

SUSPENSION OF RULES

On motion by Representative Kimura,
seconded by Representative Ajifu
and carried, the rules were suspended
for the purpose of permitting members
to offer resolutions.

INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 410) extend-
ing warmest Aloha and Best Wishes
to "Project Hawaii" visitors was
jointly offered by Representatives
Poepoe, Abercrombie, Ajifu, Akizaki,
Amaral, Blair, Carroll, Cayetano,
Clarke, Cobb, Evans, Fong, Hakoda,
Ho, Ikeda, Inaba, Kamalii, Kihano,
Kimura, Kiyabu, Kondo, Kunimura,
Larsen, Lee, Lum, Machida, Medeiros,
Mizuguchi, Morioka, Naito, Oda,
Peters, Sakima, Sutton, Suwa,
Takamura, Yamada, Yap, Yuen
and Wakatsuki and was read by
the Clerk.

On motion by Representative Poepoe,
seconded by Representative Clarke
and carried, H.R. No. 410 was
adopted.

Representative Poepoe then rose
and stated:

"Mr. Speaker, the members of
the 'Project Hawaii' was headed
by their coordinator, Gary McPherson.
It really started with a dream to
come to Hawaii, and, for a person
in their position, this is a rather
difficult undertaking. I think that
it shows that when you put your
mind and heart to achieving an objective,
you will achieve the objective.

Gary will you say 'Hello' to the
members of the House.

Accompanying him is Edna Humphries
who has been in a wheelchair since
age 9 and Mr. Clayton May. They
flew out from Canada with several
attendants from the hospital.

With us this morning is Terry
Fadden, Ron Fortin, Dixie Anton.

They are accompanied by Keith
Lewin the President of Kiwanis of
Kaneohe; Frank Belding, Lt. Governor
of Division 22 of the Kiwanis, Jack
Kaneshiro and Joe Utrera."

At this time, Representative Clarke
presented the honorees with certified
copies of the resolution.

At 11:50 o'clock a.m., the Chair
declared a recess, subject to the
call of the Chair, for meeting the
honored guests.

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

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 381-76
on H.B. No. 1441, HD 2 (Deferred
from March 15, 1976):

Representative Kawakami moved
that the report of the Committee
be adopted and that H.B. No. 1441,
HD 2, having been read throughout,
pass Third Reading, seconded by
Representative Ho.

Representative Kawakami then
offered the following amendment:

"Section 1 of H.B. 1441, H.D. 2
is amended to read as follows:

'SECTION 1. Part I of Chapter
191, Hawaii Revised Statutes, is
amended by adding a new section
to be appropriately designated and
to read as follows:

Sec. 191- Night hunting on
private lands; prohibition. (a)
It shall be unlawful for any person
to hunt, pursue, capture, take,
injure, kill or possess any game
bird, game mammal, or wild bird
at night on privately owned lands.
For the purpose of this section,
'night' means the period between
one-half hour after sunset and one-
half hour before sunrise. Violation
of this section is a misdemeanor.

(b) Any hunting gear or other
equipment including any motor vehicles

used or possessed in violation of this section shall be subject to the seizure and forfeiture provisions of section 187-16."

Representative Kawakami moved that the amendment be adopted, seconded by Representative Ho.

At 11:56 o'clock a.m., upon the request of Representative Ajifu, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:59 o'clock a.m.

Representative Kawakami, upon being recognized, stated:

"Mr. Speaker, I would like to explain the amendment, please.

In H.D. 3, we have deleted public lands, or publicly managed game management areas. Upon making an inquiry to the Division of Fish and Game, they told us that through rules and regulations, night hunting is adequately covered in the public management areas.

We have also amended the bill on the violation section - from a Class C felony to a misdemeanor, and deleted any reference to D.L.N.R., as far as special permits as to night hunting."

Representative Carroll then rose and asked:

"Mr. Speaker, will the Chairman yield to a question?"

Representative Kawakami replied:

"I will, Mr. Speaker."

Representative Carroll then asked:

"Mr. Speaker, the question is, can an owner of a small property in the Mt. View area of Kohala, where they have pigs coming in at night, do anything to stop these pigs from destroying his crops or his property if this amendment should become law?"

Representative Kawakami answered:

"The answer is 'yes', Mr. Speaker. And, as an added comment, Mr. Speaker, the large ranchers on Molokai and on the Big Island are the proponents of this bill. They have a great deal of poachers that have been entering private property at night and taking wild game as

well as domesticated mammals, specifically cattle; and upon their request, we have introduced this bill, and it has taken us two years to get it to where it is today. I hope all the members will vote for this bill."

Representative Carroll then asked:

"What can they do? Mr. Speaker, that was the first part of my question - was answered 'yes' they can do something. My question is what can they do?"

Representative Kawakami stated:

"I'm sorry, I made an error. No, they cannot hunt at night."

Representative Carroll then stated:

"Okay, Mr. Speaker, I'd like to speak against the amendment.

This amendment and this bill, should they become law, will make a tremendous inroad into the rights of the individual landowners of whom we have a number - particularly on the islands of Hawaii, Maui and Kauai. I know of an instance where the only time that pigs, in particular, come down to the properties is at night, and that is the time when many of these people do engage in a certain amount of pest control.

If this amendment should become law, this would mean that a farmer would have to sit and watch his emblems being torn up by the damage caused by these animals. I think that to allow this kind of an inroad into private privilege to protect one's own property is almost enough to shock the conscience. And, on that basis, I ask everyone to vote against this amendment."

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

"What this amendment does is strictly limit the night hunting provisions, by statute, to provide properties not presently covered.

The Fish and Game have a regulation governing public hunting areas and is basically the same as what we're passing now. But more important, to answer some of the questions mentioned by my colleague from Waikiki, if you have been pursuing game as I have, wild pigs can easily be trapped at night and that is not hunting.

Thank you, Mr. Speaker."

Representative Carroll then rose

and stated:

"Mr. Speaker, I think it would be well if we look at the language of this particular amendment. It says, 'it shall be unlawful for any person to hunt, pursue, capture, take, injure, kill or possess'. And, we're talking about injuring animals, at least to run them off the property, and in many cases killing them from coming back. Thank you, Mr. Speaker."

Representative Sutton then rose and asked for a ruling on a conflict of interest, stating:

"I have a 10,000 acre parcel on the Island of Hawaii which has two hunting preserves."

The Chair replied:

"Well, it all depends on whether you are the hunter or the hunted. No conflict."

Representative Abercrombie then rose and stated:

"Mr. Speaker, the correct term is 'huntee' and 'hunter'."

Representative Kimura, upon being recognized, stated:

"For a while, Mr. Speaker, I thought my colleague was talking about his falling in the definition of game mammals."

The motion to adopt the amendment was put by the Chair and carried, with Representatives Carroll and Larsen voting no.

The Clerk then stated:

"Mr. Speaker, may the Journal reflect that copies of the HD 3 were made available to the members as early as 11:30 o'clock a.m.?"

Representative Cobb, on a point of order, stated:

"The bill is not in final form until the amendment is adopted and therefore, the clocking time should be at the time of the adoption of the amendment."

The Clerk then stated:

"If that is the ruling, Mr. Speaker, may the record reflect that copies were made available to the members at 12:05 o'clock p.m. today?"

The Chair stated: "So ordered."

By unanimous consent, consideration of Stand. Com. Rep. No. 381-76 on H.B. No. 1441, HD 3, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1441, HD 3, were made available to the members of the House at 12:05 o'clock p.m.

H.B. No. 3239-76, HD 1:

Representative Roehrig moved that H.B. No. 3239-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then offered the following amendment:

"SECTION 1. House Bill No. 3239-76, H.D. 1, is amended by deleting lines 4 to 7 on page 2 to read:

('Sec. 134- Exemptions. This section shall not apply to any person licensed and engaged in the practice of medicine or any police officer engaged in the performance of his duty as a police officer.')"

Representative Roehrig moved that the amendment be adopted, seconded by Representative Uechi.

Representative Roehrig then explained the amendment as follows:

"Mr. Speaker, the amendment is self explanatory. It excludes the language relating to exemptions for use of this electric gun. On discussion on this matter by members of the House, I think it was fairly raised that there doesn't seem to be any justifiable reason why anybody should use one of these electric guns that actually shoot darts and penetrate the skin. I don't believe that they are presently being used by any practitioners of medicine or police officers and we felt that the exemption exclusion was probably in order."

The motion to adopt the amendment was put by the Chair and carried.

By unanimous consent, consideration of H.B. No. 3239-76, HD 2, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3239-76, HD 2, were made available to the members of the House at 12:07 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 512-76) informing the House that House Resolution Nos. 401 to 409, House Concurrent Resolution Nos. 70 and 71, Standing Committee Report Nos. 446-76 to 511-76 and Standing Committee Report Nos. 513-76 and 514-76, have been printed and distributed.

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

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 513-76) recommending that H.B. No. 2374-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yap, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 2374-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REVISION OF RATES, FARES, AND CHARGES OF PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 2374-76, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 514-76) recommending that H.B. No. 2691-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 514-76 on H.B. No. 2691-76, HD 1, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2691-76, HD 1, 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. 411 to 413) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 411) expressing recognition and appreciation to Jimmy T. Izu, District Superintendent of Schools, Windward District, Oahu, was jointly offered by Representatives Yuen, Ajifu, Akizaki, Blair, Carroll, Clarke, Cobb, Evans, Hakoda, Inaba, Kawakami, Kimura, Kiyabu, Larsen, Lunasco, Machida, Medeiros, Morioka, Oda, Poepoe, Sakima, Segawa Stanley, Sutton, Takamura and Ushijima.

On motion by Representative Yuen, seconded by Representative Cayetano and carried, H.R. No. 411 was adopted.

At 12:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

A resolution (H.R. No. 412) celebrating Public Schools Week April 19 through 23, 1976, and commending the teachers, administrators, and supportive staff of all public schools for their tireless dedication to the education and training of the youth of this State was jointly offered by Representatives Yuen, Ajifu, Akizaki, Blair, Carroll, Cayetano, Cobb, Evans, Hakoda, Inaba, Kawakami, Kimura, Kiyabu, Larsen, Lee, Lunasco, Machida, Medeiros, Morioka, Oda, Poepoe, Sakima, Segawa, Stanley, Sutton, Takamura and Ushijima.

On motion by Representative Yuen, seconded by Representative Sutton and carried, H.R. No. 412 was adopted.

A resolution (H.R. No. 413) commending the music educators on their efforts in the schools was jointly offered by Representatives Yuen, Ajifu, Akizaki, Blair, Carroll, Cayetano, Cobb, Evans, Hakoda, Inaba, Kawakami, Kimura, Kiyabu, Larsen, Lee, Lunasco, Machida, Morioka, Oda, Poepoe, Sakima, Segawa, Stanley, Sutton, Takamura and Ushijima.

On motion by Representative Yuen, seconded by Representative Cayetano and carried, H.R. No. 413 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 414 to 417) and concurrent resolutions (H.C.R. No. 72) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 17, 1976:

A resolution (H.R. No. 414) requesting a study on the relocation of businesses at Sand Island and a deferment of the construction of the Sand Island

Parkway was jointly offered by Representatives Garcia, Sakima and Yap.

A resolution (H.R. No. 415) proclaiming the month of March as Social Worker Month was jointly offered by Representatives Stanley, Takamura, Ajifu, Akizaki, Amaral, Blair, Carroll, Cayetano, Cobb, Evans, Garcia, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kunimura, Lee, Lum, Lunasco, Machida, Mizuguchi, Naito, Peters, Poepoe, Sakima, Santos, Segawa, Shito, Sutton, Takamine, Uechi, Ushijima, Yamada and Yap.

A resolution (H.R. No. 416) requesting the Governor of the State of Hawaii to disestablish the Hawaii Bicentennial International Marine Exposition Commission was jointly offered by Representatives Kawakami, Ajifu, Blair, Cayetano, Fong, Inaba, Kihano, Kimura, Kunimura, Machida, Morioka, Oda, Sakima, Takamura, Yamada, Yap and Yuen.

A resolution (H.R. No. 417) urging increased legibility of medication prescriptions was jointly offered by Representatives Carroll, Ajifu, Fong and Yuen.

A concurrent resolution (H.C.R. No. 72) requesting the Governor of the State of Hawaii to disestablish the Hawaii Bicentennial International Marine Exposition Commission was jointly offered by Representatives Kawakami, Ajifu, Blair, Cayetano, Fong, Inaba, Kihano, Kimura, Kunimura, Machida, Morioka, Oda, Sakima, Takamura, Yamada, Yap and Yuen.

THIRD READING

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

H.B. No. 2989-76, HD 1

Representative Takamura moved that H.B. No. 2989-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Ushijima.

At this time, Representative Takamura rose to speak in favor of the bill, stating:

"The purpose of this bill is to provide for standards for the operation of day and resident camps in order to insure

the safety and well-being of the participating children are protected.

Each year an estimated seven million children attend children and youth camps across the country. The children and their parents generally expect the camping experience to be recreational and educational, as well as healthy and safe.

Yet, every summer some of these camping experiences go sour when a child is injured or killed or becomes seriously ill. The Department of Health, Education, and Welfare reported that in 1973, 25 children died, 1,448 were injured and 1,223 suffered serious illness while attending camp. These figures are minimum, based on what HEW admits are a voluntary and incomplete survey of camps.

Because of these disturbing statistics, HEW was directed to make a full and complete investigation and study of youth camps. The investigation documented the lack of State laws and regulations pertaining to program safety, health and medical regulations. It stated that with few exceptions, State laws relating to camp safety were found to be grossly inadequate and in other States, they were completely nonexistent. It concluded that camping is a unique experience requiring very specialized laws to regulate health and safety standards. Only seven States have comprehensive youth camp safety laws. Because the other 43 States have failed to adopt such laws, legislation is presently pending before the Congress which provides for federal standards for safe operation of these camps, financial and technical assistance to States to encourage them to implement youth camp safety standards, and for federal implementation of youth camp safety standards in States which do not implement such standards.

Hawaii has been fortunate that there have been no headline episodes, but with increased camping by our local population and with mainland private independent camp operators wishing to use Hawaiian camp sites for everything from weight reduction camps to scuba camps, your Committee sees the need to prevent some of the problems which have plagued organizational camping on the mainland.

In order not to create 'red-tape' for every youth group which seeks to operate a camp, the bill exempts

the licensing of any group who camps less than five days during a two-week period.

Finally the legislation we propose here is important for Hawaii to initiate legislation which will fit the needs of this State rather than wait for legislation from Congress.

For these reasons, I urge the members of this House to vote in favor of this bill."

The motion to pass H.B. No. 2989-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH CAMPS", on Third Reading was put by the Chair and carried by a vote of 40 ayes, with Representatives Akizaki, Amaral, Hakoda, Inaba, Kamalii, Kondo, Kunimura, Lum, Mizuguchi, Suwa and Yamada being excused.

H.B. No. 2473-76, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2473-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STAGGERED SYSTEM OF MOTOR VEHICLE REGISTRATION", passed Third Reading by a vote of 40 ayes, with Representatives Akizaki, Amaral, Hakoda, Inaba, Kamalii, Kondo, Kunimura, Lum, Mizuguchi, Suwa and Yamada being excused.

At 12:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:17 o'clock p.m.

H.B. No. 2182-76, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2181-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE", passed Third Reading by a vote of 40 ayes, with Representatives Akizaki, Amaral, Hakoda, Inaba, Kamalii, Kondo, Kunimura, Lum, Mizuguchi, Suwa and Yamada being excused.

H.B. No. 2786-76, HD 1

Representative Roehrig moved that H.B. No. 2786-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative

Uechi.

Representative Roehrig then rose and stated:

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

This is a bill relating to the concept of the delayed acceptance of guilty plea which, as the Speaker probably already realizes, has been a practice of some concern and some uniformity up to the present time in our court system.

At the present time, the courts in the First Circuit are using it to a limited extent. In the neighbor islands, it is being used sparingly in the Third Circuit. In effect, this technique provides that somebody who has been charged with a criminal offense, if he is a first-timer and under certain stringent conditions, he may make a motion to the court within 90 days of the date of arraignment for a delayed acceptance of a plea of guilty, so that if he meets the conditions imposed by the court during the period of deferral, he will have his record of conviction expunged. So that first-timers in situational offenses, accidental situations, will not be burdened with a stigma of having a criminal record for the rest of their life.

The Committee considered long and hard whether or not the prosecutor should have a power to consent or merely to recommend, as regards this kind of a decision-making process in the sentencing, and it was the Committee's feeling, after much discussion, that a recommendation by the prosecutor would be sufficient and the bill reflects that.

The records are to be kept, in the case of misdemeanors, at the police stations, and in the case of felonies, at the Attorney General's office, for very limited purposes. That is the records may be looked to only for purposes of determining in a prior motion for deferred acceptance of a guilty plea whether or not the movant has had a prior 'dag' plea granted.

The Committee also provided that once a plea of guilty has been made by the defendant, it cannot be withdrawn by the defendant unless manifest justice so dictates. It cannot be withdrawn as a matter of course. We felt that there were reasonable bases and a reasonable classification

involved in differentiating this particular provision of this bill from the provisions provided in Section 1255 relating to certain drug offenses where the delayed acceptance of guilty plea may even occur after trial. We felt that because of the nature of the kinds of offenses for which the delayed acceptance of guilty plea motion was going to be made, that if it were to be made within 90 days of the date of arraignment and before trial, that this would be a reasonable classification based on the criteria that was brought to the attention of your Committee, therefore can stand constitutional muster under the equal protection clause.

Mr. Speaker, this is a humane, modern and updated sentencing alternative that will be very helpful in the State of Hawaii that we have codified and I would ask that all members vote in favor of it.

Thank you."

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

"Mr. Speaker, I am in sympathy with the concept of 'dag' pleas, but as you and I know from the work we have done in court, the original decision of the U.S. District Attorney. . ."

Representative Abercrombie, on a point of order, stated:

"Mr. Speaker, over and over again when Representative Sutton rises, he engages in a private conversation with you from which the rest of us are excluded. Do you think that he could address his remarks to the bill instead of to you as colleagues in the legal profession?"

The Chair then stated:

"With that in mind, Representative Sutton, proceed."

Representative Sutton continued, stating:

"Thank you, Mr. Abercrombie.

Mr. Speaker, the initiation of any prosecution is always a decision of the prosecutor. And whether or not he prosecutes, whether he be a U.S. District Attorney or a prosecutor, that decision has by tradition and inherently been his decision.

Now, we go to the next stage and that is this 'dags' plea. In this 'dags' plea, we should have the prosecutor have a veto, because for all intents and purposes, if you do not get his consent then, we are negating his original decision to prosecute.

In the testimony before this Committee, the prosecutor from the Third Circuit from Hilo came down to these hearings and he represented the basic proposition that it was exceedingly unfair to the prosecutor to have a unilateral situation where his consent was not received for a plea of this nature. The concept was then brought out that if the prosecutor is involved in consent, then it becomes plea bargaining.

But, sir, a rose by any other name is still a rose, and no matter how thin we cut a piece of baloney, it's still baloney and there is no way of changing the basic proposition that a 'dags' plea is a type of plea bargaining. By name, 'dags' plea, and therefore, I am against this particular type of pushing the prosecutor out of something that was his original decision, and I urge my colleagues to vote no.

Thank you."

Representative Roehrig then rose and stated:

Mr. Speaker, just to add a few more remarks in favor of it since we're raising the question of baloney this morning, I would state to the members of this body that I have had extensive discussions with not only the prosecutor from the Third Circuit, who is a close friend of mine and who came to Honolulu at the request of the Chairman to testify on this particular subject matter. I've also discussed this, and Committee members have too, very widely, not only with the judges of the State of Hawaii, but with the defense counsel as well and with the members of the Committee who may not be lawyers, and I think that our Committee felt after hearing everybody's input and after some extensive soul-searching of the members themselves in the Committee, that the essence of this particular procedure was that it was in fact a sentencing alternative available to the court on motion of the defendant after the input of the prosecutor, but the decision of whether or not it was granted was to be in the sound discretion of the judge, who ultimately, in our criminal justice system, has the last say. And, to sum it up, Mr. Speaker, I don't know whether or not we are slicing the baloney here

or whether or not we are buttering the bread, but I would suggest to this honorable body that whatever it is, we get along with our business and we're doing a fine job in setting the table for a criminal justice system. Thank you."

Representative Cobb then rose and stated:

"I rise to speak in favor of this measure and in doing so I would like to elaborate on some of the points covered by the Judiciary Chairman as well as some other elements that were factors in our decision-making.

First of all, the prosecutor from the Big Island pointed out that that particular jurisdiction is not using 'dag' pleas at all because of the lack of statutory authority and that they would continue in this case of not doing so until the Legislature specifically provided such statutory authorization. Thus, one of the background reasons, in terms of urgency for this particular measure became more apparent. Secondly, in terms of the comments addressed earlier to the reference of input from the prosecutor, it is my understanding that the Committee, in its report and bill, specified that in a misdemeanor case the input from the prosecutor would be mandatory. In essence, however, Mr. Speaker, it is entirely up to the sound discretion of the court and I think that is one of the reasons why we have courts. And one of the reasons we are in support of this measure is that this is not only an alternate form of pleading, but it will help tremendously in the case of a first time offender to divert them in a critical stage in the criminal justice system. I see it not only as a matter of fairness for defendants and input for prosecutors but also a means of avoiding, as much as possible, repeat offenses, and I would urge all my colleagues to vote in favor."

Representative Sutton, upon being recognized, stated:

"Mr. Speaker, just by way of rebuttal to the two previous speakers, I would like to give a little background of the court system. The Supreme Court made a decision that stated that a lower court was in error in not allowing a 'dags' plea. In other words, the Supreme Court did what is our job. They legislated. Now we, in effect, are codifying a Supreme Court decision and, in effect, we

are saying go ahead and legislate and anything you, the Supreme Court, legislate we will codify. We are the ones to do legislation. We have a separation of powers - the Judiciary, the Legislative and the Executive - and when one infringes on the other, we should in turn fight back and not just equate. Thank you."

The motion to pass H.B. No. 2786-87, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEAS", on Third Reading was put by the Chair and carried by a vote of 35 ayes to 6 noes, with Representatives Ajifu, Evans, Medeiros, Poepoe and Sutton voting no, and Representatives Akizaki, Amaral, Hakoda, Inaba, Kamalii, Kondo, Kunimura, Lum, Mizuguchi, Suwa and Yamada being excused.

The Chair directed the Clerk to note that H.B. Nos. 2989-76, HD 1, and 2473-76, HD 1, had passed Third Reading at 12:15 o'clock p.m.; H.B. No. 2182-76, HD 1, at 12:18 o'clock p.m.; and H.B. No. 2786-76, HD 1, at 12:29 o'clock p.m.

At this time, Representative Shito extended birthday greetings to Representative Kihano on behalf of the members of the House, and Representative Naito presented him with white and blue ginger leis.

At 12:37 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House stood in recess until 5:00 o'clock p.m. this evening.

EVENING SESSION

The House of Representatives reconvened at 5:20 o'clock p.m., with the Vice-Speaker presiding.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 449-76 on H.B. No. 2809-76, HD 1 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2809-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENCOURAGEMENT OF FEDERALLY LICENSED SMALL BUSINESS INVESTMENT COMPANIES", having been read throughout, passed Third Reading by a vote of 46 ayes,

with Representatives Amaral, Carroll, Ho, Yamada and Wakatsuki being excused.

Stand. Com. Rep. No. 450-76 on H.B. No. 2910-76 (Deferred from March 15, 1976):

Representative Ajifu moved that action on Stand. Com. Rep. No. 450-76 on H.B. No. 2910-76, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", be deferred to the end of the calendar, and the Chair noting that there were no objections, so ordered.

Stand. Com. Rep. No. 451-76 on H.B. No. 3109-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3109-76, entitled: "A BILL FOR AN ACT RELATING TO MEMBERSHIP ON THE BOARD OF ACUPUNCTURE", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Ho, Yamada and Wakatsuki being excused.

Stand. Com. Rep. No. 452-76 on H.B. No. 2999-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2999-76, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Ho, Yamada and Wakatsuki being excused.

Stand. Com. Rep. No. 453-76 on H.B. No. 2170-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2170-76, entitled: "A BILL FOR AN ACT RELATING TO COUNTY HOSPITAL MANAGEMENT ADVISORY COMMITTEES", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Ho, Yamada and Wakatsuki being excused.

Stand. Com. Rep. No. 454-76 on H.B. No. 2427-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2427-76, entitled: "A BILL FOR AN ACT RELATING TO FAMILY", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Ho, Yamada and Wakatsuki being excused.

The Chair directed the Clerk to note the presence of Representative Yamada.

Stand. Com. Rep. No. 455-76 on H.B. No. 3133-76, HD 1 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3133-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES OF THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT", having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Carroll voting no, and Representatives Amaral, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 456-76 on H.B. No. 3230-76, HD 2 (Deferred from March 15, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 3230-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

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

"The purpose of this bill is to expand and to spell out the responsibilities of the Hawaii Housing Authority to provide decent housing and a suitable living environment for elderly persons through the creation of an elderly housing fund.

Currently, elderly persons who desire and qualify for public housing must compete with other applicants for a limited number of state and federally subsidized low-cost rental units.

At present, the demand for rental units far exceeds the supply and thus,

some elderly persons must wait up to five years before finally being placed.

Despite HHA plans to build six new elderly housing projects throughout the State, which would add 220 units, a recent survey states that there remains a need for 6,000 more units just to meet the current demand.

Thus, it is clear from all available evidence that the elderly desperately need more housing. It is also clear that the housing that is built must be more than just physical structures -- it must provide a sense of community for the isolated and lonely -- and provide proper safety features for the physically handicapped -- and be conveniently located for those elderly who choose to remain independent.

Although we have accomplished much for our senior citizens, there is much yet to be done, and this bill before you represents a major step towards meeting that responsibility; therefore, I urge you to vote aye on this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3230-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING FOR THE ELDERLY", passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 457-76 on H.B. No. 2001-76, HD 2 (Deferred from March 15, 1976):

On motion by Representative Roehrig, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.B. No. 2001-76, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE JUDICIARY FOR THE FISCAL BIENNIUM JULY 1, 1975, TO JUNE 30, 1977, AND AUTHORIZING THE ISSUANCE OF BONDS", having been read throughout, passed Third Reading by a vote of 46 ayes to 1 no, with Representative Sutton voting no, and Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 458-76 on H.B. No. 2598-76, HD 2 (Deferred from March 15, 1976):

Representative Suwa moved that

the report of the Committee be adopted and that H.B. No. 2598-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

At 5:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 5:31 o'clock p.m., Representative Suwa moved to withdraw his motion, seconded by Representative Akizaki.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 458-76 and H.B. No. 2598-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION AND THE ELDERLY", was recommitted to the Committee on Finance.

At 5:32 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

Stand. Com. Rep. No. 459-76 on H.B. No. 2978-76, HD 2 (Deferred from March 15, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 2978-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

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

"Mr. Speaker, H.B. 2978, HD 2, will guarantee a level of health care and other services now rendered to the residents of Kalaupapa for the remainder of their lives. It will also establish a State policy that any resident desiring to remain at Kalaupapa shall be permitted to do so for as long as he or she chooses, regardless of the status of his or her treatment.

Mr. Speaker, for 110 years a colony for the care and treatment of the victims has existed on the peninsula of Kalawao, Molokai. The colony, spurned and forgotten by the world and our own people, was immortalized by the labor and love of Father Joseph Damien de Veuster.

Today there are those who would like to see the elimination of the historic colony and its replacement by either a National or State park. And what of the remaining residents of Kalaupapa?

To force them into being assimilated into the greater community of Hawaii would be inhumane as well as unjust. The residents ask only that they be allowed to live out their lives quietly in the homes they now reside in, on the land in which their friends, relatives, and parents lie buried. They ask only that their status as permanent residents of Kalaupapa Settlement be established, so that they too may look forward to life with purpose, and death with dignity, among friends.

Passage of H.B. 2978-76, HD 2, will be a statement of policy by the Legislature that it is our intent to allow the residents of Kalaupapa to remain in their present homes under the jurisdiction of the State Department of Health, until the last present resident of that colony shall pass away. Then, and only then, shall decisions relative to the further and future use of that land be settled.

Such a policy has been needed for over a century, but none has ever been issued. Even the American Indians, dispossessed as they were, were given reservation lands to live out their lives on, secure in the knowledge that these lands were theirs in perpetuity. Can we as legislators do less for our own people?

Therefore, Mr. Speaker, I urge that all members of this honorable body vote 'aye' on H.B. 2978-76, HD 2.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2978-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTS OF KALAUPAPA, MOLOKAI", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 460-76 on H.B. No. 2976-76, HD 2 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2976-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PENSIONS FOR PATIENT EMPLOYEES", having been read throughout, passed Third Reading by a vote of 47 ayes, with

Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 461-76 on H.B. No. 2070-76, HD 2 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2070-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RAPE VICTIMS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 462-76 on H.B. No. 2626-76, HD 2 (Deferred from March 15, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 2626-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

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

"The Legal Aid Society of Hawaii has rendered invaluable legal assistance to the low income and the economically disadvantaged population of our State and it has provided a very valuable delivery of legal services to this sector.

We are asking, on this bill, that \$675,000 be appropriated; and it will be in very good hands because my son who is an attorney and a partner of Conroy and Hamilton is the treasurer of the Legal Aid Society and senior director."

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

"Mr. Speaker, Maui County, with three separate islands, has natural barriers which penalizes and denies its citizens equal access to legal services.

Molokai, in particular, has been victim to this lack of professional legal support and stands in great need of these services. Even for those of us in the middle income bracket, legal services are costly and, more often than not, financially beyond our reach. Consider then the plight of the poor, the elderly, and the disadvantaged who are hard-pressed to find the necessary dollars to survive in these days of high

costs.

Mr. Speaker, it is not only imperative for us to continue the operation of the Legal Aid Society, but incumbent upon us to expand the availability of these services.

I urge the members of this honorable body to vote favorably for H.B. No. 2626-76, HD 2.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2626-76, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONTINUANCE OF THE LEGAL AID SOCIETY OF HAWAII", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 463-76 on H.B. No. 2006-76, HD 2 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2006-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX EXEMPTION FOR ALTERNATE ENERGY IMPROVEMENTS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 464-76 on H.B. No. 2335-76, HD 2 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2335-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 46 ayes to 1 no, with Representative Evans voting no, and Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 465-76 on H.B. No. 3261-76, HD 2 (Deferred from March 15, 1976):

Representative Suwa moved that the report of the Committee be adopted

and that H.B. No. 3261-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

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

"I think I would be remiss in not saying anything about this particular bill. I think that this particular bill is an important component in our House program, so far as the Agriculture Committee is concerned.

To develop a planned direction for agriculture in Hawaii, your Committee on Agriculture sponsored workshops which included administrators, program leaders, researchers and specialists from several State agencies and representatives from the various agricultural communities. The objectives of these workshops were to identify specific areas of agricultural growth potentials in Hawaii and to set priorities among the various growth potentials identified, and to determine resources needed and guidelines for appropriate legislative action to implement these priorities.

Papaya, anthurium, ornamental and cut flowers rank as top priorities and these commodities indicate a great need for support in transportation, market organization, development and research.

Your Committee recommended a program costing out at \$1.5 million for a two-year program. Your Finance Committee adjusted this figure to \$849,000, which would take this program one year. And, your Committee has every confidence that this particular program will be continued in the ensuing years.

In closing, I would like to thank the Agriculture Committee members for their hard work in developing this program and also the Finance Committee in appropriating the monies to implement our agricultural program, and I would request that all members vote in favor of this bill.

Thank you, Mr. Speaker."

Representative Roehrig then rose and stated:

"I rise to speak in favor of this bill just very briefly. I would like to state that the bill before the House is a result of probably one of the best seminars or workshops, whatever you want to call it, the Agriculture Committee members have participated in.

In the time I have been in the Legislature, I think that the Chairman and his staff, in particular, really did an outstanding job in pulling the different governmental sectors together for purposes of getting really in-depth discussion, making use of a computer to give information that was relevant to decision-making and finally, to meet on various Saturdays and come up with the suggested arrangements that the bill provides for to fund the various priority areas that we have in agriculture.

I was very pleased with the outcome and glad I had a chance to participate.

Thank you."

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

"Mr. Speaker, I think this has been a tremendous effort to get this package together and I think I could say personally that there are sections of this bill that couldn't be any better if I had written it myself, and I think the whole bill comes together as a result of hard work by many people on a bi-partisan basis and I appreciate the work the Chairman of Agriculture has done to get these forces together to concentrate into a point where we can hopefully push this thing through and get help for these various commodities that we need in this State."

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

"As one of the valuable members of the Agriculture Committee, I think I would be remiss if I did not comment, both to the assembled body as well as to the citizenry in the gallery, that it has been a revelation to me as a freshman legislator to be under the tutelage, if you will, of the Chairman of the Agriculture Committee. I did not know anything about agriculture in the sense of being prepared legislatively to exercise a responsible vote.

When I became a member of the Committee, and I can say without reservation, that the Chairman has endeavored assiduously and has endeavored practically without rest, to educate me, especially into the fact that he does, in fact, know what needs to be done. And I hope with the passage of this bill, as part of our package, that I can

continue to be a valuable member of the Agriculture Committee and thus have rendered unto me the same kind of praise at the end of the session."

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

"I think it is imperative that we point out to the members of the House that while on the Agriculture Committee, the general plan, the concepts of how this particular problem should be attacked, were developed, and the financial aspects were taken care of in the Finance Committee.

In the Finance Committee, we cut down the appropriation from \$1.5 million down to \$849,000. And some people may be wondering, why? Part of the reason is because some of the appropriations were being appropriated in a legislature that's beyond this legislature's purview.

So, what we did was to cut out most of the items that referred to the FY 78 or beyond and we tried to limit all of the appropriations to FY 77, and in doing so, the package has not been hampered at all - just means that most of the projects that were going to be completed by FY 77 will be completed and, hopefully, the next legislature can fund this again if they feel it's appropriate.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3261-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RESEARCH, DEVELOPMENT AND EXPANSION OF AGRICULTURAL COMMODITIES", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 466-76 on H.B. No. 2633-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2633-76, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Third Reading by a vote of 46 ayes to 1 no, with Representative Cobb voting no, and Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Representative Abercrombie, on a point of personal privilege, stated:

"I would like to have the Speaker acknowledge that we do indeed have open government here in the State of Hawaii. I think Mr. Kimura and Mr. Cobb have just proved that."

Representative Poepe then asked for a "vote count, Mr. Speaker?"

The Chair then asked:

"Mr. Clerk, what is the vote count?"

The Clerk replied: "46 ayes, 1 no, 4 excused."

Stand. Com. Rep. No. 467-76 on H.B. No. 2960-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2960-76, entitled: "A BILL FOR AN ACT RELATING TO OVERTIME COMPENSATION FOR PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading by a vote of 46 ayes to 1 no, with Representative Yuen voting no, and Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 468-76 on H.B. No. 3171-76, HD 2 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3171-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEATH BENEFITS IN THE EMPLOYEES RETIREMENT SYSTEM", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Carroll, Ho and Wakatsuki being excused.

Stand. Com. Rep. No. 469-76 on H.B. No. 2149-76, HD 1 (Deferred from March 15, 1976):

On motion by Representative Blair, seconded by Representative Kondo and carried, Stand. Com.

Rep. No. 469-76 and H.B. No. 2149-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROHIBITION AGAINST WATER POLLUTION", were recommitted to the Committee on Environmental Protection.

Stand. Com. Rep. No. 470-76 on H.B. No. 2812-76, HD 1 (Deferred from March 15, 1976):

Representative Lee moved that the report of the Committee be adopted and that H.B. No. 2812-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamine.

Representative Lunasco, upon being recognized, spoke against the bill, stating:

"What this bill does is exempt seasonal youth camp staff workers from our minimum wage law.

Mr. Speaker, I know there's been a lot of discussion over this bill in the last few days. People are saying: 'What's the big fuss over youth camp workers?'"

Well, Mr. Speaker, I would like to remind the members of this honorable body about the purpose of our minimum wage law. Laws like this were enacted as part of our efforts to eliminate the abuse in working conditions, and especially in wage earnings. The law is intended to provide workers in our State and in our nation with a uniform and standard amount of pay which could be relied on, whether economic conditions are good or bad, whether you are young or old, whether you are male or female.

I cannot support his bill today because it doesn't seem right to pay a certain group of workers less than the minimum wage just because they work at a youth camp run by a charitable, religious or nonprofit organization, or accredited by something called the 'American Camping Association.'

What bothers me about this exemption is that it's a blanket application to all youth camps. Seasonal youth camps are a growing business, and I can see the day when we will have exclusive camp operations charging very high fees which will not have to pay their workers the minimum wage. Now people can argue that when that day comes, we

can repeal this exemption.

Mr. Speaker, my experience has been that once amendments to the minimum wage law are enacted, these are very difficult to change.

I know of only two arguments in support of this bill. One is that many camp workers are young persons who receive training as well as free room and board; therefore, they should not get paid the minimum wage. The other is that these workers are technically on a 24-hour duty and, therefore, to pay the minimum wage would be too costly.

To me, Mr. Speaker, these arguments really don't show much thought on the problem. Like a lot of other things, the issue is not black and white, and there may be other ways of resolving the issue. I certainly agree that to expect camp staff workers to be paid for 24 hours of work is unreasonable, but I don't think anyone really expected this to happen.

All I'm saying is that I'm not convinced that all the possible solutions have been examined. Maybe camp workers could be employed on a salary basis under the Fair Labor Standards Act rather than on an hourly wage, which removes the problem of being paid for 24 hours. And what about deducting the cost of room and board from a salary set at the minimum wage requirement, if that is our concern?

What bothers me, Mr. Speaker, is that we've been told about how many camp staff workers must protect the health and safety of the campers, how they have an obligation to parents to keep the campsites free from hazards, and how they are expected to provide boys and girls with experiences in social and spiritual growth. If you think of the responsibilities that these workers have, I cannot understand how anyone can say that they should not get paid the minimum wage.

Mr. Speaker, in 1973, I introduced House Bill 651 which was enacted in 1974. This is the law which raised the minimum wage up to its present level of \$2.40 an hour. I did this because I strongly believed then, and still believe now, that our minimum wage is to protect our workers from pay abuse and make sure that employees receive equal pay for equal work.

In 1974, when we acted on that

measure, there was much discussion on exempting students from the minimum wage, or setting wages at a rate lower than the minimum. I said then, and I would like to say again, that I am against any kind of exemption which would deny equal treatment under the law. This bill before us again raises this same issue.

I feel that if we pass H.B. 2812, HD 1, as amended, we will be discriminating against those who work at youth camps, most of whom are young people. Where and when do we stop? Where and when do we draw the line as to who should be exempt from the minimum wage?

Therefore, Mr. Speaker, I would like to urge all the members of this House to vote 'no'."

Representative Medeiros then rose and stated:

"I rise to speak in support of House Bill 2812. I ask you to picture the laughing children in our classrooms today.

Last year, children out of every classroom across the State participated in the Hawaii District of the American Camping Association programs. All together, there were more than 5,000 children in these camps. This year, the camps may be empty. There may be no laughing children there to learn social responsibility and moral values. If H.B. 2812 fails, the camps fail. To remain open, the camping programs in Hawaii will need to be made exempt from the Hawaii wage and hour laws.

Traditionally, camps are not staffed by regular members of the labor force who have families to support. They are high school and college age young people who are earning extra money and gaining leadership experiences during their summer school vacations. Application of minimum wage standards to these staff members would devastate the camp's budget.

Based upon the counselors in a resident camping situation serving 'on call' 24 hours a day, six days a week, at \$2.40 per hour plus overtime and time and a half, the per person weekly salary would be \$460 or \$1,840 per month.

To meet that salary demand, camps would be required to raise their tuition fees nearly 250%. In some camps of Hawaii, for example, camp fees would jump from \$55 to \$125 per child.

Parents can't afford it. The camps can't afford it. And, certainly the children cannot afford this.

As yet, the camps have not gone ahead and hired their summer staff for this year. Right now they are waiting for this bill to pass in order for them to hire their staff; therefore, I urge you to keep the laughing children in our camps this summer. I urge each and everyone of you to pass House Bill 2812.

Thank you, Mr. Speaker."

Representative Abercrombie, upon being recognized, stated:

"I rise to speak against this bill.

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

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

This is nothing but exploitation; this is nothing but oppression; this is nothing but undermining all the concepts that Representative Lunasco who alluded to so eloquently a few moments ago. I repeat, it is a disgrace for the Democratic Party to associate in any way, shape or form with this kind of exploitation. It is a disgrace that we should have people who are working at the age of 18, 16, 15, or whatever it is -- if they are putting in the time and are exercising the responsibility and authority such

as has been outlined here, then, at the very least, we are obligated, certainly as a Majority Party, to stand behind them in a historic mission as in the Democratic Party, of seeking to redress any grievances that people have by way of being under-paid for their work.

Are they worthy of their hire or are they not? If they are, we should not knuckle under to these extortionate demands that these people be exempted.

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

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

Representative Sutton, upon being recognized, stated:

"A page of history is worth one hundred pages of law. Franklin Delano Roosevelt, President of the United States, and a member of the Party the previous speaker is a member of"

Representative Abercrombie, on a point of order, stated:

"I don't think the speaker has stated whether he is for or against the bill."

Representative Sutton then stated:

"I am for the bill. President Franklin Delano Roosevelt initiated the Civilian Conservation Corps and in that he delineated that the exception is what proves the rule. We are not trying to destroy the basic concept of a minimum wage. We are trying to make it possible for youth camps to have this and give them all an opportunity. We are following exactly the words of President Franklin Delano Roosevelt. And if you will look at our historic situation, in his office was our own Lincoln McCandless and in his office as legislative aide was Mr. Trask. And, they went along with this concept. Thank you."

Representative Lunasco then rose and stated:

"Just a short comment why I am against this law. I don't think we really took a hard look at the minimum wage. If you look at Section 387-1, Item 1, it says, 'any guaranteed compensation totalling \$700 or more a month is exempt from the minimum wage'.

Now, taking that into consideration and deducting room and board, it would be well within the minimum wage or within the wage and hour law, so this is my basic concern - we really haven't taken a hard look at the minimum wage law - we've just now added a new exemption to the law."

Representative Abercrombie, upon being recognized, remarked:

"I do want it on the record because I started it and then I failed to follow up on it - to the extent the Aloha United Fund or any of these other fund-raising organizations are in this. I can assure you, for myself, that they received the last penny that they'll ever get from me until they stop exploiting people."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2812-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION FROM MINIMUM WAGE LAW", having been read throughout, passed Third Reading by a roll call vote of 41 ayes to 6 noes, with Representatives Abercrombie, Cobb, Lunasco, Naito, Takamura and Uechi voting no, and Representatives Amaral, Carroll, Ho and Segawa being excused.

At 6:08 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 6:11 o'clock p.m., the Speaker assumed the rostrum.

Stand. Com. Rep. No. 511-76 on H.B. No. 3458-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, H.B. No. 3458-87, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", was recommitted to the Committee on Finance.

THIRD READING

H.B. No. 3052-76, HD 1

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 3052-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS FEES", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Amaral, Carroll and Ho being excused.

STANDING COMMITTEE REPORTS

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 515-76) recommending that H.B. No. 2103-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2103-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 516-76) recommending that H.B. No. 2617-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2617-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 517-76) recommending that H.B. No. 2299-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap

and carried, the report of the Committee was adopted and H.B. No. 2299-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MECHANIC'S AND MATERIALMAN'S LIENS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 518-76) recommending that H.B. No. 2000-76, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 518-76 on H.B. No. 2000-76, HD 2, was deferred until Wednesday, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2000-76, HD 2, were made available to the members of the House at 4:30 o'clock p.m.

Representative Kawakami, for the Committee on Water, Land Use, Development, and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 519-76) recommending that H.B. No. 2941-76, 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 Kihano and carried, the report of the Committee was adopted and H.B. No. 2941-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REMOVAL OF CORAL", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 520-76) recommending that H.B. No. 2130-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2130-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Yamada, for the

Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 521-76) recommending that H.B. No. 3110-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 3110-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Blair, for the Committee on Environmental Protection, presented a report (Stand. Com. Rep. No. 522-76) recommending that H.B. No. 2012-76, 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 Kondo and carried, the report of the Committee was adopted and H.B. No. 2012-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2103-76, HD 1; 2617-76, HD 1; 2299-76, HD 1; 2941-76, HD 1; 2130-76, HD 1, 3110-76, HD 1; 2012-76, HD 1, were made available to the members of the House at 4:30 o'clock p.m.

Representatives Segawa and Lee, for the Committees on Health and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 523-76) recommending that H.B. No. 2271-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Naito, seconded by Representative Lee and carried, the report of the joint Committees was adopted and H.B. No. 2271-76, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Lee, for the majority of the Committee on Labor and Public Employment, presented a report

(Stand. Com. Rep. No. 524-76) recommending that H.B. No. 2723-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the majority of the Committee was adopted and H.B. No. 2723-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 525-76) recommending that H.B. No. 3165-76, 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 Takamine and carried, the report of the Committee was adopted and H.B. No. 3165-76, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE WAGES AND HOURS OF EMPLOYEES ON PUBLIC WORKS LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 526-76) recommending that H.B. No. 3288-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 3288-76, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY ACCOUNT NUMBERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 527-76) recommending that H.B. No. 2944-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 2944-76,

entitled: "A BILL FOR AN ACT RELATING TO HAWAII EMPLOYMENT SECURITY LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 528-76) recommending that H.B. No. 2904-76, 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 Takamine and carried, the report of the Committee was adopted and H.B. No. 2904-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 529-76) recommending that H.B. No. 2533-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 2533-76, entitled: "A BILL FOR AN ACT RELATING TO DAY CARE CENTERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Stanley, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 530-76) recommending that H.B. No. 3113-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 3113-76, entitled: "A BILL FOR AN ACT TO REPEAL ACT 176, SESSION LAWS OF HAWAII 1937, WHICH APPROPRIATED FUNDS FOR BEDS FOR INDIGENT MATERNITY PATIENTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Segawa, for the Committee on Health, presented

a report (Stand. Com. Rep. No. 531-76) recommending that H.B. No. 3247-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Naito, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 3247-76, 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 tomorrow, March 17, 1976.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 532-76) recommending that H.B. No. 3248-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Naito, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 3248-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE DEVELOPMENTAL DISABILITIES LAWS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representatives Segawa and Lee, for the Committees on Health and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 533-76) recommending that H.B. No. 2172-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Naito, seconded by Representative Lee and carried, the report of the joint Committees was adopted and H.B. No. 2172-76, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE ACT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development, and Hawaiian Homes and Agriculture, presented a report (Stand. Com. Rep. No. 534-76) recommending that H.B. No. 3253-76, 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 report of the joint

Committees was adopted and H.B. No. 3253-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE LANDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

The Chair directed the Clerk to note that H.B. Nos. 2271-76; 2723-76; 3165-76, HD 1; 3288-76; 2944-76; 2904-76, HD 1, 2533-76; 3113-76; 3247-76, HD 1; 3248-76, HD 1; 2172-76; and 3253-76, HD 1 were made available to the members of the House at 5:55 o'clock p.m.

At 6:17 o'clock p.m., upon the request of Representative Poepoe, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:25 o'clock p.m.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 418) extending the best wishes of the Hawaii State House of Representatives for a speedy recovery to Mr. Kazuichi "Kazu" Sunada was jointly offered by Representatives Uechi, Wakatsuki, Abercrombie, Ajifu, Akizaki, Blair, Cayetano, Clarke, Cobb, Evans, Fong, Garcia, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Ushijima, Yamada, Yap and Yuen and was read by the Clerk.

On motion by Representative Uechi, seconded by Representative Morioka and carried, H.R. No. 418 was adopted.

At this time, Representative Abercrombie introduced Mr. David Trask who was seated in the gallery.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 450-76 on H.B. No. 2910-76:

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2910-76, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having

been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Evans voting no, and Representatives Amaral, Carroll and Ho being excused.

The Chair directed the Clerk to note that H.B. No. 2809-76, HD 1, had passed Third Reading at 5:22 o'clock p.m.; H.B. Nos. 3109-76 and 2999-76 at 5:24 o'clock p.m.; H.B. No. 2170-76 at 5:25 o'clock p.m.; H.B. No. 2427-76, HD 1, at 5:26 o'clock p.m.; H.B. No. 3133-76, HD 1, at 5:27 o'clock p.m.; H.B. No. 3230-76, HD 2, at 5:29 o'clock p.m.; H.B. No. 2001-76, HD 2, at 5:30 o'clock p.m.; H.B. No. 2978-76, HD 2, at 5:36 o'clock p.m.; H.B. Nos. 2976-76, HD 2, and 2070-76, HD 2, at 5:37 o'clock p.m.; H.B. No. 2626-76, HD 2, at 5:39 o'clock p.m.; H.B. Nos. 2006-76, HD 2, and 2335-76, HD 2, at 5:40 o'clock p.m.; H.B. No. 3261-76, HD 2, at 5:47 o'clock p.m.; H.B. No. 2633-76 at 5:48 o'clock p.m.; H.B. Nos. 2960-76 and 3171-76, HD 2, at 5:49 o'clock p.m.; H.B. No. 2812-76, HD 1, at 6:08 o'clock p.m.; H.B. No. 3052-76, HD 1, at 6:12 o'clock p.m.; and H.B. No. 2910-76 at 6:28 o'clock p.m.

Representative Abercrombie, on a point of information, asked:

"Mr. Speaker, we are going to be dealing, at some point, with the medical malpractice bill, are we not?"

The Chair replied: "That is correct."

Representative Abercrombie continued, stating:

"I wonder if you could make a ruling of a conflict of interest for Representative Kunimura? I understand he may have a malpractice suit coming up because he injured himself and the doctor put the sling on the wrong appendage."

Representative Kunimura, upon being recognized, stated:

"Mr. Speaker, I shall rise on a point of personal privilege at the proper time."

COMMITTEE REASSIGNMENT

The Chair, with all Chairpersons consenting, re-referred the following:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2796-76	Committee on Health
2700-76	Committee on Consumer Protection and Commerce

Representative Kunimura, upon being recognized, asked:

"Will you be kind enough to give us a taste of the title?"

The Chair then stated: "H.B. No. 2700-76 is the malpractice bill."

Representative Suwa then rose and stated:

"As to the referral to the Committee on Finance, we have received the financial aspect and also the other financial ramifications and the Committee is satisfied with what the subject matter committee has proposed. Being that the committee also has some other amendments that they were considering and others were suggested; therefore, at this time, to save time so that they can spend more time on that matter, the committee has agreed to move that referral back to the Consumer Protection and Commerce Committee."

Representative Lum, on a point of information, asked:

"Did I hear you correctly? Did you say referred to Committee on Health?"

The Chair replied:

"H.B. No. 2796-76, HD 1, relating to health planning, was re-referred to the Health Committee."

Representative Lum then asked:

"2700 is back to CPC?"

The Chair replied: "That is correct."

Representative Lum then thanked the Chair.

At 6:32 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House stood in recess until 9:00 o'clock p.m. this evening, "and in so doing, we hope a speedy recovery for the colleague from Kauai with the arm in a sling" (Representative Kunimura).

NIGHT SESSION

The House of Representatives reconvened at 10:08 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 471-76 on H.B. No. 2439-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 571-76 and H.B. No. 2439-76, entitled: "A BILL FOR AN ACT RELATING TO LAW CLERKS FOR JUSTICES OF THE SUPREME COURT", was recommitted to the Committee on Finance.

Stand. Com. Rep. No. 472-76 on H.B. No. 3162-76, HD 1 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3162-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION AND YOUTH AFFAIRS, OFFICE OF THE GOVERNOR", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

Stand. Com. Rep. No. 473-76 on H.B. No. 3290-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3290-76, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

Stand. Com. Rep. No. 474-76 on H.B. No. 3255-76, HD 2 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3255-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FARM FAIR", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representa-

tives Amaral and Carroll being excused.

Stand. Com. Rep. No. 475-76 on H.B. No. 2342-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 475-76 and H.B. No. 2342-76, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", was recommitted to the Committee on Finance.

Stand. Com. Rep. No. 476-76 on H.B. No. 2359-76, HD 1 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2359-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

Stand. Com. Rep. No. 477-76 on H.B. No. 1247-76, HD 1 (Deferred from March 15, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 1247-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

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

"Mr. Speaker, on the eleventh day of the eleventh month and the eleventh hour, the Armistice was signed whereby General of the Army Pershing of the United States of America had saved Europe and made the world safe for democracy.

It is only appropriate that the eleventh day of November be Veteran's Day, and because that historic occupation had occurred in a railway car with General Fauch, General Pershing and Hindenberg, we wanted to go back to the tradition that all of the veterans' organizations so long held in favor - namely, the 11th of November. This bill will reinstate it in Hawaii. It will mean that we will separate Veteran's

Day; that Veteran's Day will be celebrated throughout the United States of America - because the others have passed similar legislation. It is an excellent bill.

The veterans' organizations of Hawaii, from the American Legion, Veterans of Foreign Wars, Disabled American Veterans and the 100th Battalion are all behind it. I would ask my colleagues to vote aye on this wonderful bill. Thank you, sir."

Representative Cobb then rose and stated:

"Mr. Speaker, I am a veteran and I would like to address one question to the previous speaker - simply, 'were you there?'"

Representative Sutton replied:

"Mr. Speaker, if he would hear that beautiful song, 'Over There', he would know I was there in spirit."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1247, HD 1, entitled: "A BILL FOR AN ACT REINSTATING NOVEMBER 11 AS VETERANS' DAY", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

Stand. Com. Rep. No. 478-76 on H.B. No. 2302-76, HD 1 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2302-76, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

Stand. Com. Rep. No. 479-76 on H.B. No. 2375-76, HD 1 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2375-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DIRECTOR OF REGULATORY AGENCIES AS CONSUMER ADVOCATE BEFORE THE PUBLIC UTILITIES COMMISSION AND MAKING AN APPROPRIATION

THEREFOR", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

Stand. Com. Rep. No. 480-76 on H.B. No. 2632-76, HD 2 (Deferred from March 15, 1976):

On motion by Representative Lee, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2632-76, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

Stand. Com. Rep. No. 507-76 on H.B. No. 2596-76, HD 2 (Deferred from March 15, 1976):

Representative Cayetano moved that the report of the Committee be adopted and that H.B. No. 2596-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kiyabu.

Representative Lum, on a point of information, asked:

"Is this the bill relating to construction and maintenance of sidewalks?"

The Chair replied: "That is correct."

Representative Lum then asked:

"Will the Chairman of the Committee yield to a question?"

Representative Cayetano replied in the affirmative.

Representative Lum asked:

"I was wondering, if this is the bill that was recommitted, I was just wondering what would happen to existing contracts between a lessee and a lessor whereby the lessee is agreeable, at the time he signed the lease, to take care of his yard and anything between a fence or structure at the end of his yard that's used to the sidewalk has to be the responsibility of the particular individual, and I was wondering what this bill would do to that contract?"

Representative Cayetano replied, stating:

"Mr. Speaker, it is my understanding that this bill would only affect the

homeowner's duty to maintain the sidewalks which are owned by the City or the County and would not have any affect on any private agreement or contracts between two private parties, if that is what the Representative is addressing his remarks to."

Representative Lum then asked:

"Does this particular bill mean that if a particular yard has a fence in the back and that fence happens to have a gateway that he is then responsible for maintaining the sidewalk from the back portion of his yard?"

Representative Cayetano answered:

"Mr. Speaker, that is correct."

Representative Lum then rose and stated:

"Mr. Speaker, I rise to speak against this particular measure.

I think this is a rather vague bill. I think the Chairman has tried, and attempted to try, to put the language in this particular bill so that it would, in fact, try to clarify exactly which side of the property that the individual has could be exempt from city maintenance charges, as I understand.

But my concern is that you may have two particular residents right next to each other and one happens to have a fence that has a gate and one happens to have a fence that doesn't have a gate. And the one without the gate would not have to take care of the sidewalk and the one with the gate would have to take care of the sidewalk. I feel that this is unequal protection under the law, and I think this is very inconsistent, and I'd like to try to see that the individuals who have the responsibility of keeping the community clean of weeds and noxious growths at least be responsible for the area of property around his house.

Now, I think that when that individual bought that particular property, he knew he might have had a sidewalk on both sides of his property when he bought it, but he bought it with the idea that he would be maintaining the yard whether the fence is up to the sidewalk or the fence is set back 15 or 20 feet.

I feel that this particular law, although the intention may be good,

it does not address itself to the problem that we have in my district. In Hawaii Kai, we have a specific road that runs right down the center of Hawaii Kai called Lunalilo Home Road. There happens to be some residents that live there that have their fences up to the level portion of their land and they are, by agreement with the Bishop Estate, compelled to take care of that piece of property that slopes back down to Lunalilo Home Road. They have to take care of this property. If they don't, then the Bishop Estate sends them a letter and they have to do it; otherwise, they get charged for it.

Whereas, in other parts of the City and County of Honolulu, as I understand this particular bill affects only Honolulu, there would be people who probably has a fence without a gate that may not be responsible for this particular maintenance of their property.

I would like to see a bill like this recommitted, if possible. But if that is impossible, then I would like to encourage everybody here to vote against it."

Representative Cayetano then rose and stated:

"Mr. Speaker, I had not intended to rise to speak in favor of this bill, but since the Representative from Hawaii Kai has made some remarks, I feel it my duty to do so.

This bill came about because there was a need. Now, the Representative from Hawaii Kai may not have a problem in his district. I suppose that's the case in most areas where the homes are fairly new. But on the Leeward side, this is a big problem. We have had cases, Mr. Speaker, of, for example, Waimano Home Road, where owners have had to either climb over the fences. Or, if they happen to live in the middle of the block, get their lawnmowers and walk around a long ways around the block to maintain the sidewalk in the rear of their homes.

Now, there is no problem if the owner or homeowner has access for either pedestrian or vehicular traffic, from his back yard to the sidewalk. But where there is a fence, there's a big problem. And in many instances, Mr. Speaker, the sidewalk may be on a very busy thoroughfare or street and there

is a safety problem.

So this is what this bill addresses itself to, and for that reason, I urge everybody to vote for it.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2596-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND MAINTENANCE OF SIDEWALKS", having been read throughout, passed Third Reading by a Roll Call vote of 45 ayes to 1 no, with Representative Lum voting no, and Representatives Amaral, Carroll, Oda, Segawa and Yuen being excused.

Stand. Com. Rep. No. 508-76 on H.B. No. 3070-76, HD 1 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3070-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PAY FOR DANGEROUS POLICY DUTY", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Oda, Segawa and Yuen being excused.

Stand. Com. Rep. No. 509-76 on H.B. No. 2998-76 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Ajifu and carried, the report of the Committee was adopted and H.B. No. 2998-76, entitled: "A BILL FOR AN ACT RELATING TO THE POWERS OF THE COMPTROLLER OF THE STATE OF HAWAII TO REGULATE PARKING ON STATE LANDS", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Oda, Segawa and Yuen being excused.

Stand. Com. Rep. No. 510-76 on H.B. No. 2300-76, HD 2 (Deferred from March 15, 1976):

On motion by Representative Suwa, seconded by Representative Ajifu and carried, the report of the Committee was adopted and H.B. No. 2300-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC

ASSISTANCE", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Amaral, Carroll, Oda, Segawa and Yuen being excused.

THIRD READING

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

H.B. No. 683, HD 1

Representative Suwa moved that H.B. No. 683, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

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

"Mr. Speaker, I would like to inquire whether any project which may elapse in this particular measure whereby a legislator from that district may not want the project to lapse - can it include supplementary funding to prevent such a lapse in the conference draft of the project?"

Representative Suwa replied:

"Mr. Speaker, there's many ways of doing it. Mr. Speaker, in conference; likewise, the conference will be another source of doing it."

Representative Cobb then thanked the Chair.

The motion to pass H.B. No. 683, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAPSING OF CAPITAL IMPROVEMENT FUNDS", was put by the Chair and carried by a vote of 46 ayes, with Representatives Amaral, Carroll, Oda, Segawa and Yuen being excused.

H.B. No. 3013-76, HD 1

On motion by Representative Takamura, seconded by Representative Stanley, H.B. No. 3013-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT FAMILY BOARDING HOMES AND CARE HOMES", passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Roehrig and Sutton voting no, and Representatives Amaral, Carroll and Oda being excused.

H.B. No. 3242-76, HD 1

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 3242-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Amaral and Carroll being excused.

H.B. No. 2185-76

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2185-76, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION OF DEFENDANTS", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

H.B. No. 2188-76

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2188-76, entitled: "A BILL FOR AN ACT RELATING TO ASSAULT", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

H.B. No. 3040-76

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 3040-76, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL CONTEMPT", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

H.B. No. 2160-76

Representative Roehrig moved that action on H.B. No. 2160-76 be deferred to the end of the calendar, and the Chair, noting that there were no objections, so ordered.

H.B. No. 2235-76

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2235-76, entitled: "A BILL FOR AN ACT RELATING TO PRISON CONTRABAND", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

At 10:31 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:37 o'clock p.m.

H.B. No. 2151-76

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2151-76, entitled: "A BILL FOR AN ACT RELATING TO THE EXPUNGEMENT OF ARREST RECORDS", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

H.B. No. 2234-76

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2234-76, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

H.B. No. 3196-76

Representative Roehrig moved that action on H.B. No. 3196-76 be deferred to the end of the calendar, and the Chair, noting that there were no objections, so ordered.

H.B. No. 2706-76

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2706-76, entitled: "A BILL FOR AN ACT RELATING TO ROBBERY", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

H.B. No. 3111-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap and carried, H.B. No. 3111-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", was recommitted to the Committee on Consumer Protection and Commerce.

H.B. No. 3100-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 3100-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll

being excused.

H.B. No. 2554-76

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2554-76, entitled: "A BILL FOR AN ACT RELATING TO CLASSES OF INSURANCE COVERAGE", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

H.B. No. 2256-76, HD 1

Representative Yamada moved that H.B. No. 2256-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Ajifu then rose and stated:

"I believe on page 1, line 13, there may be a typo error. The word, I believe, should be 'flood' - it says 'floor'."

At 10:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:42 o'clock p.m. and Representative Yamada, upon being recognized, stated:

"Before the vote is announced, I think that the Minority Floor Leader is correct - that there is a typo error on line 13. The word 'floor' should be 'flood' and that it's adequate that the Journal so note."

The motion to pass H.B. No. 2256-76, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL REGIMES", on Third Reading was put by the Chair and carried by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

H.B. No. 2128-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2128-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER SALES", passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Ajifu, Clarke, Evans, Hakoda, Larsen and Sutton voting no, and Representatives Amaral and Carroll being excused.

H.B. No. 1810-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap and carried, H.B. No. 1810-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREFERENCES FOR HAWAII SERVICES", was recommitted to the Committee on Consumer Protection and Commerce.

H.B. No. 2678-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2678-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

H.B. No. 2984-76, HD 1

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2984-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

At 10:44 o'clock p.m., upon the request of Representative Kondo, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:54 o'clock p.m.

H.B. No. 3262-76, HD 1

Representative Kawakami moved that action on H.B. No. 3262-76, HD 1, be deferred to the end of the calendar, and the Chair, noting that there were no objections, so ordered.

H.B. No. 2744-76, HD 1

Representative Shito moved that H.B. No. 2744-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cayetano.

Representative Sutton offered the following amendment to H.B. No. 2744-76, HD 1:

"SECTION 1. House Bill 2744-76, H.D. 1, is amended by amending line 2 on page 7 to read:

1. . . . of mortgage creditors, provided that the authority shall retain the option to cure any default within sixty days of receipt of the notice required hereunder."

Representative Sutton moved that the amendment be adopted, seconded by Representative Hakoda.

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

"Mr. Speaker, H.B. 2744-76, HD 1, is designed to increase the mortgageability of HHA units. Presently, lenders, Mr. Speaker, are reluctant to lend on HHA projects because of the very stringent buy-back provision of Act 105. To entice financial institutions to finance HHA units, the bill before us extinguishes the buy-back provisions in the event of a foreclosure.

My amendment, Mr. Speaker, seeks to preserve HHA's position without diminishing the lender's security by retaining an option, Mr. Speaker, to cure in favor of HHA within sixty days of the notice required by this bill that's on the previous page on line 16.

Now, if HHA decides that the unit is worth preserving, it may elect to cure, in which case, a lender receives its money without loss of any security or without having to undertake a costly and time-consuming foreclosure which is not always so successful in this day and age of auctions.

And, therefore, I urge all the Representatives of this Legislature, of this House, to please vote in favor of this amendment.

Thank you, sir."

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

"This amendment adds to page 7, line 2, a portion that we have eliminated to make the mortgages for the federal mortgage and national mortgage people available. The situation here is that we are throwing it back again to the Hawaiian Housing Authority, and I really question the words 'cure any default in sixty days'.

We are trying to entice mortgage for our low- and middle-income home units, and by the version of the

bill that we have here, will take care of the needs of what we intend to do; therefore, I would ask all members of this House to vote against this amendment."

The motion was put by the Chair and failed to carry by a Roll Call vote of 12 ayes to 37 noes, with Representatives Abercrombie, Akizaki, Blair, Cayetano, Cobb, Garcia, Ho, Inaba, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kumimura, Lee, Lum, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Roehrig, Sakima, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ushijima, Yamada, Yap, Yuen and Wakatsuki voting no, and Representatives Amaral and Carroll being excused.

The motion to pass H.B. No. 2744-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", on Third Reading was put by the Chair and carried by a vote of 44 ayes to 5 noes, with Representatives Evans, Ikeda, Kamalii, Santos and Sutton voting no, and Representatives Amaral and Carroll being excused.

H.B. No. 3088-76, HD 1

Representative Shito moved that H.B. No. 3088-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cayetano.

Representative Cobb then rose and stated:

"I rise to speak against this bill and in doing so, with a great deal of reluctance, because I can fully understand the desire of the Housing Chairman to separate residential condominium legislation with that of the single family unit. However, it's been a consistent policy of the Housing Committee and its chairman throughout this session that we do not enact anything which would disturb the tenants of Act 185, that Act being subject to a court test. To legislate in this particular area at this time would, in fact, disturb that tenant, and the court in its decision would be faced with a prospect of law in existence at the time of filing the charge and then that law being changed subsequent to the filing of the suit.

In addition, Mr. Speaker, if the desire is there to create a new section of law, then I maintain that it would be simpler to do it this year by taking out provisions contained in this

bill and adding them simply by process of amendment into a new section. Without that process, Mr. Speaker, we are, in effect, removing the provisions for residential leasehold condemnation this year with the potential, but only the potential, for putting it in next year.

Furthermore, Mr. Speaker, when we deal with a question of whether or not the Legislature intended to include condominium units, we really have a disparity in the sense that the House position last year was to include them. But after the bill came out of the Conference Committee, it was not to include such properties. However, there were substantial language changes that were left in the Conference draft of the bill, and thus there is a real question within the law, and perhaps even for the court to face, as to whether or not condominium units would be included.

I, therefore think, Mr. Speaker, we should leave the law as is, as consistent with the policy of the Committee and its Chairman, and wait for the court's decision. Accordingly, I intend to vote against this measure."

Representative Sutton then rose and stated:

"Mr. Speaker, I would like to speak against this particular bill. Mr. Speaker, we have a doctrine - just in plain common sense, not to change horses in the middle of the stream. During the 1975 legislative session, Act 185 was enacted which added to Chapter 519 of the Hawaii Revised Statutes, and a new section relating to residential leaseholds was enacted. Essentially, this section, Section 519-2, imposes certain restrictions and limitations on the renegotiation of ground rentals on a residential ground lease.

I rose in this body and tried to persuade my colleagues that we were not sufficiently defining the word 'residential'; however, we find ourselves in a proposition where with this one, Act 185, is in litigation.

It is highly inappropriate for us to change horses in the middle of the stream.

Thank you, sir."

The motion to pass H.B. No. 3088-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL

REAL PROPERTY", was put by the Chair and carried by a vote of 46 ayes to 3 noes, with Representatives Blair, Cobb and Sutton voting no, and Representatives Amaral and Carroll being excused.

H.B. No. 3208-76, HD 1

On motion by Representative Shito, seconded by Representative Cayetano, H.B. No. 3208-87, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN", was recommitted to the Committee on Housing.

H.B. No. 2947-76, HD 1

On motion by Representative Shito, seconded by Representative Cayetano and carried, H.B. No. 2947-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Carroll being excused.

STANDING COMMITTEE REPORTS

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 535-76) recommending that H.B. No. 3333-76, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 535-76 on H.B. No. 3333-76, HD 2, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3333-76, HD 2, were made available to the members of the House at 8:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 536-76) recommending that H.B. No. 3117-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 536-76 on H.B. No. 3117-76, HD 1, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3117-76, HD 1, were made available to the members of the House at 8:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No.

537-76) recommending that H.B. No. 3129-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 537-76 on H.B. No. 3129-76, HD 1, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3129-76, HD 1, were made available to the members of the House at 8:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 538-76) recommending that H.B. No. 3456-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 538-76 on H.B. No. 3456-76, HD 1, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3456-76, HD 1, were made available to the members of the House at 8:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 539-76) recommending that H.B. No. 2919-76, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 539-76 on H.B. No. 2919-76, HD 1, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2919-76, HD 1, were made available to the members of the House at 8:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 540-76) recommending that H.B. No. 2593-76, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 540-76 on H.B. No. 2593-76, HD 1, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2593-76, HD 1, were made available to the members of the House at 8:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 541-76) recommending that H.B.

No. 2909-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 541-76 on H.B. No. 2909-76, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2909-76, were made available to the members of the House at 8:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 542-76) recommending that H.B. No. 2713-76, HD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 542-76 on H.B. No. 2713-76, HD 2, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2713-76, HD 2, were made available to the members of the House at 8:20 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 543-76) recommending that H.B. No. 2987-87, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2987-76, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS AND FOR SALARY ADJUSTMENTS OF EMPLOYEES EXCLUDED FROM CERTAIN BARGAINING UNITS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 544-76) recommending that H.B. No. 3141-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3141-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS", passed Second Reading and was placed on the calendar for Third Reading tomorrow,

March 17, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 545-76) recommending that H.B. No. 682, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 682, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CERTAIN FUNDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 546-76) recommending that H.B. No. 2782-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the majority of the Committee was adopted and H.B. No. 2782-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 547-76) recommending that H.B. No. 3217-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 3217-76, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION OF CHILDREN", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 548-76) recommending that H.B. No. 2090-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi

and carried, the report of the Committee was adopted and H.B. No. 2090-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD AND THE HAWAII STATE GUARD", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 549-76) recommending that H.B. No. 2932-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the majority of the Committee was adopted and H.B. No. 2932-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING OF REPEAT OFFENDERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 550-76) recommending that H.B. No. 3043-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 3043-76, entitled: "A BILL FOR AN ACT RELATING TO CIVIL ACTIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 551-76) recommending that H.B. No. 2933-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2933-76, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 552-76) recommending that H.B.

No. 2259-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2259-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED DUPLICATION OF KEYS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 553-76) recommending that H.B. No. 2062-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2062-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION AGAINST THE PHYSICALLY HANDICAPPED", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 554-76) recommending that H.B. No. 2115-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2115-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 555-76) recommending that H.B. No. 2833-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2833-76, entitled: "A BILL FOR AN ACT RELATING TO CONSENT TO ADOPTION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March

17, 1976.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2987-76, HD 1; 3141-76, HD 1; 682, HD 1; 2782-76, HD 1; 3217-76; 2090-76, HD 1; 2932-76, HD 1; 3043-76; 2933-76; 2259-76, HD 1; 2062-76, HD 1; 2115-76, HD 1; and 2833-76 were made available to the members of the House at 8:20 o'clock p.m.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 556-76) recommending that H.B. No. 3107-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Machida, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.B. No. 3107-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOTEL RESERVATIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Segawa, for the majority of the Committee on Health, presented a report (Stand. Com. Rep. No. 557-76) recommending that H.B. No. 2169-76, 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 Naito and carried, the report of the majority of the Committee was adopted and H.B. No. 2169-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representatives Segawa and Lee, for the Committees on Health and Labor and Public Employment, presented a report (Stand. Com. Rep. No. 558-76) recommending that H.B. No. 2194-76, 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 Lee and carried, the report of the majority of the joint Committee was adopted and H.B. No. 2194-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", passed Second Reading and was

placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 559-76) recommending that H.B. No. 1053, 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 Takamine and carried, the report of the Committee was adopted and H.B. No. 1053, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERSONNEL SYSTEM OF THE JUDICIAL BRANCH", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 560-76) recommending that H.B. No. 2171-76, 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 Takamine and carried, the report of the Committee was adopted and H.B. No. 2171-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OCCUPATIONAL SAFETY AND HEALTH LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

Representative Sakima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 561-76) recommending that H.B. No. 2040-76, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Sakima, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2040-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPUS PLANNING FOR THE UNIVERSITY OF HAWAII SYSTEM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1976.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 3107-76, HD 1; 2169-76, HD 1; 2194-76, HD 1; 1053, HD 1; 2171-76, HD 1; and 2040-76 were made available to the members of the House at 9:30 o'clock p.m.

At 11:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:20 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

H.B. No. 2160-76:

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2160-76, entitled: "A BILL FOR AN ACT RELATING TO STADIUMS AND AMENDING CHAPTER 109, HAWAII REVISED STATUTES", having been read throughout, passed Third Reading by a Roll Call vote of 34 ayes to 14 noes, with Representatives Abercrombie, Blair, Cayetano, Ho, Kihano, Larsen, Lee, Lum, Lunasco, Peters, Shito, Stanley, Sutton and Takamura voting no, and Representatives Amaral, Carroll and Kunimura being excused.

H.B. No. 3196-76:

Representative Roehrig moved that H.B. No. 3196-76, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then offered the following amendment:

"H.B. No. 3196-76, H.D. 1, is amended as follows:

1. The word 'shall' in line 16 on page 2 is deleted and the word 'may' is inserted in lieu thereof.
2. The phrase 'if the court so orders' is added between the word 'consecutively' and the period in line 19 on page 4.

Except as amended herein, H.B. No. 3196, H.D. 1, shall otherwise remain unmodified."

Representative Roehrig moved that the amendment be adopted, seconded by Representative Uechi.

Representative Roehrig then spoke in favor of the amendment, stating:

"Mr. Speaker, the effect of this amendment is to provide that when we have a first time conviction of a felony involving the use of firearms that the court may impose a mandatory minimum sentence without possibility

of parole. We changed the 'shall' to 'may'.

We also state in the bill that the consecutive sentencing which had been mandated in the first instance, shall be, if the court so orders. In effect, making the mandatory consecutive sentencing in the sound discretion of the court.

This is the totality of the amendment."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I commend the Judiciary Chairman and his committee for bringing forth this amendment, after long and arduous labor in putting forth the bill, and then the report attached to it, which is before us.

The reason I do so is that the situation that is being addressed in the bill, that is to say the utilization of firearms in a commission of criminal offenses, is one that we must pay the closest possible attention to. But, at the same time, we can't lose our perspective on it.

The reason that I think the amendment should be passed, and then the bill, is that in the original form there would have no discretion whatsoever. In the individual instance of deciding whether or not in a first offense involving a firearm or a crime of passion, for example, was the situation, there would be no discretion on the part of the judge available to him or to her. Inasmuch as crimes of passion and such are unlikely to reoccur, leaving the decision at the sound discretion of the judge is a prudent and a proper course to take.

In the second instance, Mr. Speaker, where the mandatory consecutive sentencing is involved, the amendment calls for a situation in which concurrent sentencing may, at the sound discretion of the judge, be ordered. The reason that this is also a good thing to pursue and to vote favorably upon is that there may be circumstances connected with the commission of the offense in which a multiple conviction can occur. That is to say, several offenses, rather several convictions may occur around essentially the same offense. In the original circumstance, the judge would have no alternative but to sentence consecutively. And inasmuch as these sentences, I think if the members will pay close attention to the numbers involved,

inasmuch as these sentences are severe, there is no way that any reasonable person, I think, could argue that these sentences are not severe. They most certainly are. And in terms of deterrent, effect of severity, of certainty of sentences, is at issue--there is no question that this bill provides for that.

Under those circumstances that I just outlined, the judge would have no choice but to sentence consecutively. If this was the case, I think that it would obviate the reasons behind the intent of the bill. If in the first offense situation the judge is allowed, in his or her discretion to sentence concurrently, the intent of the bill will be served, and we will not inflict cruel and unjust punishment upon the person so convicted.

I would submit to the body that it is very unlikely, especially in crimes of passion, that the instance will be repeated. Where we have a criminal situation involving the use of firearms and such instances as armed robbery and assault in connection with armed robbery, then this bill does give the necessary power to the judge to sentence appropriately. Should it occur again, of course, then there is no discretion allowed and a mandatory sentence is imposed. This, I think, would separate out in a judicious fashion those persons convicted of crimes whom I do not believe this body would want to have come under the severe sentencing embodied in the bill."

Representative Cobb then rose and stated:

"Just one brief comment - that any time now that a repeat offender goes out and commits that second act, I hope they get the message with this bill, that it's very clearly intended no discretion on that second offense and that the Committee had very strong feelings on this matter. That where there was premeditation, even on the first offense, perhaps there may not want to be discretion.

I think that some of the points that have been pointed out by previous speakers, to which the Chairman has acceded to, where it is a crime of passion or first offense, where there is no other criminal record, it does deserve some consideration and some discretion. But I hope the second offenders really get the message on this one."

The motion to adopt the amendment was put by the Chair and carried, with Representatives Evans and Sutton voting no.

By unanimous consent, consideration of H.B. No. 3196-76, HD 2, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3196-76, HD 2, were made available to the members of the House at 11:30 o'clock p.m.

At 11:31 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:45 o'clock p.m.

H.B. No. 3262-76, HD 1:

Representative Kawakami moved that H.B. No. 3262-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Kawakami then offered the following amendment to H.B. No. 3262-76, HD 1:

"A BILL FOR AN ACT
RELATING TO AGRICULTURAL LANDS
BE IT ENACTED BY THE LEGISLATURE
OF THE STATE OF HAWAII

SECTION 1. Chapter 205, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

'Sec. 205- Permissible uses within the agricultural district. (a) Uses permitted within the agricultural district with soil classified by the Land Study Bureau as Class A or B shall be restricted to:

- (1) Cultivation of crops, including but not limited to flowers, vegetables, foliage, fruits, forage and timber;
- (2) Game and fish propagation;
- (3) Raising of livestock, including but not limited to poultry, bees, fish or other animal or aquatic life that are propagated for economic or personal use;
- (4) Farm dwellings, employee housing, farm buildings, or activities or uses related to farming and animal husbandry;
- (5) Public institutions and

buildings which are necessary for agricultural practices;

(6) Public and private open area types of recreational uses including day camps, picnic grounds, parks, and riding stables, but not including dragstrips, airports, drive-in theaters, golf courses, golf driving ranges, country clubs, and overnight camps;

(7) Public, private, and quasi-public utility lines, and roadways, transformer stations, solid waste transfer stations, and appurtenant small buildings such as booster pumping stations, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance, treatment plants and major storage tanks not ancillary to agricultural practices, or corporation yards or other like structures;

(8) Retention, restoration, rehabilitation or improvement of buildings or sites of historic or scenic interest;

(9) Roadside stands for the sale of agricultural products grown on the premises;

(10) Buildings and uses, including but not limited to mills, storage and processing facilities, maintenance facilities that are normally considered direct accessory to the abovementioned; or

(11) Agricultural parks.

(b) Uses not expressly permitted in this section 205- (a) shall be prohibited, except the uses permitted as provided in section 205-6 and section 205-8, and construction of single family dwellings on lots within any subdivision in agricultural district approved by the county before the effective date of this Act. Any other law to the contrary notwithstanding no subdivision of land within the agricultural district with soil classified by the Land Study Bureau as Class A or B shall be approved by a county unless the land within the subdivision shall be made subject to the restriction on uses as prescribed in this section and to the condition that the uses shall be primarily in pursuit of an agricultural activity. Any deed, lease, agreement of sale, mortgage or other instrument of conveyance covering any land within the agricultural subdivision shall expressly contain the restriction on uses and the condition as prescribed in this section which restriction and condition shall be encumbrances

running with the land until such time that the land is reclassified to a land use district other than agricultural district.

(c) Uses permitted within the agricultural district with soil classified by the Land Study Bureau as class C, D, E or U shall conform to Sec. 205-5(b).'

SECTION 2. Sec. 205-12, Hawaii Revised Statutes, is amended to read as follows:

'Sec. 205-12 Enforcement. The appropriate officer or agency charged with the administration of county zoning laws shall enforce within each county the use classification districts adopted by the land use commission and the restriction on use and the condition relating to agricultural districts under Sec. 205- and shall report to the commission all violations.'

SECTION 3. Sec. 205-13, Hawaii Revised Statutes, is amended to read as follows:

'Sec. 205-13 Penalty for violation. Any person who violates any provision under Sec. 205- , or any regulation established relating thereto, shall be fined not more than \$5,000, and (Any) any person who violates any other provision of this chapter, or any regulation established (pursuant to this chapter,) relating thereto, shall be fined not more than \$1,000.'

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.

SECTION 5. This Act shall take effect upon its approval."

Representative Kawakami moved that the amendment be adopted, seconded by Representative Uechi.

Representative Kawakami then rose and stated:

"At this time, I would like to flag out the amendments that were made out to HD 1.

On page 1 of the bill, lines 4-6, we have added the words, starting from 'uses' until 'to'. Now we are adding a new section to section 205 of the existing statutes. And to add clarity to the new section, we added the following words, as stated in the amendment.

And on line 13 (4), we added 'employee housing'.

On page 2 of the bill, on lines 23-25, starting from 'and construction of single family dwellings', etc., and up to 'this Act' is a new section we have added in HD 2. In essence, what this does is grandfather in existing agricultural subdivisions.

On page 3, lines 12-14, again, to add clarity to this new section, (c) has been added to HD 2.

On page 4, line 10, there was a typographical error - instead of 'revisor' they had 'revision', so we changed that to 'revisor'."

Representative Cayetano, upon being recognized, asked:

"If the Chairman is finished, I'd like to ask him some questions?"

Representative Kawakami replied: "I'll yield."

Representative Cayetano continued, asking:

"Mr. Speaker, will you ask the Chairman what is the rationale for, or the reason for the amendment noted on lines 23-25? What is the problem regarding grandfather?"

Representative Kawakami answered:

"There are many existing agricultural subdivisions throughout the State. I don't know specifically whether these lands that are subdivided presently are in the A or B classification. But in order to take care of concerns of some of the members, we are grandfathering all existing agricultural subdivisions and any new subdivisions that takes place within the State which involves agricultural land classified A or B; then they will have to comply with this new law if it is passed."

Representative Peters then rose and stated:

"I would like to ask the Chairman a few questions myself."

The Chair asked: "Representative Kawakami, will you yield?"

Representative Kawakami replied: "Yes, I will."

The Chair then directed Representative Peters to proceed.

Representative Peters then asked:

"Yes, Mr. Speaker. The Chairman crystallized in my mind, concerning the use of some of these activities on agricultural land; more specifically, as an example, a drive-in theatre. Is that an agricultural activity?"

Representative Kawakami replied: "It is not."

Representative Peters continued, asking:

"Mr. Speaker, again, regarding the comprehensive zoning code - what kind of effect would this bill have on the comprehensive zoning code?"

Representative Kawakami stated:

"Mr. Speaker, as far as the comprehensive zoning ordinance of the city and counties, the CZOs control urban lands. I feel it won't have any effect on CZO. This whole bill addresses itself to agricultural classified lands."

Representative Peters then said:

"Thank you, Mr. Speaker."

Representative Clarke then rose and asked:

"Will the Committee Chairman yield to a question, please?"

Representative Kawakami replied: "I will, Mr. Speaker."

Representative Clarke then asked:

"Would you kindly ask the Committee Chairman why the restriction to A and B and not C, D, E or U?"

Representative Kawakami replied:

"Presently, in our existing statutes, there is no restriction as far as agricultural subdivisions, as far as its uses. And, the Committee felt that the prime lands within the State are classified A and B by the Land Study Bureau and should remain in agricultural use. And as far as agricultural subdivisions throughout the State, this is not anything new. It has been going on for years and now it is getting to a point where these subdivisions are occurring on what I consider prime lands, so this is why we are proposing this piece of legislation."

Representative Clarke then said: "Thank you, Mr. Speaker."

The motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on H.B. No. 3262-76, HD 1, as amended, was deferred until tomorrow, March 17, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3262-76, HD 2, were made available to the members of the House at 11:55 o'clock p.m.

At 11:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:59 o'clock p.m.

The Chair directed the Clerk to note that H.B. Nos. 3162-76, HD 1, and 3290-76 had passed Third Reading at 10:09 o'clock p.m.; H.B. No. 3255-76, HD 2, at 10:10 o'clock p.m.; H.B. No. 2359-76, HD 1, at 10:11 o'clock p.m.; H.B. Nos. 1247, HD 1, and 2302-76, HD 1, at 10:14 o'clock p.m.; H.B. Nos. 2375-76, HD 1, and 1632-76, HD 2, at 10:15 o'clock p.m.; H.B. Nos. 2596-76, HD 2, 3070-76, HD 1, 2998-76, 2300-76, HD 2, at 10:25 o'clock p.m.; H.B. No. 683, HD 1, at 10:27 o'clock p.m.; H.B. Nos. 3013-76, HD 1, and 3242-76, HD 1, at 10:28 o'clock p.m.; H.B. No. 2185-76 at 10:29 o'clock p.m.; H.B. Nos. 2188-76 and 3040-76 at 10:30 o'clock p.m.; H.B. No. 2235-76 at 10:31 o'clock p.m.; H.B. No. 2151-76 at 10:37 o'clock p.m.; H.B. No. 2234-76 at 10:38 o'clock p.m.; H.B. No. 2706-76 at 10:39 o'clock p.m.; H.B. Nos. 3100-76, HD 1, and 2554-76 at 10:40 o'clock p.m.; H.B. No. 2256-76, HD 1, at 10:42 o'clock p.m.; H.B. Nos. 2128-76, HD 1, 2678-76, HD 1, and 2984-76, HD 1, at 10:43 o'clock p.m.; H.B. No. 2744-76, HD 1, at 11:00 o'clock p.m.; H.B. Nos. 3088-76, HD 1, and 2947-76, HD 1, at 11:05 o'clock p.m.; and H.B. No. 2160-76 at 11:25 o'clock p.m.

ADJOURNMENT

At 12:00 o'clock midnight, on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Wednesday, March 17, 1976.

FORTIETH DAY

Wednesday, March 17, 1976

The House of Representatives of the Eighth Legislature of the State of Hawaii, Regular Session of 1976, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Jack Belton of the Kailua United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Amaral and Roehrig, who were excused.

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

At 11:39 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:40 o'clock a.m.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 85 to 114) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 85) returning House Bill No. 1086, HD 1, which passed Third Reading in the Senate on March 15, 1976, was placed on file.

By unanimous consent, H.B. No. 1086, HD 1, was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 86) returning House Concurrent Resolution No. 70 which was adopted by the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 87) transmitting Senate Concurrent Resolution No. 76, endorsing National Food Day: April 8, 1976, which was adopted by the Senate on March 16, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu

and carried, S.C.R. No. 76 was adopted.

A communication from the Senate (Sen. Com. No. 88) transmitting Senate Bill No. 251, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RESEARCH, MORBIDITY AND MORTALITY INFORMATION", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 89) transmitting Senate Bill No. 1169, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR TRAFFIC VIOLATIONS", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 90) transmitting Senate Bill No. 1772-76, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CRIMINAL DEFENDANTS UNDER THE HAWAII PENAL CODE", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 91) transmitting Senate Bill No. 1780-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER SALES", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 92) transmitting Senate Bill No. 1784-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 93) transmitting Senate Bill No. 1786-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION IN CASES FILED BY THE OFFICE OF CONSUMER PROTECTION", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 94) transmitting Senate Bill No. 1798-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE TORT LIABILITY ACT", which passed Third Reading in the Senate on March 16, 1976,

was placed on file.

A communication from the Senate (Sen. Com. No. 95) transmitting Senate Bill No. 1829-76, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF REMNANTS OF PUBLIC LANDS", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 96) transmitting Senate Bill No. 1992-76, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 97) transmitting Senate Bill No. 1994-76, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 98) transmitting Senate Bill No. 2095-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 99) transmitting Senate Bill No. 2109-76, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PARENTAGE ACT", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 100) transmitting Senate Bill No. 2224-76, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 101) transmitting Senate Bill No. 2230-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIQUOR TAX LAW", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 102) transmitting Senate Bill No. 2321-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", which

passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 103) transmitting Senate Bill No. 2322-76, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 104) transmitting Senate Bill No. 2405-76, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A COMPREHENSIVE REVIEW OF MAJOR EMPLOYEE BENEFIT PROGRAMS", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 105) transmitting Senate Bill No. 2406-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF TRANSIENT ACCOMMODATIONS", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 106) transmitting Senate Bill No. 2526-76, entitled: "A BILL FOR AN ACT RELATING TO CONSENT TO ADOPTION", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 107) transmitting Senate Bill No. 2739-76, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION AGAINST THE PHYSICALLY HANDICAPPED", passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 108) transmitting Senate Bill No. 2745-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATE EMPLOYMENT PROGRAM", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 109) transmitting Senate Bill No. 2797-76, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS AT WAIKIKI, OAHU", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 110) transmitting

Senate Bill No. 2827-76, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR REPAIR AND MAINTENANCE OF STATE PROPERTIES AND FACILITIES", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 111) transmitting Senate Bill No. 2830-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF REVISOR OF STATUTES", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 112) transmitting Senate Bill No. 2831-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION FOR MEMBERS OF THE BOARDS OF REVIEW OF EACH TAXATION DISTRICT", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 113) transmitting Senate Bill No. 2898-76, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLDS", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

A communication from the Senate (Sen. Com. No. 114) transmitting Senate Bill No. 2925-76, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII WORKERS' COMPENSATION LAW", which passed Third Reading in the Senate on March 16, 1976, was placed on file.

On motion by Representative Kimura, seconded by Representative Ajifu and carried, S.B. Nos. 251; 1169, SD 1; 1772-76; 1780-76; 1784-76, SD 2; 1786-76, SD 1; 1798-76, SD 1; 1829-76; 1992-76; 1994-76; 2095-76, SD 1; 2109-76; 2224-76; 2230-76, SD 1; 2321-76, SD 1; 2322-76; 2405-76; 2406-76, SD 1; 2526-76; 2739-76; 2745-76, SD 1; 2797-76, SD 2; 2827-76, SD 1; 2830-76, SD 1; 2831-76, SD 1; 2898-76; and 2925-76, SD 1, passed First Reading by title and were referred to the Committee on Legislative Management and further action was deferred until later in the calendar.

At 11:41 o'clock a.m., on request by Representative Lum, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:42 o'clock a.m., Representative Lum rose

on a point of information and inquired:

"On Senate Communication No. 85, it seems to me that bill (H.B. No. 1086, HD 1) was passed last year and probably needs a final vote this year in the House to become law. Am I correct in my assumption?"

At 11:43 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:44 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Roehrig.

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

Representative Naito introduced 28 fifth grade students from Jefferson School and their teacher, Mrs. Sakuma.

Representative Fong introduced 26 ninth grade students from University High School. They were accompanied by their teacher, Mrs. Hung.

Representative Blair then rose, stating:

"Mr. Speaker, this morning I would like to make two introductions. First, I would like to introduce Ms. Diane Bartloff, a Peace Corps volunteer from Thailand who will shortly be returning to Bangkok where she will replace my brother at the British Embassy so that he can return to Hawaii after several years' absence. With her is my father who came down today to bring the family shillelagh so that I can hunt down orangeman with the proper instrument. In deference to Representative Kawakami, I will not hunt after dusk, but will they please rise to be recognized?"

Representative Kiyabu then introduced 51 second and third grade students from Waikiki School. They were accompanied by their teachers, Mrs. Kinue Kanda, Mrs. Shirley Tokunaga, Mrs. Phyllis Seto, and a parent, Mrs. Ethel Oshiro.

Representative Kiyabu then stated:

"I would just like to add a note and to thank the students publicly for the beautiful lei that they sewed out of material. Thank you."

Representative Sutton then introduced Ms. Patty Cook who is the agent

for Julie and Alan Grier.

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 514-76 on H.B. No. 2691-76, HD 1 (Deferred from March 16, 1976):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 2691-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Takamura then rose and upon being recognized by the Chair, stated:

"Mr. Speaker, I rise to speak in support of House Bill 2691-76, House Draft 1.

The purpose of this bill is to redesignate the Center for Labor-Management Education at the University of Hawaii and establish it as the Center for Labor Education and Research.

This re-designation is sorely needed. There is now no established focal point for the development of an integrated labor curriculum at Manoa.

During the past few years, the Center for Labor-Management Education has experienced serious administrative and budgetary problems such as numerous transfers within the University, several changes in the title of the program, lack of clarity in program direction and insufficient staff and financial resources, all of which have severely hampered the growth and development of program activities.

This troublesome situation has brought labor research at Manoa to a virtual standstill. (The only research that has been conducted has been done by the Industrial Relations Center housed in the College of Business Administration.)

Moreover, it has handicapped the efforts of many of us who believe that labor education is vital to maintain

sound labor management and to improve public understanding of the role and contribution of labor to our community. This situation has also deprived students of the opportunity to study and to understand, and to thus appreciate the struggle and the sacrifice of Hawaii's working people.

House Bill 2691 will, I believe, provide the structural and programmatic base to initiate and to develop a sound labor education and research program at the University.

For too long, the University administration has been allowed to neglect labor studies--we now have the opportunity to give it the attention it so much deserves. Therefore, I urge all of you to vote 'aye' on this bill."

The Chair recognized Representative Abercrombie and he stated:

"Thank you, Mr. Speaker. I would like to rise and speak in favor of the bill."

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

"Mr. Speaker, this is a day which is very happy for me in the sense that I first brought to the attention of the majority caucus the need for labor studies education at the University of Hawaii and suggested that such a program be part of our majority program. The majority caucus acceded to this request and a bill was introduced last year, the substance of which reflected the concerns that I raised and those raised by other members of the majority caucus. That bill passed and a very extensive report made--one of the most extensive that has ever been received by this body and one of the most thorough that has ever been received by this body--and subsequently, H.B. No. 2691-76 was introduced, gone over very thoroughly by the House Higher Education Committee, and subsequently by the Finance Committee, and the result is before us today.

If we pass this bill today, and I certainly hope that we do, we will be taking a historic step in redressing the situation in which the contribution of working people in this State will be duly recognized, and we would put into an academic circumstance the necessary tools in order to build up the kind of labor education and labor studies program that we need in the State--

very much need today--especially in the area of public employee collective bargaining, and we will enable further working men and women in the State to have a resource heretofore unavailable to them at the University level.

With these things in mind, I urge that all of us vote 'aye' on this measure."

Representative Lee, upon being recognized by the Chair, stated:

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

As the Chairman of Labor and Public Employment Committee, I wish to state that I do support the measure, its intent, and the idea that it represents. Please vote for 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. 2691-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR EDUCATION AT THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Amaral being excused.

The Chair directed the Clerk to note that H.B. No. 2691-76 had passed Third Reading at 11:53 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 562-76) informing the House that House Resolution Nos. 410 to 418, House Concurrent Resolution No. 72, Standing Committee Report Nos. 515-76 to 561-76, and Floor Amendments on H.B. 3239-76, HD 2, and H.B. 1441, HD 3, have been printed and distributed.

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

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 563-76) recommending that H.B. No. 2100-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa,

seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2100-76, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIIUM JULY 1, 1975, TO JUNE 30, 1977, AND AUTHORIZING THE ISSUANCE OF BONDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 2100-76, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

At 11:55 o'clock a.m., on request by Representative Kimura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:56 o'clock a.m.

SUSPENSION OF RULES

On motion by Representative Kimura, seconded by Representative Ajifu and carried, the rules were suspended for the purpose of considering the resolutions at the end of the morning calendar.

THIRD READING

H.B. No. 2374-76, HD 1:

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2374-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REVISION OF RATES, FARES, AND CHARGES OF PUBLIC UTILITIES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Amaral being excused.

The Chair directed the Clerk to note that H.B. No. 2374-76 had passed Third Reading at 11:57 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 419 and 420) and concurrent resolution (H.C.R. No. 73) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 419) in observance of Saint Patrick's Day, March 17, 1976 was jointly offered by Representatives Sutton, Cobb and Poepoe.

On motion by Representative Sutton,

seconded by Representative Garcia and carried, H.R. No. 419 was adopted.

At this time, Representative Sutton introduced to the members of the House Alan and Julie Grier.

Representatives Kimura, Kamalii and Sutton then presented leis to Alan and Julie Grier.

The Chair, at this time, stated:

"Alan and Julie Grier have graciously consented to perform before this body and for the audience this morning. For that purpose, the Chair will declare a recess, subject to the call of the Chair."

At 12:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:13 o'clock p.m., the Chair thanked the Grier's, stating:

"The Chair would like to extend deepest appreciation for a very appropriate and delightful performance to Alan and Julie Grier."

At 12:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair for the purpose of meeting Alan and Julie Grier.

The House of Representatives reconvened at 12:18 o'clock p.m.

At this time, Representative Cayetano rose, stating:

"Mr. Speaker, since this is Saint Patrick's Day, I would like to ask Representative Carroll if he will yield to a question."

The Chair asked: "Representative Carroll, will you yield?"

Representative Carroll replied: "Yes, Mr. Speaker, it would be a pleasure."

Representative Cayetano then asked:

"Representative Carroll, would you tell this body the story of the Dublin priest?"

Representative Carroll replied: "I would be very happy to, Mr. Speaker", and said:

"Mr. Speaker, it seemed that in the town of Dublin, there was

a small parish and they had a priest there who was about to die of malnutrition because he had only a 20 pound per month subsistence allowance from the church. So he went to the Bishop and the Bishop told him that he was supposed to supplement this income from donations from the parish members. So he said, 'you get up on the altar and you tell them that you get only 20 pounds per month and you need more money to live on.' So the poor priest went back that Sunday and the Bishop was on the altar with him to give him a little courage but being a holy man and never having asked for money in the past, he decided that rather than come right out and ask for it, he would frame this matter in a Gregorian chant and it went like this: 'I am the parish pastor and I must subsist on the 20 pounds per month', and the Bishop was rather taken by this so he jumped up and he sang: 'I am the Diocesan Bishop and I am to subsist but on 40 pounds per month', and the organ player, listening to all this, was completely agoged and he got up and he sang: 'I am the organ player for the parish and I am given 200 pounds per month for subsistence which just goes to show that there's no business like show business'."

Representative Garcia then rose, stating:

"It's a very hard act to follow, Mr. Speaker, but it gives me great pleasure, this afternoon, to introduce to this honorable body a 39-voice a cappella choir from the Dallas Baptist College. Directed by Dr. Wesley S. Coffman, they are currently on an 8-day tour of Hawaii and will be making several presentations throughout our city, and the theme of their bicentennial program is 'We the People'--so what I would like to do is introduce them now when they will give us a short performance of their repertoire."

At 12:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of receiving the a cappella choir from the Dallas Baptist College.

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

"On behalf of the members of the House, the Chair would like to extend our deepest appreciation to Dr. Wesley S. Coffman for honoring us with 39 very fine voices. We wish all of you well in your mission

to spread goodwill throughout our State and we wish you well in your mission throughout our other sister states.

Thank you again, very much."

A resolution (H.R. No. 420) commending the Hawaii State Chapter of the American Red Cross for outstanding community service and declaring the month of March as Red Cross Month was jointly offered by Representatives Ushijima, Abercrombie, Akizaki, Blair, Cayetano, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kimura, Kiyabu, Kondo, Kunimura, Larsen, Lee, Lum, Lunasco, Machida, Mizuguchi, Morioka, Naito, Oda, Peters, Poepoe, Roehrig, Sakima, Santos, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Yamada, Yap and Yuen.

On motion by Representative Segawa, seconded by Representative Stanley and carried, H.R. No. 420 was adopted.

A concurrent resolution (H.C.R. No. 73) commending United States Senator Hiram L. Fong for his outstanding and distinguished service to the people of Hawaii was jointly offered by Representatives Peters, Kunimura, Ushijima, Akizaki, Cayetano, Clarke, Cobb, Kimura, Kiyabu, Larsen, Medeiros, Mizuguchi, Poepoe, Santos, Shito, Sutton, Uechi, Yuen and Wakatsuki.

On motion by Representative Peters, seconded by Representative Ushijima and carried, H.C.R. No. 73 was adopted.

At 12:46 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:47 o'clock p.m., Representative Fong rose, stating:

"Mr. Speaker, I know if my Dad were here, he would have liked to thank you in person, and on his behalf, I thank you."

By unanimous consent, the following resolutions (H.R. Nos. 421 to 424) and concurrent resolution (H.C.R. No. 74) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 18, 1976:

A resolution (H.R. No. 421) relating to United States Department of Agriculture reform of the Food Stamp Program rules and regulations was offered by Representative Stanley.

A resolution (H.R. No. 422) urging maximum utilization of Hawaii produced agricultural products in the State school lunch and other meal programs administered by the Department of Education was jointly offered by Representatives Uechi, Abercrombie, Clarke, Fong, Hakoda, Ho, Ikeda, Inaba, Kawakami, Kihano, Larsen, Lunasco, Machida, Morioka, Oda, Roehrig, Santos and Yap.

A resolution (H.R. No. 423) relating to research on solutions to reproductive problems of dairy cattle was jointly offered by Representatives Uechi, Abercrombie, Clarke, Fong, Hakoda, Ho, Inaba, Kawakami, Kihano, Larsen, Lunasco, Machida, Morioka, Oda, Roehrig, Santos and Yap.

A resolution (H.R. No. 424) expressing the recognition, appreciation, and aloha of the State to the masters, crews, and owners of the steamships Mariposa and Monterey was jointly offered by Representatives Amaral, Ajifu, Carroll, Cayetano, Clarke, Cobb, Fong, Hakoda, Kiyabu, Larsen, Lum, Machida, Morioka, Naito, Oda, Peters, Sutton, Takamura, Uechi and Yap.

A concurrent resolution (H.C.R. No. 74) relating to the United States Department of Agriculture reform of the Food Stamp Program rules and regulations was offered by Representative Stanley.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 381-76 on H.B. No. 1441, HD 3 (Deferred from March 16, 1976):

Representative Kawakami moved that the report of the Committee be adopted and H.B. No. 1441, HD 3, having been read throughout, pass Third Reading, seconded by Representative Ho.

Representative Carroll then rose, stating:

"Mr. Speaker, may the record reflect that I would like the remarks made yesterday with reference to the amendment be incorporated and made a part of the discussion for this particular measure."

The Chair replied: "No objections. So ordered."

The following is the remarks of Representative Carroll made yesterday, March 16, 1976, relating to House Bill No. 1441, HD 3:

"This amendment and this bill, should they become law, will make a tremendous inroad into the rights of the individual landowners of whom we have a number--particularly on the islands of Hawaii, Maui and Kauai. I know of an instance where the only time that pigs, in particular, come down to the properties is at night, and that is the time when many of these people do engage in certain amount of pest control.

If this amendment should become law, this would mean that a farmer would have to sit and watch his emblems being torn up by the damage caused by these animals. I think if you allow this kind of an inroad into private privilege, to protect one's own property is almost enough to shock the conscience. And, on that basis, I ask everyone to vote against this amendment."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1441, HD 3, entitled: "A BILL FOR AN ACT RELATING TO NIGHT HUNTING OF BIRDS AND MAMMALS", having been read throughout, passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Carroll, Cobb, Kondo, Larsen, Santos and Sutton voting no, and Representative Amaral being excused.

H.B. No. 3239-76, HD 1, on Third Reading (Deferred from March 16, 1976):

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 3239-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC GUNS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Amaral being excused.

The Chair directed the Clerk to note that H.B. Nos. 1441 and 3239-76 had passed Third Reading at 12:51 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 564-76) recommending that H.B. No. 3458-76, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 564-76 on H.B. No. 3458-76, HD 2, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3458-76, HD 2, were made available to the members of the House at 12:15 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 565-76) recommending that H.B. No. 2598-76, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 565-76 on H.B. No. 2598-76, HD 3, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2598-76, HD 3, were made available to the members of the House at 12:15 o'clock p.m.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 566-76) recommending that H.B. No. 3020-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and H.B. No. 3020-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL PERSONNEL", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 3020-76, HD 1, were made available to the members of the House at 12:15 o'clock p.m.

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 567-76) recommending that H.B. No. 2241-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 567-76

on H.B. No. 2241-76, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2241-76 were made available to the members of the House at 12:15 o'clock p.m.

At 12:53 o'clock p.m., on request by Representative Lee, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 568-76) recommending that H.B. No. 3387-76, 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 Takamine and carried, the report of the Committee was adopted and H.B. No. 3387-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 3387-76, HD 1, were made available to the members of the House at 12:15 o'clock p.m.

At 12:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 569-76) recommending that H.B. No. 2386-76, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 569-76 on H.B. No. 2386-76, HD 2, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2386-76, HD 2, were made available to the members of the House at 12:15 o'clock p.m.

COMMITTEE REASSIGNMENT

The Chair, at this time, with all Chairpersons in agreement, re-referred H.B. No. 3254-76 to the Committee on Education only.

At 12:58 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

DISPOSITION OF MATTER PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 1086, HD 1, was taken from the Clerk's desk.

Representative Yamada moved that H.B. No. 1086, HD 1, pass Final Reading, seconded by Representative Yap.

Representative Yamada then stated:

"Mr. Speaker, speaking in favor of the bill, I would like to briefly mention that this bill permits the sale of liquor on election days and that this body had passed it out last year. The Senate had returned H.B. 1086, HD 1, without any change.

Presently, there are two counties that have it--Kauai and Maui--and just speaking for the Kauai delegation, obviously this bill had no effect on the voters' choices."

The motion was put by the Chair and carried, and H.B. No. 1086, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF LIQUOR ON ELECTION DAYS", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Ajifu, Poepoe and Sutton voting no, and Representative Amaral being excused, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

The Chair directed the Clerk to note that H.B. No. 1086 had passed Final Reading at 1:02 o'clock p.m.

At 1:03 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:04 o'clock p.m.

Representative Poepoe then rose and asked:

"Will the Majority Leader yield to a question?"

Representative Ushijima replied:

"Yes, I will, Mr. Speaker."

Representative Poepoe inquired:

"Mr. Speaker, I would like to know if the majority caucus right after session is open to us."

Representative Ushijima answered:

"No, unfortunately not. The caucus that is open to the minority members is scheduled for 5 p.m. this afternoon.

At 1:05 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives stood in recess until 7:00 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 7:43 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 518-76 on H.B. No. 2000-76, HD 2 (Deferred from March 16, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2000-76, HD 2, entitled: "A BILL FOR AN ACT AUTHORIZING THE REPAIR AND MAINTENANCE OF PUBLIC FACILITIES AND MAKING APPROPRIATIONS THEREFOR", having been read throughout, passed Third Reading by a vote of 43 ayes, with Representatives Amaral, Carroll, Inaba, Kiyabu, Naito, Shito, Takamura and Uechi being excused.

THIRD READING

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

H.B. No. 2103-76, HD 1:

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2103-76, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO INSURANCE", passed Third Reading by a vote of 43 ayes, with Representatives Amaral, Carroll, Inaba, Kiyabu, Naito, Shito, Takamura and Uechi being excused.

H.B. No. 2617-76, HD 1:

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2617-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", passed Third Reading by a vote of 43 ayes, with Representatives Amaral, Carroll, Inaba, Kiyabu, Naito, Shito, Takamura and Uechi being excused.

H.B. No. 2299-76, HD 1:

Representative Yamada moved that consideration of H.B. No. 2299-76, HD 1, be deferred to the end of the calendar and the Chair, noting that there were no objections, so ordered.

H.B. No. 2941-76, HD 1:

Representative Kawakami moved that H.B. No. 2941-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Blair.

Representative Sutton then rose, stating:

"Mr. Speaker, I am somewhat alarmed that a bill with criminal sanction would have the vagueness that this bill has. It talks in terms of the waters of Hawaii--any person who removes coral from the waters of the State without possessing a valid permit. Sir, I, myself, am not too well informed what the waters of the State of Hawaii are, and I don't see how the average individual who has not had the benefit of a legal education is going to know. This is very, very vague. . ."

Representative Kihano then rose and asked:

"Point of order, Mr. Speaker. Is he for or against the bill?"

Representative Sutton replied:

"I am against the bill."

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

"May I address the attention of the Chair to page 2, Item E, 'Any person who removes coral from the waters of the State without possession a valid permit or removes coral from any area where removal is prohibited or violates any departmental rule or regulation'. Picture that little family that is going out to dig a little coral, and they put it in their rowboat and they come in, and we have a rebuttable presumption that possession of this coral is a criminal offense.

In my opinion, Mr. Speaker, we have a bill here that is unconstitutional for vagueness, and we have placed something on the citizenary to have knowledge of the rules and regulations where the waters of the State of Hawaii. Is it three miles? Is it 200 miles? Does it include the channels between Lanai and Maui? Does it include the waters between Oahu and Molokai? Where exactly is this definition of the waters of the State of Hawaii?

And if we have this type of vagueness in a bill which has criminal sanction, I would ask my colleagues to please vote this down.

Thank you."

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

"I was wondering if this is the correct title of this bill--'A Bill for an Act Relating to the Removal of Coral?'"

The Chair asked: "Are you addressing your question to the Chair?"

Representative Lum replied:

"Well, the chairman of the Committee or one of the joint chairmen."

The Chair asked: "Representative Blair, will you yield?"

Representative Blair answered:

"I will yield to the question. That is the title."

Representative Lum then asked:

"I must apologize to this body for taking its time in trying to understand this bill, but I was not able to sign this bill before it came out.

I make reference to page 3, Mr. Speaker. I see a deletion in section 2, and I was wondering if the Chairman could tell me if the deletion of 'except

that any sandmining operation which has been legally in operation for a period of at least two years immediately prior to' and it goes all the way down until it hits 'such mining operation'--I wonder if that deletion is legal under the title of this particular bill since it refers to sand."

Representative Blair answered:

"I am not able to give legal opinions. I am sorry."

Representative Lum then rose to speak against the bill, as follows:

"Mr. Speaker, I rise to speak against this particular measure.

I think that this bill's title is not broad enough to start talking about the deletion of any prohibition of removal of sand and I think this particular bill has a cloud on it. I wish that the Committee Chairman would remove it from the floor because it seems to be a devious way of trying to get away the prohibition of removing sand. Coral, I can see, but it does not address itself only to coral; it addresses itself to the removal of sand. For that reason, I ask the Chairman to recommit and work on this and, hopefully, get it back on the floor before 12:00.

Thank you, Mr. Speaker."

Representative Blair then rose and remarked:

"I'd simply like to point out, for the benefit of Representative Sutton and members of this body, that the penalty provisions are not criminal but civil fines. Thank you."

The motion was put by the Chair and carried, and H.B. No. 2941-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REMOVAL OF CORAL", having been read throughout, passed Third Reading by a vote of 35 ayes to 9 noes, with Representatives Ajifu, Clarke, Fong, Ikeda, Kamalii, Lum, Poepoe, Santos and Sutton voting no, and Representatives Amaral, Carroll, Inaba, Kiyabu, Morioka, Shito and Uechi being excused.

H.B. No. 2130-76, HD 1:

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 2130-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT

CODE", passed Third Reading by a vote of 43 ayes to 1 no, with Representative Sutton voting no, and Representatives Amaral, Carroll, Inaba, Kiyabu, Naito, Shito and Uechi being excused.

H.B. No. 3110-76, HD 1:

On motion by Representative Yamada, seconded by Representative Yap, H.B. No. 3110-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Third Reading by a vote of 44 ayes, with Representatives Amaral, Carroll, Inaba, Kiyabu, Naito, Shito and Uechi being excused.

H.B. No. 2012-76, HD 1:

Representative Blair moved that H.B. No. 2012-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kondo.

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

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

There are numerous amendments here, and I won't go into them one at a time but would like to state generally that what this does is to rationalize and streamline Chapter 343 which is the Environmental Impact Statement Law. It's a source of much controversy and perhaps that's because various people have various expectations of it. Nothing will satisfy all of them since desires are inconsistent, but we hope that by rationalizing and simplifying it, we can at least have a more workable system.

Thank you, Mr. Speaker."

Representative Abercrombie then rose and upon being recognized by the Chair, stated:

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

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

"Thank you, Mr. Speaker.

The State of Hawaii took a giant step forward when it enacted Chapter 343, the Environmental Quality Commission and Environmental Impact Statement Law. Subsequent to the enactment

of the law, the Environmental Quality Commission drew up environmental impact statement regulations and rules of practice and procedure.

Now what is being done here is that a wholesale revision of the laws is being undertaken. I must confess that all of the ramifications of this change are not known to me. As you can see, a one, two, three, four--four pages of changes. I would be surprised, Mr. Speaker, if everyone who is about to vote on the bill has read all of these changes. I, myself, have not because I have not had sufficient time to try to look up and understand every single one of them. But those that I have and I am going to cite an example--those that I have read leave me to believe that this is being done precipitously. In fact, regardless of the attempts of the Chairman to convince me that the rewriting of the bill. . . excuse me, the rewriting of the law, especially in respect of what an environmental impact statement is--despite those attempts to convince me that this is an advancement for the bill, I do not believe it to be so. At the very least, I am unable to vote in the affirmative because if I do, I would be voting in the dark. I would be voting on a hope.

Now, the Environmental Impact Statement Law is so basically and fundamentally important to the social and economic health and the environmental health of the State that to make wholesale changes in the law, at this particular time, seems to me extremely ill-advised.

I want to refer in particular, if I might, Mr. Speaker, to page 2 of the Committee Report--the third paragraph down preceded with the number 5 which refers to 343-1(6). Among the changes there, the following words are taken out of law: 'effects of the proposed action on the economic and social welfare of the community in the State; effects of the economic activities arising out of the proposed action.' I want to indicate, Mr. Speaker, that under the rules and regulations of the Environmental Quality Commission, 'environment' is defined as meaning 'man's surroundings, inclusive of all the physical, economic and social conditions which exist within the area which will be affected by the proposed action, including land, human, animal, communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic

significance.' When we take out these words, and I have read the substitution, it seems to me what we are doing is going away from the specific and moving into the vague and general areas that will, in my opinion, gut the whole reason for having the law in the first place.

The effects of the proposed action on the economic and social welfare of the community and State cannot be separated from what may be called an environmental impact statement, especially in an age of modern technology. We need only look at Kaneohe Bay. To say that there is not a significant social and economic content, especially an economic content, in the sense of the financial cost of the State in terms of pollution, simply begs imagination from my point of view, in understanding how you can separate environment per se from social and economic. The regulations of the Commission themselves dictate that such a change not be made.

I would indicate that in instances such as the proposed Diamond Head Community College that with this new definition in mind, I believe the University would be able to completely plan its campus and never take into account the residents at Diamond Head nor those at Kaimuki.

They could ignore improvement districts; they could fail to designate in detail what sewage requirements might be involved in the project, whether drainage conditions are suitable for the project. By concentrating on what might be loosely termed the environment per se as opposed to the social and economic consequences of environmental change--that, I think, is the essence of what the Environmental Impact Law is all about.

I might point out, in addition, that under Rule 1:12, subsection (c) of Agency Action, a group of proposed actions shall be treated as a single action when (1) the component actions are phases or increments of a larger total undertaking; the individual project is a necessary precedent for a larger project. An individual project represents a commitment to a larger project, or the actions in question are essentially the same and a single statement would adequately address the impacts of any single action.

When you look at it from this point of view, it is impossible for me

to believe that these wholesale changes might not result in actually eviscerating the Environmental Impact Statement Law. I think it is ill-advised and ill-timed to make these kinds of changes until the House has had sufficient time to absorb the complete impact, and I don't use the word in a loose way at all. The complete impact of what these changes will mean. In the absence of a clear indication as to whether we might not, in fact, be obviating why we pass the law in the first place, I think it is better to vote no until a very thorough examination can be made by the members."

The Chair then recognized Representative Blair and he stated:

"Mr. Speaker, I find there are a couple more subjects I would like to speak on in favor of this bill; the first of which is the question of the amount of time that was devoted to making these 'wholesale amendments.'"

Mr. Speaker, your Committee spent about half its time this session on these, including three separate decision-making sessions. I think that if we are being anything, we are certainly not being precipitous.

The other point I would like to make all members aware of is that although that is the implication of earlier statements, that in voting for this bill, you are in no way weakening the Environmental Impact Statement Law. Quite the contrary, you are strengthening it considerably.

And, as a final word, Mr. Speaker, I would like to state that the previous speaker and I agree on at least one point, and that is that it does not absorb the full implications of all the amendments. Thank you."

Representative Abercrombie again rose, stating:

"Well, the previous remark by the Chairman might have been made slightly in jest or in a gayly cavalier fashion; nonetheless, the point is well taken. He is quite right. I am not prepared to vote on all the amendments the way they are put because I don't understand the full implications of it and what I am asking of the members of this body--unless you are sure in your mind when you vote for laws in the State of Hawaii, that you understand the full implications of it, I think it is prudent and only right that one not vote in the affirmative."

Representative Sutton rose on a point of information and asked:

"Would Mr. Blair yield to a question?"

At this point, Representative Cobb rose on a point of order and said:

"Names are not to be mentioned. It's the Representative from the 14th District or Chairman of Environmental Protection."

The Chair then asked:

"Representative Blair, will you yield?"

Representative Blair replied:

"Mr. Speaker, I am nothing if not amenable and I will certainly yield."

Representative Sutton asked:

"If you spent all the time you did on this report as you stated, 'half of the session', why is it that two Republicans' names do not have signatures on this report? Does it take you thirty days to find a Republican?"

Representative Blair answered:

"We didn't spend thirty days, Mr. Speaker, on the signature page."

Representative Cobb, upon being recognized by the Chair, then stated:

"Yes, Mr. Speaker, on a point of information to the Chairman. It is my understanding that the Diamond Head Association is filing suit relative to the constitutional standing of 343 and the question is whether or not the passage of this measure would, in any way, obviate that proposed litigation."

Representative Blair replied:

"Mr. Speaker, I have not read any of the briefs and I don't really understand the question as posed to me. The information given seems incomplete, but if he would care to rephrase the question as to what amendments have been made to withstand the suit provisions, I would be happy to answer."

Representative Cobb rephrased his question:

"Yes, Mr. Speaker, the Diamond Head Association, it is my understanding, is filing suit on the suitability or the comprehensive nature or lack of comprehensive nature on some of the economic questions that are required under the law today. Since we are now in the

process of deleting those requirements by the passage of this particular measure, would the suit be rendered moot or would the law be addressed by the court as it stood at the time of suit rather than at the time of passage of this bill?"

Representative Blair replied:

"Mr. Speaker, again, I am being asked for a legal opinion. It's a little difficult; I can only answer the questions as to what amendments have been made. Since the question was rephrased, I feel now that I can at least try to answer it; perhaps not successfully."

We have amended the stand in the suit portion as it relates to any judicial proceeding, the subject of which is the acceptability of a statement. We have been expansive in this regard and not contracted."

Representative Kunimura, upon being recognized by the Chair, remarked:

"Mr. Speaker, if it is a pending or anticipated litigation to be filed, then this House will have to wait until Kingdom come because there is always that possibility unless it is filed in the court, we cannot take any stand whether it will jeopardize the case or not."

Representative Larsen then rose, stating:

"Mr. Speaker, I have been listening with a great deal of interest to the statements made by the previous speakers, both by the Committee Chairman and members of the House. I am not addressing myself to either for or against this bill; I am indicating my concerns about it. May I speak on that point, Mr. Speaker?"

The Chair asked:

"Your concern or your position for or against the bill?"

Representative Larsen replied:

"As of right now, I think I am against the bill, Mr. Speaker."

I am not convinced. I attended several of those sessions to discuss the bills and they were always quite complex and I, at that time, never had grasped all the subjects as my colleague to my right here has already indicated. It is a very complex matter.

My colleague from the 8th district has addressed himself to a point about whether the Diamond Head Community Association is going to use a new bill to find an objection to the Community College or not. I don't believe that point is germane, but I really do have serious questions about whether proper environmental impact statements shall be made or need to be made under the present bill.

Thank you, Mr. Speaker."

At 8:05 o'clock p.m., on request by Representative Roehrig, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:07 o'clock p.m.

At this time, Representative Ajifu asked for a roll call vote on H.B. No. 2012-76, HD 1.

The motion was put by the Chair and carried, and H.B. No. 2012-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", having been read throughout, passed Third Reading by a roll call vote of 30 ayes to 17 noes, with Representatives Abercrombie, Ajifu, Carroll, Clarke, Cobb, Evans, Fong, Hakoda, Ho, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poepoe, Santos and Sutton voting no, and Representatives Amaral, Inaba, Kiyabu and Shito being excused.

H.B. No. 2271-76:

On motion by Representative Segawa, seconded by Representative Lee, H.B. No. 2271-76, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Inaba, Kiyabu and Shito being excused.

H.B. No. 2723-76:

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 2723-76, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD", passed Third Reading by a vote of 46 ayes to 1 no, with Representative Sutton voting no, and Representatives Amaral, Inaba, Kiyabu and Shito being excused.

H.B. No. 3165-76, HD 1:

Representative Lee moved that consideration of H.B. No. 3165-76, HD 1 on Third Reading be deferred until tomorrow, March 18, 1976, and the Chair, noting that there were no objections, so ordered.

H.B. No. 3288-76:

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 3288-76, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY ACCOUNT NUMBERS", passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Inaba, Kiyabu and Shito being excused.

H.B. No. 2944-76:

On motion by Representative Lee, seconded by Representative Naito, H.B. No. 2944-76, entitled: "A BILL FOR AN ACT RELATING TO HAWAII EMPLOYMENT SECURITY LAW", passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Inaba, Kiyabu and Shito being excused.

H.B. No. 2904-76, HD 1:

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 2904-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH", passed Third Reading by a vote of 46 ayes to 1 no, with Representative Cayetano voting no, and Representatives Amaral, Inaba, Kiyabu and Shito being excused.

H.B. No. 2533-76:

On motion by Representative Stanley, seconded by Representative Peters, H.B. No. 2533-76, entitled: "A BILL FOR AN ACT RELATING TO DAY CARE CENTERS", passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Inaba, Kiyabu and Shito being excused.

H.B. No. 3113-76:

On motion by Representative Stanley, seconded by Representative Peters, H.B. No. 3113-76, entitled: "A BILL FOR AN ACT TO REPEAL ACT 176, SESSION LAWS OF HAWAII

1937, WHICH APPROPRIATED FUNDS FOR BEDS FOR INDIGENT MATERNITY PATIENTS", passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Inaba, Kiyabu and Shito being excused.

At 8:15 o'clock p.m., on request by Representative Poepoe, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:19 o'clock p.m.

H.B. No. 3247-76, HD 1:

Representative Segawa moved that consideration of H.B. No. 3247-76, HD 1, be deferred to the end of the calendar, and the Chair, noting that there were no objections, so ordered.

H.B. No. 3248-76, HD 1:

Representative Segawa moved that H.B. No. 3248-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Naito.

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

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

Mr. Speaker, this State, in 1975, made a commitment to its developmentally disabled--a commitment to aid them in reaching their full potential as human beings leading useful and fulfilled lives. We expressed this in the creation of the Planning and Advisory Council on developmental disabilities and, tonight, we have a chance to follow through on our promise by passing H.B. No. 3248-76, HD 1.

The Department of Health constitutes the pivotal point from which the Advisory Council can now begin to oversee the implementation of the State's plan to aid those with developmental disabilities. At the same time, this bill maintains the position from which objective evaluation and reporting can be achieved.

This bill before us expands the definition of developmental disabilities to include those afflicted with autism and dyslexia. Today, the causes of both these disabilities are still unknown to educators and doctors; diagnosis is difficult; treatment is expensive and not always successful.

But, on the other hand, non-treatment is probably more expensive to society as a large proportion of juvenile delinquents have been found to have dyslexia. Yet, the list of those who have overcome these problems with the help of those who cared are represented by great people of the past, such as Woodrow Wilson and Einstein; and leaders of the present, such as Vice President Nelson Rockefeller. Thus, by adding the definition of developmental disabilities to the passage of this bill, we are making an invaluable investment for the future benefit of Hawaii.

I, therefore, ask all members of this body to vote favorably on this measure. Thank you."

The motion was put by the Chair and carried, and H.B. No. 3248-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDMENTS TO THE DEVELOPMENTAL DISABILITIES LAWS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Inaba, Kiyabu and Shito being excused.

H.B. No. 2172-76:

On motion by Representative Segawa, seconded by Representative Lee, H.B. No. 2172-76, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE ACT", passed Third Reading by a roll call vote of 33 ayes to 13 noes, with Representatives Ajifu, Carroll, Clarke, Cobb, Evans, Hakoda, Ikeda, Kamalii, Larsen, Medeiros, Poepoe, Santos and Sutton voting no, and Representatives Amaral, Fong, Inaba, Kiyabu and Shito being excused.

H.B. No. 3253-76, HD 1:

On motion by Representative Kawakami, seconded by Representative Uechi, H.B. No. 3253-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE LANDS", passed Third Reading by a vote of 47 ayes, with Representatives Amaral, Inaba, Kiyabu and Shito being excused.

The Chair directed the Clerk to note that H.B. Nos. 2000-76, 2103-76 and 2617-76 had passed Third Reading at 7:44 o'clock p.m.; H.B. Nos. 2941-76 and 2130-76 at 7:50 o'clock p.m.; H.B. No. 3110-76 at 7:51 o'clock p.m.; H.B. Nos. 2012-76 and 2271-76 at 8:11 o'clock p.m.; H.B. No. 2723-76 at 8:12 o'clock p.m.; H.B. No. 3288-76

at 8:13 o'clock p.m.; H.B. Nos. 2944-76 and 2904-76 at 8:14 o'clock p.m.; H.B. Nos. 2533-76 and 3113-76 at 8:15 o'clock p.m.; H.B. No. 3248-76 at 8:22 o'clock p.m.; and H.B. Nos. 2172-76 and 3253-76 at 8:25 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Yuen, for the Committee on Education, presented a report (Stand. Com. Rep. No. 570-76) recommending that H.B. No. 3254-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yuen, seconded by Representative Oda and carried, the report of the Committee was adopted and H.B. No. 3254-76, entitled: "A BILL FOR AN ACT RELATING TO THE REAPPORTIONMENT OF THE BOARD OF EDUCATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 3254-76 were made available to the members of the House at 7:00 o'clock p.m.

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 571-76) recommending that H.B. No. 2700-76, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 571-76 on H.B. No. 2700-76, HD 2, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2700-76, HD 2, were made available to the members of the House at 7:00 o'clock p.m.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 572-76) recommending that H.B. No. 2878-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2878-76, HD 1, entitled: "A BILL FOR

AN ACT RELATING TO STATE INSURANCE ADMINISTRATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 573-76) recommending that H.B. No. 2317-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2317-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representatives Roehrig and Yamada, for the Committees on Judiciary and Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 574-76) recommending that H.B. No. 1159, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Yamada and carried, the report of the joint Committee was adopted and H.B. No. 1159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSPECTION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 1159, HD 1, were made available to the members of the House at 7:00 o'clock p.m.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 575-76) recommending that H.B. No. 2111-76, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 575-76 on H.B. No. 2111-76, HD 2, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2111-76, HD 2, were made available to the members of the House at 7:00 o'clock p.m.

Representative Roehrig, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 576-76) recommending that H.B. No. 2371-76, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 576-76 on H.B. No. 2371-76, HD 2, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2371-76, HD 1, were made available to the members of the House at 7:00 o'clock p.m.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 577-76) recommending that H.B. No. 3286-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 3286-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPARATIVE NEGLIGENCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 578-76) recommending that H.B. No. 2928-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2928-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION OF ADULTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 579-76) recommending that H.B. No. 2135-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2135-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS",

passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Roehrig, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 580-76) recommending that H.B. No. 3126-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Roehrig, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 3126-76, entitled: "A BILL FOR AN ACT AMENDING CHAPTER 92, HAWAII REVISED STATUTES, RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

At this point, Representative Sutton rose on a point of order, stating:

"On Standing Committee Report 575-76 on H.B. No. 2111-76, it says 'Define Death When Death Occurs', but the name of the bill is 'A BILL FOR AN ACT RELATING TO DEATH'. I submit that the Order of the Day does not have the right title."

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 581-76) recommending that H.B. No. 2385-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 2385-76, entitled: "A BILL FOR AN ACT RELATING TO FULL EMPLOYMENT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representatives Cayetano and Blair, for the Committees on Energy and Transportation and Environmental Protection, presented a report (Stand. Com. Rep. No. 582-76) recommending that H.B. No. 3075-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Blair and carried, the report of the joint Committee was adopted and H.B. No. 3075-76, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO THE OWNERSHIP OF SOLID WASTES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 583-76) recommending that H.B. No. 3208-76, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 583-76 on H.B. No. 3208-76, HD 2, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3208-76, HD 2, were made available to the members of the House at 7:00 o'clock p.m.

Representatives Yamada and Roehrig, for the Committees on Consumer Protection and Commerce and Judiciary, presented a report (Stand. Com. Rep. No. 584-76) recommending that H.B. No. 331, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Roehrig and carried, the report of the Committee was adopted and H.B. No. 331, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 585-76) recommending that H.B. No. 2796-76, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 585-76 on H.B. No. 2796-76, HD 1, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2796-76, HD 1, were made available to the members of the House at 7:00 o'clock p.m.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 586-76) recommending that H.B. No. 1810, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 586-76 on H.B. No. 1810, HD 2, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1810, HD 2, were made available to the members of the House at 7:00 o'clock p.m.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 587-76) recommending that H.B. No. 1445, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 1445, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGREEMENTS OF SALE OF REAL PROPERTY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 588-76) recommending that H.B. No. 3018-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3018-76, entitled: "A BILL FOR AN ACT RELATING TO DEPOSITS OF PUBLIC FUNDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 589-76) recommending that H.B. No. 2575-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 2575-76, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Akizaki.

Representative Kamalii offered the following amendment to House Bill No. 2575-75:

"SECTION 1. House Bill No.

2575-76 is amended to read as follows:

SECTION 1. Purpose. The purpose of this Act is to provide for a special refund to taxpayers on (their 1975) state individual income taxes.

The legislature has determined that tax relief for individual taxpayers is urgently needed. The combined burden of federal, state, and local taxes borne by Hawaii's taxpayers is extremely heavy. Last year, the average family in this State is estimated to have paid thirty percent of its income on direct federal, state, and local taxes. With respect to the per capita amount of state and local taxes paid, Hawaii ranks third highest among the states. Moreover, the plight of Hawaii's taxpayers is aggravated by continuing high inflation. Caught in the squeeze of a heavy tax burden and high inflation, the individual taxpayer needs, and is entitled to, some measure of tax relief.

The financial condition of state government is now, and is anticipated to be in the future, such that tax relief can be provided to individual taxpayers without jeopardizing the financial integrity of the State (or those governmental expenditures which are determined to be necessary during the current fiscal biennium. The sizeable general fund balance which was realized by the State at the end of the fiscal year 1974-1975 and the general fund tax collections in the current fiscal year, which are significantly higher than originally estimated, make possible a program to grant immediate tax relief).

The legislature finds that (immediate) tax relief can best be granted through a special refund to all individual taxpayers on the basis of their (1975) state individual income taxes, with some measure of relief being granted to all individual taxpayers and with greater relief being provided to those taxpayers with low and moderate incomes).

Through the special refund provided for by this Act, the legislature asserts its continuing concern to advance the cause of fairness and justice for Hawaii's taxpayers.

SECTION 2. Authorization of tax refund. Every resident taxpayer filing an individual state income tax return pursuant (before April 21, 1976, because of taxes due under) chapter 235, Hawaii Revised Statutes,

(for the calendar year 1975,) shall be paid a tax refund out of the general revenues of the State by the director of taxation as provided in this Act.

SECTION 3. Refund. Each resident taxpayer shall be treated as having made payment against the tax imposed under chapter 235, Hawaii Revised Statutes, (for the calendar year 1975,) and shall receive a tax refund based upon the tax paid as follows:

(SPECIAL TAX REFUND SCHEDULE)

<u>If the tax paid is:</u>	<u>The special tax refund shall be:</u>
under \$50	The amount of the tax liability
\$50 but less than \$501	\$50
\$501 but less than \$1,001	10 percent of the tax liability
\$1,001 but less than \$1,201	\$90
\$1,201 but less than \$1,401	\$80
\$1,401 but less than \$1,601	\$70
\$1,601 but less than \$1,800	\$60
Over \$1,800	\$50;)

(1) If the tax liability paid is under \$50, then the special tax refund shall be the amount of tax liability paid;

(2) If the tax liability paid is \$50 or more, then the amount of the special tax refund shall be equal to the amount of the tax liability paid multiplied by ten percent;

provided that if a married resident taxpayer is filing a separate return, the amount of tax refunded as set forth (in the table) above shall be reduced by fifty percent for each separate return.

SECTION 4. Joint return. For the purposes of this Act in the case of a joint return under Chapter 235, Hawaii Revised Statutes, both spouses shall be treated together as one individual.

SECTION 5. Certain persons not eligible. This Act shall not apply to any estate or trust, nor shall it apply to any nonresident

alien individual.

SECTION 6. Tax refunds, when made. Tax refunds under this Act shall be made by the director of taxation (by June 30, 1976) and shall be made separate and apart from any other refund due any resident individual taxpayer for the overpayment of taxes due under chapter 235, Hawaii Revised Statutes.

SECTION 7. Effective date. This Act shall take effect upon its approval, and shall be effective as to income tax returns beginning with those filed for the calendar year beginning January 1, 1975.' "

Representative Kamalii moved that the amendment be adopted, seconded by Representative Ajifu.

At 8:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:50 o'clock p.m.

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

"Mr. Speaker, I rise to speak in favor of this amendment to House Bill 2575-76. This bill seeks to provide a special refund to taxpayers on their individual income taxes.

The Finance Committee reports that 'justice to taxpayers has emerged as one of the important and continuing issues at all levels of government. . . and that 'a special income tax refund will provide some form of relief to every individual income taxpayer in Hawaii. . .'

Mr. Speaker, I'm all for any legislation that tries to ease the squeeze of a heavy tax burden and high inflation. Surplus tax money should be returned to those from whom it was taken.

But does this bill really return the money to those from whom it was taken? It does not, but this amendment will help to do that. Instead of providing some form of tax relief to every taxpayer, we propose equal relief. Instead of opting for a special tax refund schedule that will refund an average of 10 percent of our taxpayers' payments, let's refund exactly 10 percent to every taxpayer.

For after all, where is there any

justice in a bill that still hits hard at the pockets of the already squeezed middle class wage earners? And, too, where is there any real help to them in a bill that tells them they'll receive a rebate for just one year? What about the year after, and the year after that?

Our amendment takes care of that, Mr. Speaker, because we propose to provide continual relief--for everyone--and at the same rate. If we are trying to stimulate our economy; if we are trying to get business going again so that those in low income brackets can get jobs and earn money, then why do we not give these middle class wage earners the same tax break we give everyone else? Why should we not give money to those who need it, and who spend it, thus stimulating our economy?

And let's not say that we do not have a means right at hand which will make up any deficit incurred by this 10 percent across the board continuing refund, Mr. Speaker, because we do. It's right here in the House, passed to us from the Senate, and we call it the tourist tax.

Thank you."

Representative Poepoe then rose, stating:

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

Mr. Speaker, I would like to read something into the record: 'Runaway inflation on our commodities is rapidly reducing the purchasing power of the dollar and is chewing up the paycheck of the people of this State. As a single state legislature, there is little we can do to halt or even slow down the national price spiral, but we can act to relieve the burden of the people of Hawaii and we must. To accomplish this, I have introduced in the House a bill which would grant a 10 percent tax refund on personal income taxes for 1974.

'In spite of dire financial predictions, both last year and this, the State can afford to grant tax relief to the people of Hawaii, et cetera', and so states my press release two years ago when I called for a tax rebate on March 5, 1974.

The arguments applied then apply again today. The people of Hawaii need tax relief and that is their top priority.

Earlier this year, I introduced a bill to reduce personal income taxes and the general excise tax 10 percent across the board.

This amendment satisfies my desire to reduce taxes permanently in this State."

Representative Suwa was recognized by the Chair and he stated:

"Mr. Speaker, I rise to speak against the amendment. In doing so, I ask my colleagues to vote against the amendment.

Mr. Speaker, as to the idea of a tax refund, I am happy that my colleague--the introducer of the amendment--feel that as far as the philosophy of it but, Mr. Speaker, primarily is the timing. I will agree to the fact that we may have some tax refund when our final budget passes this House and our final bill on an employment solving the unemployment problem passes this House to relieve some construction industry layoffs. Mr. Speaker, then and only then, I would like to recommend a tax rebate or refund.

Therefore, Mr. Speaker, I would like to keep this vehicle in option for a later date. I, therefore, ask the members of this House to vote down the amendment."

Representative Abercrombie then rose, stating:

"Mr. Speaker, I rise to speak against the amendment. May I?"

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

"Mr. Speaker, as much as I would like to give and give and give; perhaps, once I might be able to give, but to ask me to give in perpetuity is to ask more than I can do for even the woman I love."

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

"He speaks for himself."

Representative Lum then spoke in favor of the amendment, stating:

"I rise to speak in favor of this particular amendment and in doing so, may I, for the record, clarify that we, on this side of the aisle, do feel that this is a viable alternative to what is being proposed tonight

by the majority of this body.

There are two concepts that you have to realize in this particular amendment. The first, of course, is a 10 percent across the board rebate to those who pay taxes.

The second is that it will continue to go as long as the legislature feels that this particular refund is necessary. If a future legislature should come back and decide they want to cut it off, they have that option.

I stood on this floor a few weeks ago. I heard a Representative from the neighbor island tell us that we were playing games. Well, I am going to tell you right now-- I challenge you majority to kick out a bill that looks like this and it is fair to the community. We, on this side of the aisle, would like to see you act on the tourist tax. I, for one, would like to see you act on the tourist tax. I would like to see what we could do and what kind of revenue we can bring in and we will give it back to the people who pay taxes in Hawaii.

If you do really believe that the people out there need the help, then let's not play games. Get your majority Senators on the other side to pass this particular measure back to us or if they are going to amend it, let's go to conference and let's work it out. But I think there is a game being played here by both houses and I. . ."

At this point, Representative Kimura rose, stating:

"Point of order, Mr. Speaker. I think his remarks should be confined to the contents of this bill instead of conjecturing on the political ploys of the majority party."

The Chair replied:

"Point is well taken. Representative Lum. . . . Representative Lum, will you wait until the Chair rules. With that point in mind, you may proceed."

Representative Lum continued:

"Mr. Speaker, as I was speaking last time about an issue very similar to this, I heard somebody looking at the stands, talking about the press and accusing us of playing political games here on this floor. . . ."

Representative Kimura again rose on

a point of order and stated:

"I think the speaker has not gotten the point."

The Chair stated:

"Representative Lum, the Chair will rule you out of order if you persist and insist on continuing the line of argument that you are using. Will you confine your remarks to the merit or demerit of the proposed amendment."

Representative Lum continued his remarks:

"I guess what I am saying is beginning to hit home.

I think the people of this State should realize that the group that is in power and in control of this legislature has the control over what comes out of the committee. We only consist of five members on the Finance Committee and our amendments, unless they are put on the floor like this, will not have the same impact as they do in the committee and I respect the Chairman from the Big Island. . ."

Representative Kimura rose, stating:

"Mr. Speaker, point of order again. I think now he is talking about the internal procedure of the Finance Committee. We all know what the rules of the House are. I think he should be admonished once and for all to stick to the merits and demerits of the amendment."

The Chair said:

"Representative Lum, the Chair will insist that you confine your remarks to the proposed amendment."

Representative Lum continued, stating:

"Mr. Speaker, this particular measure, if passed, will give back, according to our estimates, approximately \$22 million. We have a surplus presently, admitted by both the administration and by some of the administration people, that there is a surplus here and although we have been meeting in decision-making and passing out measures to take up some of that surplus, we feel that this is a viable alternative to what is being presented to us.

The present bill, House Bill 2575-76, House Draft 1, has no numbers

and I heard the Chairman say that we are going to conference with this. I would like to see these concepts accepted. I would like to have these concepts presented back to the community so that they know that this body wants to really get that money back into the hands of those who pay taxes. In order to do that, we have to vote for this particular amendment.

Mr. Speaker, I urge all members of this body to vote for this amendment."

Representative Mizuguchi then rose, stating:

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

First of all, I think that the amendment proposed by the minority is inappropriate because the amendment tries to amend House Bill No. 2575-76. The bill before us. . ."

Representative Lum rose, stating:

"Point of order, Mr. Speaker. I believe that the Committee Report that we signed did not have this particular draft attached to it."

The Chair then said, "Will you proceed, Representative Mizuguchi."

Representative Mizuguchi proceeded, stating:

"Thank you. The bill we have before us is House Bill No. 2575-76, House Draft 1. However, I feel, in support of the House Finance Chairman, at this time, we believe that the revenue picture is quite clear; that a tax rebate is affordable. However, the actual amounts must await several financial decisions that are still pending. These include the budget, collective bargaining agreements that may be forthcoming, and various appropriation measures. The intent of the Finance Committee is to keep the schedule open until all financial matters are clarified.

It is for this reason that I urge my colleagues to vote no on this amendment. Thank you."

Representative Blair was recognized by the Chair and he stated:

"Mr. Speaker, I rise on a point of information."

Asked by the Chair to "state your point", Representative Blair asked:

"I am wondering if we can properly vote on an amendment to a bill which does not properly amend and where it sets out the schedule that seems to be different than the House Draft 1, and I am curious as to whether an amendment can be so introduced."

Representative Kamalii then responded, stating:

"Mr. Speaker, the Committee Report that I signed and the bill that was attached is the bill that I am amending--not House Draft 1."

Representative Blair went on to say:

"Mr. Speaker, irregardless of what the movant is amending, the bill before the body is House Draft 1 and I don't know if it is proper for us to move. . ."

Representative Kamalii interrupted and asked for a recess.

At 9:04 o'clock p.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:05 o'clock p.m., the Chair stated:

"If there are no objections, the Chair will accept the proposed amendment but will not guarantee passage at this time."

Representative Cobb then rose and stated:

"Mr. Speaker, I must regretfully raise a point of order on the propriety of the bill that if a Committee Report was signed without the actual House Draft 1 of the measure and the question addressed to the Chair then is whether or not the bill is legal and proper in being before this House."

The Chair answered:

"It is my understanding that the Committee members were aware of House Draft 1 so the Chair rules that it is proper and legal."

Representative Kamalii then asked for a roll call vote on the amendment.

The motion to adopt the amendment was put by the Chair and failed to carry by a vote of 33 noes to 15 ayes, with Representatives Ajifu, Carroll, Clarke, Evans, Fong, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros,

Poepoe, Santos, Sutton and Wakatsuki voting aye, and Representatives Amaral, Inaba and Shito being excused.

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

"Mr. Speaker, I don't believe the bill was passed on Second Reading by the appropriate motion as yet."

At 9:09 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:10 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. 2575-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN INCOME TAX REFUND", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 590-76) recommending that H.B. No. 2783-76 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 590-76 on H.B. No. 2783-76 was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2783-76 were made available to the members of the House at 7:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 591-76) recommending that H.B. No. 2635-76, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 591-76 on H.B. No. 2635-76, HD 1, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2635-76, HD 1, were made available to the members of the House at 7:00 o'clock p.m.

Representative Lee, for the Committee on Labor and Public Employment, presented a report (Stand. Com. Rep. No. 592-76) recommending that H.B. No. 3388-76, 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 Takamine and carried, the report of the Committee was adopted and H.B. No. 3388-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 3286-76, HD 1; H.B. No. 2928-76, HD 1; H.B. No. 2135-76, HD 1; H.B. No. 3126-76, HD 1; H.B. No. 2385-76; H.B. No. 3075-76, HD 1; H.B. No. 331, HD 1; H.B. No. 1445, HD 1; H.B. No. 3018-76; H.B. No. 2575-76, HD 1; and H.B. No. 3388-76, HD 1, were made available to the members of the House at 7:00 o'clock p.m.

At this time, Representative Carroll was permitted to make a late introduction and introduced to the members of the House Mr. Ed Brennan, National Committeeman for the Republican Party of the State of Hawaii.

At 9:11 o'clock p.m., on request by Representative Cobb, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:16 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 593-76) recommending that H.B. No. 3280-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the majority of the Committee was adopted and H.B. No. 3280-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 594-76) recommending that H.B. No. 2785-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2785-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MECHANICS' AND MATERIALMEN'S LIENS AND HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 595-76) recommending that H.B. No. 2894-76, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2894-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

The Chair directed the Clerk to note that printed copies of H.B. No. 3280-76, HD 1; H.B. No. 2785-76, HD 1 and H.B. No. 2894-76, HD 1, were made available to the members of the House at 9:15 o'clock p.m.

At 9:17 o'clock p.m., on request by Representative Poepoe, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:05 o'clock p.m.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

H.B. No. 2299-76, HD 1 on Third Reading:

Representative Yamada moved that H.B. No. 2299-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Yap.

Representative Yamada then offered the following amendment to H.B. No. 2299-76, HD 1:

"SECTION 1. House Bill 2299-76, HD 1, is amended by amending lines 19 to 25 on page 4, and lines 1 to 3 on page 5 to read:

'his subcontractor or the subcontractor's subcontractor who is required to be licensed pursuant to chapter 444, shall have lien rights unless such contractor was licensed pursuant to chapter 444 when the improvements to the real property were made or performed, and no subcontractor or sub-subcontractor so licensed shall have lien rights if his work was subcontracted to him by a general contractor as defined in this chapter or his subcontractor who was required to be but was not licensed pursuant to chapter 444.' "

Representative Yamada moved that the amendment be adopted, seconded by Representative Yap.

Representative Yamada then explained the amendment, stating:

"Mr. Speaker, basically, what this amendment does is that it removes all the changes on House Draft 1 between the lines of 21 and 23 and by deleting these changes on that bill, it would remove the possibility of a licensed contractor and/or a licensed subcontractor unknowingly dealing with an unlicensed subcontractor from waiving their liens: . . .their mechanic lien rights."

The motion was put by the Chair and carried, and the amendment was adopted by voice vote.

By unanimous consent, consideration of H.B. No. 2299-76, HD 1, as amended, was deferred until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2299-76, HD 2, were made available to the members of the House at 10:05 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 535-76 on H.B. No. 3333-76, HD 2 (Deferred from March 16, 1976):

Representative Suwa moved that the report of the majority of the Committee be adopted and H.B. No. 3333-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Larsen then offered the following amendment to H.B. No. 3333-76, HD 2:

"SECTION 1. House Bill 3333-76, HD 2 is amended by amending line 15 on page 3 to read:

'as may be necessary, to carry out the purpose of this Act (.); provided that, before any of said sum may be expended directly or indirectly for a task force project, a financial audit and assessment of said project's past operations, if any, and an economic feasibility study for the future operation thereof must be prepared, made available for inspection by the public during established office hours and be the subject of a public hearing pursuant to chapter 91; provided further that any of said sum allocated to the Hawaii Biogenics project at Kohala must first be used:

(1) to conduct field-scale tests to determine the economic viability of corn production for cattle feeding in Kohala, such tests to be supervised and evaluated by the College of Tropical Agriculture; and

(2) to develop a facility for the production of Hawaiian hybrid corn seed, if no other source is available. The"

Representative Larsen moved that the amendment be adopted, seconded by Representative Ajifu.

Representative Larsen then spoke in favor of the amendment, as follows:

"Mr. Speaker, members of the House, I rise to speak in favor of the amendment to House Bill 3333-76, House Draft 2. My background is in farming and I like to call a spade a spade. This bill is the Kohala bill of 1976.

This amendment does two things, Mr. Speaker. First, it sets conditions and establishes public accountability on how the 1.2 million dollars on this bill is to be spent. Second, it places specific restrictions on the use of the funds for the Hawaii Biogenics project at Kohala.

I believe that setting up a coordinating council in the Governor's office, as proposed in this bill, has some merit as far as controlling agricultural policy in this State.

I oppose handing over 1.2 million dollars with no strings attached. My amendment provides that before expending any money on any task force project, the Administration Council must prepare a financial audit and assessment of the project's past operations, if any, and an

economic feasibility study for the project's future operations. Furthermore, it would require that these assessments be made available to the public, and that a public hearing be held pursuant to Chapter 91.

Mr. Speaker, we must appropriate funds in a responsible manner. We must bring out into the open the decisions about how these monies are to be spent. We must introduce elements of caution and public accountability into task force considerations, so that we can avoid the mistakes and the wasteful spending of the past.

This amendment should cause the Administration and its coordinating council to be more careful about how it spends the taxpayers' money.

The second part of my amendment addresses a specific project, the Hawaii Biogenics project at Kohala. We have already spent over \$2 million on this one project, and it is now in receivership under the Federal Bankruptcy Laws. At this moment in time, we still do not know if we can grow corn in Kohala economically, an absolute necessity to make the Biogenics feed lot a viable operation. This amendment requires the Administration to first prove the viability of the farming operations before we spend additional money on expanding the feed lot.

Members of the House, I ask your support for this prudent amendment.

Thank you, Mr. Speaker."

Representative Uechi then rose, stating:

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

Mr. Speaker, all of the concerns that were expressed by the previous speaker with regard to the Kohala situation has been adequately expressed in the Committee Report and he was party to the formulation of this particular report. I believe that it is a fair report, fair assessment, and the area that is most critical is in the area of project management, and our final recommendation to the Governor, with the creation of the statewide coordinating committee of the task force, is that the Governor employ competent staff to monitor and to develop coordinated plans for remedial action as will be required for all task force projects.

To express other concerns with regard to the development of the rules and regulations, these existing task forces have adopted rules and regulations insofar as all the task forces' loan is concerned. So, with the particular report that has been circulated to the House, it admonishes the Governor to be more critical with regard to the expenditure of funds as the coordinating task force is created.

I would urge all members to vote against this amendment. Thank you, Mr. Speaker."

Representative Abercrombie then rose, stating:

"Mr. Speaker, may I rise to speak against the amendment?"

Directed by the Chair to "proceed", Representative Abercrombie spoke against the amendment as follows:

"Mr. Speaker, I rise to speak against this amendment with great reluctance and the reason for that is that I have grown to respect Representative Larsen's ability, his help on the Committee. He has been unceasingly available to the members of the Committee who did not possess the kind of knowledge that he did. He shared it with us willingly throughout the session previous to this and throughout this year. He has worked extremely closely with the Chairman and the rest of the members of the Committee in what I believe is a bipartisan effort to come to grips with some of the problems that were involved in the Kohala Task Force and with agriculture statewide.

However, Mr. Speaker, I think that I would be remiss if I did not draw a little bit more detailed attention to the Special Committee Report No. 17 to which the Chairman referred. I believe, and sincerely believe, that the concerns addressed in the amendment offered by Representative Larsen are more than adequately met in the Special Committee Report. I believe that this report is the result of perhaps one of the most thorough and searching inquiries that have taken place in the House of Representatives. Almost numberless hours were spent in determining the facts of the case and going over all the ramifications and implications of the Kohala Task Force situation; especially in terms of funding and possible refunding, and especially in terms of the field scale tasks and so on to which the amendment refers.

I would like to draw--I will not read it, Mr. Speaker, due to the time factor--but I would like to draw the members' attention and I hope the members of the public's attention when considering the Kohala Task Force situation and task forces throughout the State, and particularly to the introduction and background section of Special Committee Report No. 17. . ."

Representative Kamalii then rose, stating:

"Point of order, Mr. Speaker, is the speaker referring to the amendment or is he speaking on Special Committee Report No. 17. I think he should address himself to the amendment."

Representative Abercrombie then replied:

"Mr. Speaker, I am addressing myself to the amendment by way of referring to Special Committee Report No. 17 because I think the reading of it obviates the necessity for passing the amendment that has been offered."

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

"Thank you, Mr. Speaker. May I repeat then, I would like to draw the public's attention and the members' attention to the introduction and background section in reference to the first part of the amendment and in reference to the field scale test part. I would like to draw their attention to page 4 in the italics where, if I may quote, 'it is the opinion of your Committee that further expansion of the acreage plant be delayed until the completion of the College of Tropical Agriculture's experiment.'

Mr. Speaker, the College of Tropical Agriculture of the University of Hawaii has given the Committee an extremely detailed outline of what it will take to complete field scale test in corn research and the Committee's recommendations on page 5 of which there are five--I will not read them. This is a public report and available to all, addresses that situation specifically as well as the other projects. . ."

Representative Clarke then rose, stating:

"Point of order, Mr. Speaker. I believe the speaker is referring to a Special Committee Report which is on Supplemental Calendar No.

5 which we have not even taken up at this point."

The Chair replied:

"No formal action is required on the Special Committee Report, Representative Clarke. It has been distributed to the members' desks for review by all members."

Representative Abercrombie then stated:

"Mr. Speaker, I believe I began my comments by stating that if the public and the members would make reference to the report--I didn't indicate whether it has been passed or not. I am merely indicating that it is available to the public as you have just said. Therefore, I believe my remarks are still pertinent."

Directed by the Chair to "proceed", Representative Abercrombie continued, stating:

"Thank you. I have only one. . ."

Representative Clarke interrupted:

"Point of order, Mr. Speaker.

I believe the speaker is out of order when he says it is available to the public. We just received it a half an hour ago."

Representative Abercrombie remarked:

"Mr. Speaker, anything that is on my desk is available to the public."

Representative Clarke then said:

"Mr. Speaker, I believe the speaker is wrong. The public is not allowed into the chambers."

The Chair stated:

"Representative Clarke, I think we are dealing with semantics here. The public is well aware that these reports will be available to them and are available to them. Proceed, Representative Abercrombie."

Representative Abercrombie thanked the Chair and continued his remarks, stating:

"It is for these reasons that I believe that the amendment should be voted down and I would like to conclude by reiterating my remarks that no one in this House holds the maker of the amendment in more respect than I do.

Thank you."

Representative Cobb then rose and asked:

"Mr. Speaker, I would like to address a point of information to either the maker of the amendment or the chairman of the subject matter committee, and that is, the recommendations contained in the Special Committee Report No. 17 go into some detail and so do the remarks of the committee and its committee report. However, the question is whether or not the recommendations of the Special Committee Report are binding with the force and effect of law or merely advisory to the Governor?"

The Chair asked:

"Representative Uechi, will you yield to that question?"

Representative Uechi answered:

"Mr. Speaker, I believe he knows the answer."

Representative Larsen then rose and remarked:

"I am not sure about that answer. That is why I am pushing for this amendment."

I appreciate the comments by the Representative who has spoken before me, and I also appreciate the fact that we do have a Special Committee Report No. 17 on our desk.

The main reason for the amendment is that Special Report No. 17 is a very interesting document along with the Committee Report attached to this bill and many other Committee Reports and documents and analyses, and hope that we will get recommendations from the receivership in which the project we are talking about is now in. But those things are all reference points.

We are talking here about controlling the flow of money appropriated by this House. I believe the amendment addresses itself to that point. It does not overly burden the bill with items and chronology and all the rest of it. It just addresses itself to controlling the money and in a step-wise fashion to first isolate the points that have to be proven before the money floods out into unknown recesses in Kohala and other projects.

Thank you, Mr. Speaker."

The motion to adopt the amendment was put by the Chair and failed to carry.

Representative Larsen rose and said:

"Mr. Speaker, I don't know if I am at the proper time, but if we are now going to pick up a vote on the original bill, I would like to speak against the original bill."

Directed by the Chair to "proceed", Representative Larsen stated as follows:

"Thank you, Mr. Speaker. I am speaking against the same House Bill No. 3333-76, HD 2.

This bill has two holes in it--one at the beginning and one at the end. It is a conduit created by the Administration to shoot money at any project it happens to like.

As members of this Legislature, we all have an obligation and a responsibility to control the direction and the amount of monies that have come from the pockets of our taxpayers. It is our prerogative, and our responsibility to the taxpayer, to control the expenditures of these funds.

This bill gives absolutely no legislative control as to where or how the money is spent. By design, it is a vague appropriation bill. It creates a slush fund where 1.2 million dollars is available for undisclosed purposes.

I am for assisting areas of the State that are confronted with serious economic problems. However, each problem should be considered and evaluated thoroughly by this Legislature. By passing this bill, we abdicate our authority to control the legislative appropriations. This is only the beginning. In future years, we will have more requests for more money for more unknown destinations.

I submit to you that the coordinating committee created in this bill is merely a smokescreen to appropriate funds without legislative control.

Past history indicates that we have been too generous in distributing monies to our task force projects, and controls are needed on how this money is to be spent.

We are supposed to learn from experience. This Legislature and the public have already seen how people with good intentions can spend money unwisely.

I urge you all to vote no on this measure.

Thank you."

Representative Uechi then rose, stating:

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

Mr. Speaker, the intent and purpose of this bill is to assure the effective statewide coordination of task forces now in existence or that may be organized to respond to the needs of economically threatened or depressed communities.

This would be accomplished by placing in the Governor's Office the authority and the responsibility to evaluate and to approve all requests for fundings and for all programs designed to assist such communities.

The Governor's Office would also have the responsibility for monitoring the State funded programs.

Monitoring efforts by sister agencies have been uncoordinated and the result is that many State-funded task force projects have not been able to develop to their potentials.

By way of example, I direct your attention to the Kauai Task Force project in which 200 acres of papayas were planted last year at Moloaa. There was no market research or comprehensive planning for the project. The first of the crop is being harvested even though market plans are not firméd. This may hurt the entire papaya industry.

It is the considered judgment of the Agriculture Committee that the best way to insure the protection of State funds by the success of the various task force projects is to establish a review process at the highest level of the executive branch.

By squarely placing this responsibility in the Office of Governor, the legislature will create a committee which would require expertise and authority to provide uniform planning, evaluation and review at a statewide level.

The passage of House Bill 3333-76 would mandate the coordinating committee in the Office of the Governor to perform these evaluation and review functions in all requests for assistance or application of loans. The coordinating committee would also be empowered to expend State funds for task force activities, subject to the approval of the Governor.

Under the existing task force structure, effective coordination has not been possible because of the absence of a central coordinating mechanism for the three task forces.

Not only are Kohala, Molokai and Kauai Task Forces separate entities, the expending agencies for each is different. For Kohala, it is the State Department of Agriculture; for Molokai, it is the County of Maui; and for Kauai, it is the Department of Planning and Economic Development.

Because these agencies responsible for disbursing funds are different, standards for monitoring have varied and, consequently, monitoring has been weak and inadequate.

I am hopeful that the coordinating committee and the Governor's Office, once authorized by the passage of House Bill 3333-76, will insist on qualified monitors who would develop a program to systematically monitor task force projects and who would be able to advise project operators on potential problem areas.

It is important to understand that House Bill 3333-76, as a positive step designed to provide task force projects greater opportunities for success by providing review of operational efficiency and costs, market research, transportation and production problems.

Many of the past and current difficulties being experienced by task force projects result because of the lack of a coordinating mechanism. The State is in the position where it can only react, not assert leadership.

With respect to funds already appropriated by the legislature to existing task forces, the money should remain with them and commitments already made should be honored. However, uncommitted funds should not be expended for new projects until they have received approval of the coordinating committee and the Governor's Office.

The concept of a statewide task force should not be judged as an effort of the legislature to shirk the responsibility to the Kohala Task Force. The Agriculture Committee's Special Committee Report on the Kohala Task Force expresses strong reservations about additional funding for Kohala. But we are also suggesting that a statewide coordinating committee--viewing the needs of the entire State--would be in a better position to determine if additional funding requests for

Kohala are justified.

A plan for a statewide task force was introduced in 1975 in the form of House Bill 1103 which called for the placing of all prior and future appropriations and monitoring responsibilities in a statewide task force. Conceptually, I believe this approach is sound; but politically impractical.

House Bill 3333-76, HD 1, proposes to place only future appropriations under the control of a statewide committee, leaving prior appropriations to the various task forces.

It is also important to realize the provisions incorporated in House Bill 3333-76, HD 1, is but one component of the Agriculture Committee's statewide program. The House has seen fit to give their approval to the other bills in our agricultural package.

Already passed and sent to the Senate are: House Bill 83, HD 1 (1975), relating to a statewide agricultural coordinating committee, and House Bill 3261-76, relating to research and development of the expansion of agricultural commodities.

Many of the past and present problems of the existing task force projects could have been avoided if, as requested by the Agriculture Committee in the 1975 session, a comprehensive statewide agriculture plan had been developed, and the coordinating committee in the Governor's Office existed to implement the plan.

Under this bill, new task force projects would be created under predetermined criteria and priorities developed by the coordinating committee. New projects would thus be approved and implemented only after it has been clearly determined that they have a chance for success and fulfill a statewide agricultural objective.

Your Agriculture Committee thinks that this is a better way in getting things done!

Mr. Speaker and members of the House, I urge each member to vote aye on this measure.

Thank you, Mr. Speaker."

Representative Kawakami was then recognized by the Chair and he stated:

"Mr. Speaker, I would like to make one correction which the previous

speaker has made as far as his reference to the Kauai Task Force papaya project.

The correction is that just last week, the papaya growers and the processor have come to an agreement and very shortly will sign a contract for two years to market the papaya on the mainland. The marketing agent is a well-established distributor on the mainland and for the next two years, we will be assured that the papayas that are grown on Kauai will be distributed."

Representative Hakoda then rose and said:

"Mr. Speaker, I would like to speak against this bill."

Directed by the Chair to "proceed", Representative Hakoda stated as follows:

"Mr. Speaker, listening to the testimonies that we had on all the various task force operations, I was told that half of whatever sum that we are going to appropriate in this bill which was given the figures, somewhere around \$1 million or \$2 million, and that was going to be earmarked for one task force operation which was already. . . the request was put in and was also stated that was for Biogenics.

Now I feel that, listening to other testimonies, where the people who testified stated that they had big ranches, small ranches, other business people who were willing to appropriate money or make the investment to try and get Biogenics off the ground. Not only that, it is a known fact that we have some \$431,000 which the Chairman and the individuals who testified stated that funding will last or they could keep operating their Biogenics for another year or even more.

If this was your own business, and if you took a loss of \$2 million, I think the smart businessman would admit his mistakes and take a back and direct his efforts into some other direction rather than chasing what we've already lost.

I don't think this is a wise way for us to be spending our tax dollars for our constituents.

Thank you."

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

"I would like to request the Chairman

of the Agriculture Committee to respond to some questions."

The Chair asked:

"Representative Uechi, will you yield?"

Representative Uechi answered in the affirmative.

Representative Ajifu asked:

"Mr. Speaker, I would like to ask the Chairman of the Agriculture Committee if all of the unexpended balance of the prior appropriation must be approved by the coordinating committee?"

Representative Uechi answered, "no."

Representative Ajifu then stated:

"Mr. Speaker, I thought I heard the speaker in his statements say that those funds that were uncommitted need to be approved by the coordinating committee and this is why I raised this question. And I was just wondering whether Maui County has a special provision where the Mayor has the full control of all the fundings and whether that County will come under this proposed bill here."

Representative Uechi replied:

"All the existing monies will remain in the various task forces. However, the Governor still has the releasing authority."

Representative Ajifu then stated:

"Mr. Speaker, I would just like to make one statement in speaking against the bill.

I think what we are doing here again is legislating by piecemeal measures. I believe if the answer to the question was that they were consolidating prior appropriations and bringing together with what is being put into by the measure, I could see it makes a little more sense, but here again, we are appropriating in a piecemeal manner and, therefore, I oppose this measure."

Representative Takamine then requested that the following remarks be inserted in the Journal:

"In spite of all the headlines and statements about Kohala and Biogenics in particular, the important issue is where we go from here. Those who

have had the opportunity to question and discuss Biogenics with Mr. Richard Frazier, the court-appointed Receiver, have expressed their confidence in Mr. Frazier's knowledge and ability to make Biogenics, not only a viable operation, but one that can eventually pay back its loan to the State and accomplish the original goal. Mr. Frazier's accomplishment of bringing Honokaa Sugar Company from the brink of collapse to one of the State's best plantations has earned him the respect of all who know him. He is an outstanding farmer and businessman. Mr. Frazier has made it clear that expansion of kernel corn acreage will take place only when there is a guarantee the feed will be of high quality, be raised economically and consumed.

A successful Biogenics brings benefits far beyond that operation. It will provide a substantial boost to Big Island ranchers engaged in raising beef which can result in supplying more of our own beef and hopefully at a lesser cost to the consumer.

In addition, the continuing struggle to provide employment to Kohala residents goes on and will be aided by the project. The program of providing jobs instead of welfare is an important consideration that must not be lost sight of.

The new Board, governing expenditures, which is set up in House Bill 3333-76 will adequately ride herd on expenditures of all task forces.

I have full and complete confidence in Mr. Frazier's ability to handle his end and I urge all my colleagues to see that he has the few tools he needs to accomplish his program which is in the best interest of, not only Kohala, but of all the people of Hawaii."

Representative Roehrig then rose and stated:

"Mr. Speaker, I would like to just briefly speak in favor of this measure, and in doing so, bring to the members' attention--members of this House--the fact that the House Agriculture Committee, in reviewing the Kohala project, in particular the Hawaii Biogenics project, stayed until the early hours of the morning discussing in some great detail the various complex matters that the Court Receiver is presently facing in trying to reorganize Hawaii Biogenics.

I believe that the Special Committee Report to the House that has been alluded to by the previous speakers amply articulates to the Administration, in particular to the agencies who have been involved in the Kohala projects, the firm resolve of your Agriculture Committee regarding the style and manner of the projects and their future in the Kohala area. The Chairman of the State Department of Agriculture who attended the hearings before your Agriculture Committee understood and listened to all of the concerns and sometimes heated emotions which were expressed by the Committee members and witnesses regarding the future of Hawaii Biogenics.

Mr. Frazier, the court-appointed Receiver for Hawaii Biogenics, articulated his concerns about the future. I think it was the consensus of the Committee members, not only the majority members, but our colleagues from the minority, a number of them, who stayed until almost 4:00 in the morning on this project. I think it was our consensus that Mr. Frazier is a sound businessman who had been involved as a very successful manager of Honokaa Sugar Company before his retirement. I believe that, as the saying goes, Mr. Frazier got the message, and I think that this Special Committee Report to the House in conjunction with the help that we had and the sincere desire expressed by the Department officials and the principals involved in the reorganization effort of Hawaii Biogenics project is sufficient. As an expression by this House of Representatives to the community and to the Governor's administration regarding the scope and course and direction of the way the House feels, the public's business should be done.

Thank you."

Representative Lum then rose and stated:

"Mr. Speaker, I would be rather remiss if I did not get up to talk about this particular measure. I rise to speak in favor of it."

Directed by the Chair to "proceed", Representative Lum continued, stating:

"I am one of the few members of this House who served on three committees whereby this bill passed through. I tried to keep an open mind throughout all of the testimony and

hearings that we had. I tried to keep an open mind throughout decision-making. The Chairman of the Finance Committee knows that I questioned him; I questioned the amounts of money being put in here; I questioned the real basic thinking behind the coordinating committee; I posed a lot of questions to him during decision-making.

It may well be tonight, after the voting is done, that I am the only minority member on the Finance Committee that would be voting for this. I don't know; I may be. And if it is, I want to state for the record the real reason why I support this particular concept because now the blame for anything that happens in the task force is directly in the Governor's office. There is no task force--Molokai Task Force, or task force up in Kohala or Kauai--it is all in the Governor's office. The Governor has the right to release the funds, to withhold funds, and he has four key department heads working in the coordinating committee to oversee new task force projects. In this way, any new project would be approved and implemented only after it has been determined that it has a chance for success.

For that reason, I am going to vote for this particular measure."

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

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

Mr. Speaker, it has been my privilege to know Mr. Richard Frazier. I have great faith in him. He is the man who was appointed as the Trustee in Receivership, and he is a man who has shown immense ability as manager of Honokaa Sugar Company.

The particular situation has two different philosophies of government. One is a concept of whether or not you should put good money after bad money. The other is, having spent so much money, should you not spend a little more and make it a success. We have seen that the island of Hawaii has no feed lots. Biogenics is only two days away from a completed barn. There's 2,000 heads of cattle that are presently on the premises ready for the feed lot operation. The question of whether or not we can grow corn in Kohala to equal the rate of \$38 which is the cost of bringing corn in seems to have a feasibility at around \$30. That is \$8 better.

We have a basic philosophy in govern-

ment. I worked in the United Congress as an intern for Clarence Brown from Ohio, and I found that we were taking care of the airlines; we were taking care of the railroads; we were taking care of the farmers and the wheat fields, cotton and what not. It seems to me that here in Hawaii, when we have an area like Kohala where people are out of work; where they have lost their economic subsistence because the sugar plantation has closed down; that we have a basic responsibility to take care of the future employment of these people and we have, in my opinion, a viable, possible means through the Biogenics. I think that it is worthwhile to give it a shot and give it a chance in any business. We never know whether it is going to succeed or not until we, in turn, go through with the basic top management.

At present, we find that this is in Chapter 10 and Chapter 10 is 'Involuntary Bankruptcy.' The next step which will be even more favorable to us would be if we could get this into Chapter 11 and continue Richard Frazier as the manager, and having a man of his integrity, his ability, and his foresight, produce for the people of Kohala a viable means of employment.

Thank you, sir."

Representative Larsen was recognized by the Chair and he asked:

"Mr. Speaker, I am speechless. May I have a roll call vote, please?"

Representative Poepoe then rose and stated:

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

Mr. Speaker, I strenuously object to any measure that removes the power of careful legislative deliberations over the expenditure of the people's tax dollars.

Throughout my ten years as a legislator, I've seen us give up our powers to the Administration year after year, and piece by piece. We don't make policy in this Legislature; the Administration does, and we follow.

This bill sets up a task force consisting of the Governor's top aides and three cabinet officers. It gives to them broad powers. It allocates \$1.2 million to the task force.

Tomorrow, I expect to see more funds allocated to a slush fund, and I can't accept this. If you specify the funds, yes. Within reason, I'll go along with it. If we give blank checks to the Administration, my answer is no."

Representative Peters then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill and in doing so, I would like to emphasize, perhaps one of the more important and attractive features of this bill, as quoted in Nos. 1 and 2, Section 1, Items 1 and 2, in Section 1: 'From time to time, certain communities within the State have experienced and will experience severe economic hardships and in such situations, task forces have been and, in the future, may be created to alleviate these problems.'

Mr. Speaker, as you know, my colleague and I represent an area where there are a number of agricultural activities. We have been faced for many years with a severe economic crisis. At least this bill provides us with the opportunity of developing task forces similar to those you now find on the outer islands; as a consequence, be able to better cope with these problems.

In closing, I ask my colleagues to vote aye on this bill."

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

"Will the speaker who spoke on this measure from the 15th district yield to a question?"

The Chair asked:

"Representative Sutton, will you yield?"

Having received an affirmative reply, Representative Ho asked:

"Mr. Speaker, could you ask the Representative from the 15th district if I heard it correctly earlier this evening that he had 10,000 acres on the Big Island?"

Representative Sutton replied:

"Yes, that is true."

Representative Ho then asked:

"Is that in the vicinity of said bill?"

Representative Sutton answered:

"It is 30 miles away."

Representative Ho then thanked the Chair.

Roll call having been requested, the motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 3333-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", having been read throughout, passed Third Reading by a vote of 39 ayes to 10 noes, with Representatives Ajifu, Carroll, Clarke, Cobb, Evans, Hakoda, Ikeda, Larsen, Medeiros and Poepoe voting no, and Representatives Amaral and Inaba being excused.

Stand. Com. Rep. No. 536-76 on H.B. No. 3117-76, HD 1 (Deferred from March 16, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3117-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION AND DISTRIBUTION OF A REVISED BOOKLET EXPLAINING THE FUNCTIONS AND PROCEDURES OF THE SMALL CLAIMS COURT", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

Stand. Com. Rep. No. 537-76 on H.B. No. 3129-76, HD 1 (Deferred from March 16, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 3129-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

Stand. Com. Rep. No. 538-76 on H.B. No. 3456-76, HD 1 (Deferred from March 16, 1976):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 3456-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Santos then rose and stated:

"Mr. Speaker, I rise to speak in favor of H.B. No. 3456-76, HD 1.

Mr. Speaker, this bill appropriates funds for a Coordinating Ad Hoc Committee for a State Women's Conference-- a prelude to the National Women's Conference as enacted by P.L. 94-167.

The purpose of this Ad Hoc Committee is to organize and convene a Hawaii State Women's Conference, the first step in realizing the goals of the National Women's Conference. These funds would be used to notify and encourage the women of Hawaii to participate in all phases of the planning and implementation of a State Women's Conference, which would serve as a focal point for a comprehensive discussion on the role of women in economic, social, cultural and political development; to establish the mechanism for distribution of Conference plans; and to assist, financially, those women who are economically unable to bear the full cost of attending the Conference or participating in its planning.

Because of past history and the traditional attitudes of women's participation being relegated to a matter of minor consequence, the forming of a National Women's Conference designed to highlight the achievements and accomplishments of women in the development of our great country is, without question, important. Equally important is the participation of women from all walks of life, thereby ensuring the broadest possible representation in our development and expansion of their role in our country's future. Such grassroots input as envisioned by P.L. 94-167 and H.B. 3456-76, HD 1, seeks to assure that the problems faced by all women will result in relief from such remaining barriers that serve to impede females from full participation in the life lines of our country.

Since Hawaii was the first State in the Union to ratify the Equal Rights Amendment in 1972, any reluctance in supporting the intent of this bill would negate the efforts of those who sat in this honorable body four years ago.

Therefore, Mr. Speaker, I urge this honorable body to continue its commitment to equal rights for all, by passing this bill unanimously.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee

was adopted and H.B. No. 3456-76, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A COORDINATING AD HOC COMMITTEE FOR A STATE WOMEN'S CONFERENCE", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

Stand. Com. Rep. No. 539-76 on H.B. No. 2919-76, HD 1 (Deferred from March 16, 1976):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 2919-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Lum then rose and stated:

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

Just a brief note that this particular pilot project is to reinstate some of the job training oriented type of classes at the secondary level. This is a position that the minority has always taken. We had that in our platform and we feel there is a need for job training in the secondary level.

I am glad to see that this party is taking action at this time to possibly reinstate vocational education at the secondary level."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2919-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A PILOT PROJECT FOR A CAREER OPPORTUNITIES PROGRAM AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

Stand. Com. Rep. No. 540-76 on H.B. No. 2593-76, HD 1 (Deferred from March 16, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2593-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FORECLOSURE OF REAL PROPERTY TAX LIENS", having been read throughout, passed Third Reading by a vote of 49 ayes, with

Representatives Amaral and Inaba being excused.

Stand. Com. Rep. No. 541-76 on H.B. No. 2909-76 (Deferred from March 16, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2909-76 entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

Stand. Com. Rep. No. 542-76 on H.B. No. 2713-76, HD 2 (Deferred from March 16, 1976):

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.B. No. 2713-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

The Chair directed the Clerk to note that H.B. Nos. 3333-76, 3117-76 and 3129-76 had passed Third Reading at 10:50 o'clock p.m.; H.B. No. 3456-76 at 10:52 o'clock p.m.; H.B. No. 2919-76 at 10:53 o'clock p.m.; H.B. No. 2593-76 at 10:54 o'clock p.m.; and H.B. Nos. 2909-76 and 2713-76 at 10:55 o'clock p.m.

H.B. No. 3196-76, HD 2 on Third Reading (Deferred from March 16, 1976):

By unanimous consent, action on H.B. No. 3196-76, HD 2, was deferred until the end of the calendar.

H.B. No. 3262-76, HD 2 on Third Reading (Deferred from March 16, 1976):

By unanimous consent, action on H.B. No. 3262-76, HD 2, was deferred until the end of the 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. 2987-76, HD 1:

On motion by Representative Suwa, seconded by Representative Akizaki,

H.B. No. 2987-76, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS AND FOR SALARY ADJUSTMENTS OF EMPLOYEES EXCLUDED FROM CERTAIN BARGAINING UNITS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 3141-76, HD 1:

Representative Suwa moved that H.B. No. 3141-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Mizuguchi then rose and stated:

"Mr. Speaker, I speak in favor of H.B. No. 3141-76, HD 1.

On first appearance, this bill looks like a housekeeping measure, but its purpose is very important, and that is why I would like to say a few words why this measure should be supported.

Most of us surely remember the outrage over real property tax assessments. Thousands of taxpayers decided to appeal their assessments. Here, taxpayers soon discovered that not only were they the victims of unfair assessments, but they were soon to be victims also of an unfair appeals process.

State law now provides that in deciding on any appeal, the Board of Appeals shall base its decision on the evidence before it and that the assessor has no burden of proving that it has treated the taxpayer fairly and legally. It is the taxpayer who must prove that he has been treated unfairly and illegally.

The injustice of this process is that the citizen has little knowledge as to how the assessment on his property was arrived at. The ordinary citizen also lacks the information and expertise to fight the assessments. In short, he is licked to begin with.

The bill before us changes this process. When appeals are to be made, the burden of proving the correctness of the assessment will now rest with the assessor. We also eliminate the nuisance filing fee.

Potentially, this bill affects every property owner in the State. In

fairness to taxpayers, I ask you to support this measure which is so clearly on the side of the people.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 3141-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX APPEALS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 682, HD 1:

On motion by Representative Suwa, seconded by Representative Akizaki, H.B. No. 682, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CERTAIN FUNDS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 2782-76, HD 1:

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2782-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES", having been read throughout, passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Ajifu, Evans, Ikeda and Sutton voting no, and Representatives Amaral and Inaba being excused.

H.B. No. 3217-76:

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 3217-76, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION OF CHILDREN", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 2090-76, HD 1:

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2090-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD AND THE HAWAII STATE GUARD", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 2932-76, HD 1:

Representative Roehrig moved that H.B. No. 2932-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then offered the following amendment to H.B. No. 2932-76, HD 1:

"H.B. No. 2932-76, HD 1, is amended in the following respects:

1. The section number as read '712-1243' in line 7 on page 1 is deleted.
2. The subsection reference '(1)(d)' is added immediately after the section number '712-1244' on line 7 on page 1.
3. The subsection reference '(1)(c)' is added immediately after the section number '712-1245' on line 7 on page 1.
4. The subsection references '(1)(c), (f) or (g)' are added immediately after section number '712-1247' on line 7 on page 1.
5. The word 'shall' as the same appears in line 14, page 1, is deleted and the word 'may' is inserted in lieu thereof."

Representative Roehrig moved that the amendment be adopted, seconded by Representative Uechi.

Representative Roehrig then spoke in favor of the amendment as follows:

"Mr. Speaker, the effect of this amendment is to clarify it in the areas of drug related offenses in the mandatory minimum sentences on repeat offenses which apply in the cases where we have an individual involved as a pusher. The other amendment that is provided is that the consecutive sentencing rather than concurrent sentencing shall be permissive; that is, it may be consecutive in the discretion of the court rather than mandatory consecutive sentencing.

This is the effect of the amendment."

At 11:02 o'clock p.m., on request by Representative Sutton, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:05 o'clock p.m., the motion to adopt the amendment was put by the Chair and carried.

By unanimous consent, action on H.B. No. 2932-76, HD 2, was deferred

until tomorrow, March 18, 1976, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2932-76, HD 2, were made available to the members of the House at 11:00 o'clock p.m.

H.B. No. 3043-76:

Representative Roehrig moved that H.B. No. 3043-76, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then rose and spoke in favor of the bill as follows:

"Mr. Speaker, this bill, perhaps on reading, doesn't appear to be too complicated but it represents, I would suggest, an important step forward in the delineation of the kind of service of process that we are going to require in the courts of the State for such land actions as quartile actions, partitions, and other matters relating to the ownership of land.

There has been a proposed set of guidelines which Judge Kawakami in Honolulu had set out for attorneys practicing in the First Circuit which we use as a foundation for this particular bill. And although it is not an earth-shaking consequence to some members of the community, I believe that the nature of the notice that is required in this particular bill is going to be very significant when the questions arise regarding the ownership of land by people, especially families who have moved from different places in the State and who no longer realize that they still have interest in land on which quartile actions have been filed. This is a practice that, and a problem that is extremely important in complex and prevalent, I would suggest, in the neighbor island counties at the present time. And the present State Supreme Court here in Hawaii has come down with quite a bit of law, especially in the area of adverse possession and quartile relating to co-tenants, and this particular bill is a particularly important measure in providing adequate notice to land owners.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 3043-76, entitled: "A BILL FOR AN ACT RELATING TO CIVIL ACTIONS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 2933-76:

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2933-76 entitled: "A BILL FOR AN ACT RELATING TO DIVORCE", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 2259-76, HD 1:

On motion by Representative Yap, seconded by Representative Uechi, H.B. No. 2259-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNAUTHORIZED DUPLICATION OF KEYS", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 2062-76, HD 1:

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2062-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION AGAINST THE PHYSICALLY HANDICAPPED", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 2115-76, HD 1:

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 2115-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 2833-76:

Representative Roehrig moved that H.B. No. 2833-76, having been read throughout, pass Third Reading, seconded by Representative Uechi.

Representative Roehrig then rose and stated:

"Mr. Speaker, I would just like to briefly state, in favor of this measure, that this bill relates to providing a mechanism for a lot of Vietnamese refugee children to be adopted by eager parents here in the State of Hawaii.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 2833-76 entitled: "A BILL FOR AN ACT RELATING TO CONSENT TO ADOPTION", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 3107-76, HD 1:

Representative Machida moved that H.B. No. 3107-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Morioka.

Representative Machida then rose and stated:

"Mr. Speaker, I rise to speak in support of H.B. No. 3107-76, HD 1.

Mr. Speaker, overbooking has long been a spectre looming over the visitor industry in Hawaii. It is an evil which threatens the viability of our State's primary industry.

The time has come for us to take action which will dispell this haunting problem.

This bill, if enacted, Mr. Speaker, would allow the Department of Planning and Economic Development to collect hotel room reservations data. This information will then be analyzed with the assistance of a technical reservations committee, which will anticipate periods of probable visitor overflow. This will allow the Department to use its influence in order to avoid situations where visitors are denied accommodations.

It is recognized, Mr. Speaker, that this bill will not completely solve the problem of overbooking. It is, however, a step which allows the State to develop the sophistication and technical expertise by which we can more effectively deal with this problem. This bill will also allow the Department to ascertain the feasibility of setting up a central clearing office for all hotel reservations made in this State. This is viewed as the ultimate solution to the problem of overbooking.

Because of the need for the State to take affirmative action in this regard, I urge each of my colleagues to support this measure.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 3107-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOTEL RESERVATIONS", having been read throughout, passed Third Reading by a vote of 46 ayes to 3 noes, with

Representatives Larsen, Poepoe and Sutton voting no, and Representatives Amaral and Inaba being excused.

H.B. No. 2169-76, HD 1:

Representative Segawa moved that H.B. No. 2169-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Sakima.

Representative Segawa then rose to speak in favor of the bill as follows:

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

The purpose of this bill is to prohibit smoking in certain public places in the interest of protecting the smokers and non-smokers from the exposure of harmful effects of cigarette smoke. The public places that the bill refers to may be categorized as places where the public gathers for educational, cultural, recreational, and for general meeting purposes.

I will not belabor the members of this body with the statistical facts which relates to the dangers of smoking as I am sure the members are well aware of these facts. But I wish to point out that statistics point out that a non-smoking public is in the majority.

Mr. Speaker, I have taken the liberty of distributing to the members an appropriate substitute for smoking referred to as the lollipop, and it is known to curb the desire for cigarettes while you have it in your mouth. Admittedly, there is undesirable side effects, commonly referred to by locals as 'puka teeth.' However, I submit that nobody has ever died of cancer of the teeth.

Seriously speaking, Mr. Speaker, we are not asking the smokers to give up smoking, but only to refrain from smoking in certain places. Therefore, I plead to certain members of this honorable body to put aside whatever personal interest they may not have in this bill, and I ask all members to vote aye on this bill.

Thank you."

Representative Santos then rose and stated:

"I rise to speak against H.B. No. 2169-76, HD 1.

The purpose of this bill is to control smoking in public places because smoking has been pictured as a public health hazard and a public nuisance.

Mr. Speaker, I oppose this bill for a number of reasons, among which is the attempt to legislate social habits of the people of Hawaii. To delve into this area, I believe, is an infringement of individual freedom of choice. This type of legislation could lead us down the path of further infringements of personal liberty.

I also question the wisdom of strictly limiting smoking in health care facilities to only those areas which may be designated for smoking. What does the patient who cannot be moved to that special room do if he or she would like to smoke?

Additionally, I find the enforcement by police and 'other persons as may be designated by the Director of Health' to be completely without merit--absolutely absurd. Mr. Speaker, for many years, we have had people complaining that our police spend too much of their time chasing 'victimless' crimes while the great majority of robberies, rapes, murders and other crimes go unsolved. Now, according to this measure, we will have the police out apprehending those who disobey this law?

And, Mr. Speaker, just who are these 'other persons' who the Director of Health may designate to enforce this smoking bill? Are we going to have a band of plainclothes persons walking around looking for this new smoking criminal?

Mr. Speaker, I am a smoker--as are many in this chamber. Many of us are well aware of other people's dislike for smoking in their proximity. But, most people are reasonable. Seldom do you find anyone who does not have the decency to put out a cigarette or a pipe before or upon entering an elevator. In a crowded place, such as a sports arena, theater or lecture, most persons who smoke will ask someone sitting next to them if their smoking will bother them.

Again, to attempt to legislate the social habits of Hawaii's citizens, I believe, is a dangerous move and I ask all my colleagues to cast a no vote.

Thank you, Mr. Speaker."

Representative Abercrombie then rose and asked:

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

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

"Thank you. Mr. Speaker, I think that if the question is trying to legislate social habits, I would be far more inclined to accept the pleas of those who would ask to vote against the bill if we could smoke marijuana. If we're really serious about social habits, I think that we have to move in that direction and my feeling is this--that if people are willing to give up getting high when they go to arenas and public places, etc. and have to do it in the privacy of their home, it seems to me, or in the privacy of their vehicle on the way to an event, it seems to me those who smoke nicotine ought to be under the same kind of admonishing and, therefore, I would like to ask all my colleagues here to vote in favor of this bill before it goes up in smoke."

Representative Kunimura was recognized by the Chair and he remarked:

"Thank you, Mr. Speaker.

I speak against this bill and I have been here for 14 years and I have never heard anybody make more sense than the lady from Maui, and I thank you madam. Thank you for putting my thoughts in your talk against the bill.

We have been legislating now for some forty days and I would like to say, for the record, this is the shittiest bill."

Representative Blair then rose and stated:

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

Your Committee heard testimony that the effect of the smoke in many respects is worse than the direct inhalation through the filter or through the cigarette itself; and I think when we talk about personal rights here, we have to consider the rights of those who choose not to poison themselves, and would appreciate it if those of you who are so inclined would not poison the air that we

are forced to breathe."

Representative Stanley was then recognized by the Chair and she stated:

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

As a chairperson, I have requested members of my committee, this session, not to smoke in my hearings, and I have appreciated their cooperation on this matter. It has substantially aided me in the performance of my duties since I no longer cry during my hearings, and I think it's reasonable to ask that we pass this bill so that other people who are so affected by the habits of people who do smoke may be able to perform their duties and carry out their lifestyles and have their health intact.

Thank you."

Representative Cobb then rose and stated:

"First of all, Mr. Speaker, I would like to ask for a conflict ruling."

The Chair said:

"State your potential conflict."

Representative Cobb answered:

"I smoke."

The Chair asked:

"What do you smoke?"

Representative Cobb answered:

"In view of Representative Abercrombie's remarks, I should clarify I smoke cigarets."

The Chair ruled that there was no conflict.

Representative Cobb then spoke against the passage of the bill, stating:

"Thank you, Mr. Speaker. I would have to rise to speak against the bill because I heard a lot of talk about rights, and yet nowhere in this bill do I see provisions for a smoking section or non-smoking section in any building, but rather, a blanket prohibition and that would cover most of our legislative activities, presumably here on the floor, as well as in committee meetings, and I think, Mr. Speaker, when we address rights, we should try to

strive for some equality of rights.

I could listen to great lengths the arguments pro and con on smoking, but I would prefer, Mr. Speaker, that the matter be one of choice, not coercion."

Representative Lunasco then rose and stated:

"I rise to speak against the bill.

Mr. Speaker, when we're talking about individual rights, doesn't a smoker have the same rights as the non-smoker? More important, I think, this referring to our Capitol-- are we going to make one elevator for smokers and one for non-smokers? One section of a room for smokers and one for non-smokers? I can see some of the problems that can be created. But my basic concern is that every time we see a problem, if a non-smoker doesn't want the smoker to smoke, he can go over and talk to him, like Representative Kate Stanley mentioned.

I also had a committee and requested the committee members not to smoke and they did so, but what we are trying to do is legislate on individual rights and, to me, a smoker has just as much rights as a non-smoker."

Representative Clarke was recognized by the Chair and he stated:

"Thank you, Mr. Speaker. I was not going to speak against this bill; however, I will.

I formerly smoked for about 35 years. The fact that I was fortunate enough to have the will power to give it up does not mean that I, in my estimation, have the right to deny anybody else their right to smoke if they wish. I would hesitate to go home if I did.

One of the things I would like to say though is that the argument against polluting the air when other people smoke and so forth and so forth--I have a sign in my office that says, 'I do not smoke; I hope you do not; and I noticed this sign is respected everytime a visitor comes in. And I do not say you have to put out your cigarette; you have to do this; you have to do that. I think that if anybody wants to quit smoking, if they have the guts, they can do it. I don't think we have to force them.

Thank you very much, Mr. Speaker."

Representative Blair then rose and remarked:

"Mr. Speaker, I would like to quit smoking; however, in our present society, the only way to do that is to stop breathing."

Representative Segawa then rose and stated:

"Mr. Speaker, this is put in for information for the couple of speakers previously. The concerns of the patients in a hospital or a care home was expressed by some people opposing the bill, but again, there were testimony that pointed out that patients who wanted to smoke could be placed in a smoking area. This matter could be taken care of, and another previous speaker expressed concern that it was discrimination against the smokers. But the owner of a building, or a person in charge of a building, may specify designated areas for smoking under this bill."

Representative Roehrig then rose and stated:

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

I don't smoke, but as the session goes along, I find that I begin to fume, and listening to the discussion tonight, I'm inclined to agree with Representative Lunasco that we certainly got to do something about providing different facilities for smokers and non-smokers.

As far as getting up to the third floor, I would suspect that we're going to have to let the smokers use the elevator because I don't think they would make it up the stairs to the third floor.

As far as the benefit is concerned, I'm a retired smoker; I quit ten years ago. I found that the first thing that happened was that I began to taste the food that I was eating. I also found that I didn't get strep throat anymore, and I found that when I started jogging that I was able to jog a distance without feeling a lot of cramps in my chest, and feeling short of air.

The last thing I would say as regards to the problem or the benefits of smoking, as you may happen to feel on this particular issue, is that I think it is a matter of personal choice. Here in the Capitol, I have found, sometimes unwittingly, non-

smokers really feel oppressed by the amount of smoking in the different hearing rooms, and I know that the members of the House who do smoke don't intend any harm, but it is quite irritating to the eyes and nose of the non-smoking members when smoking goes on. I guess we will live with it.

I have a close relative who is presently dying of lung cancer and I hope that doesn't happen to any of the smokers in this House.

Thank you."

Representative Ajifu then rose and stated:

"Mr. Speaker, I am going to vote for this measure. I would like to say that in the event that this measure is defeated, that we accept the proposal. . . well, not the proposal, the suggestion by one of the previous speakers--the speaker from the 22nd District--that we might rearrange our seating order and put the non-smokers on one side and the smokers on the other."

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

"I wonder if the Chairman of the Committee will yield to a question."

The Chair asked Representative Segawa if he will yield to which Representative Segawa replied in the affirmative.

Representative Kunimura asked:

"Mr. Speaker, I would like to know how many policemen each county will have to hire to enforce this law?"

Representative Segawa replied:

"Mr. Speaker, I cannot answer as to how many policemen they will have to hire to enforce this law as we did not get into that discussion in Committee, but I'm hoping that people would respect the rights of others; that signs may be posted in a very conspicuous place and that, perhaps, as people ask each other to stop smoking, we may have people abiding by the law."

Representative Kunimura then asked:

"There are some people who, when they go to the bathroom, has to smoke before they can do their business. Will

that be considered for health reason that they can be exempt from the law?"

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

"I don't believe that we have the right to ask what goes on behind closed doors."

The Chair asked:

"Representative Segawa, are you willing to answer the question?"

Representative Segawa replied:

"Well, the bill specifies that if the place is enclosed, then you cannot smoke so. . ."

Representative Kunimura asked:

"Mr. Speaker, but on that question, I wonder if the Chairman of the Committee can tell me how many open air bathrooms we have in the State? It seems facetious, Mr. Speaker, but these are valid questions that I would like to raise."

Representative Segawa answered:

"Mr. Speaker, I feel that person would have to open the door."

Representative Kunimura asked:

"Then, am I to understand, Mr. Speaker, the Chairman and the explanation given that as long as you open the door that you are not violating the law?"

Representative Segawa answered:

"Mr. Speaker, that is correct."

Representative Kunimura asked:

"Then if we open the door. . . one of the doors of this Capitol building here during a hearing, that there is no violation?"

Representative Segawa replied:

"Well, Mr. Speaker, I believe this would have to be looked into. If our attorneys interpret this as an enclosed room when the doors are open, then I would have to accept his ruling."

Representative Kunimura asked:

"Then, Mr. Speaker, by the mere admission of the Chairman of the Committee that this is a half-cooked

bill that is not well considered, there may be a lot of serious legal implications later on, and it might be worse than the little law that we have because signs have not caused people to stop littering the streets. Will this be another archaic law for the sake of having some law in the books that cannot be enforced, and then we are going to have to appoint another judicial body like the penal code to have our archaic laws repealed in a relatively short future?"

The Chair then stated:

"I believe that sufficient discussion has taken place on this particular bill. May we have the vote? Roll call has been requested; Mr. Clerk, call the roll."

Roll call having been requested, the motion was put by the Chair and carried, and H.B. No. 2169-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES", having been read throughout, passed Third Reading by a vote of 31 ayes to 18 noes, with Representatives Clarke, Cobb, Fong, Kamalii, Kawakami, Kondo, Kunimura, Lee, Lun, Lunasco, Medeiros, Naito, Oda, Peters, Santos, Shito, Sutton and Uechi voting no, and Representatives Amaral and Inaba being excused.

H.B. No. 2194-76, HD 1:

On motion by Representative Segawa, seconded by Representative Lee, H.B. No. 2194-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 1053, HD 1:

On motion by Representative Lee, seconded by Representative Takamine and carried, H.B. No. 1053, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERSONNEL SYSTEM OF THE JUDICIAL BRANCH", was recommitted to the Committee on Labor and Public Employment.

H.B. No. 2171-76, HD 1:

On motion by Representative Lee, seconded by Representative Takamine, H.B. No. 2171-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OCCUPATIONAL SAFETY AND HEALTH LAW", passed Third Reading by a vote of 39 ayes to 10 noes, with

Representatives Ajifu, Carroll, Hakoda, Ikeda, Kamalii, Larsen, Lum, Medeiros, Poepoe and Sutton voting no, and Representatives Amaral and Inaba being excused.

H.B. No. 2040-76, HD 1:

On motion by Representative Sakima, seconded by Representative Takamura, H.B. No. 2040-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPUS PLANNING FOR THE UNIVERSITY OF HAWAII SYSTEM", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

H.B. No. 3196-76, HD 2:

On motion by Representative Roehrig, seconded by Representative Uechi, H.B. No. 3196-76, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF FIREARMS IN CERTAIN OFFENSES", passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

The Chair directed the Clerk to note that H.B. Nos. 2987-76 had passed Third Reading at 10:56 o'clock p.m.; 3141-76 at 10:59 o'clock p.m.; 682 at 11:00 o'clock p.m.; 2782-76 at 11:01 o'clock p.m.; 2090-76 at 11:02 o'clock p.m.; 3043-76 at 11:07 o'clock p.m.; 2933-76 at 11:08 o'clock p.m.; 2259-76 at 11:09 o'clock p.m.; 2062-76 and 2115-76 at 11:10 o'clock p.m.; 2833-76 at 11:11 o'clock p.m.; 3107-76 at 11:13 o'clock p.m.; 2169-76 and 2194-76 at 11:35 o'clock p.m.; 2040-76 at 11:37 o'clock p.m. and 3196-76 at 11:38 o'clock p.m.

STANDING COMMITTEE REPORT

Representative Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 596-76) recommending that H.B. No. 2784-76 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Yamada, seconded by Representative Yap and carried, the report of the Committee was adopted and H.B. No. 2784-76, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 18, 1976.

The Chair directed the Clerk to note

that printed copies of H.B. No. 2784-76 were made available to the members of the House at 11:00 o'clock p.m.

SPECIAL COMMITTEE REPORT

Representative Uechi, for the majority of the House Committee on Agriculture, appointed pursuant to House Resolution No. 106 adopted by the Regular Session of 1976, and requested to conduct an investigation of the Kohala Task Force, presented a report (Spec. Com. Rep. No. 17).

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

At this time, Representative Abercrombie rose on a point of personal privilege and asked by the Chair to "state your point", Representative Abercrombie stated:

"My point, Mr. Speaker, is that I would like to have in the record, and bring to the attention of the members of the House, the special commendation for the work done by the two committee clerks involved with Representative Uechi and Representative Inaba in preparing Special Committee Report No. 17."

At 11:40 o'clock p.m., on request by Representative Cobb, the Chair declared a recess, subject to the call of the Chair.

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

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

H.B. No. 3247-76, HD 1, on Third Reading:

Representative Segawa moved that H.B. No. 3247-76, HD 1, having been read throughout, pass Third Reading, seconded by Representative Naito.

Representative Lum offered the following amendment to H.B. No. 3247-76, HD 1:

"SECTION 1. House Bill 3247-76, HD 1 is amended to read as follows:

'Section 1. [Chapter] Section 328-6, Hawaii Revised Statutes, is amended by adding a new subsection [to Section 328-6], to read as follows:

'Sec. 328-6 [()] Prohibited acts. The following acts and the

causing thereof within the State by any person are prohibited:

- (1) The manufacture, sale, delivery, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded;
- (2) The adulteration or misbranding of any food, drug, device, or cosmetic;
- (3) The receipt in commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise;
- (4) The sale, delivery for sale, holding for sale, or offering for sale of any article in violation of sections 328-11, 328-12 or 328-17;
- (5) The dissemination of any false advertisement;
- (6) The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by sections 328-22, 328-23 to 328-27, or to permit access to or copying of any record as authorized by section 328-23;
- (7) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in the State from whom he received in good faith the food, drug, device, or cosmetic;
- (8) The removal or disposal of a detained or embargoed article in violation of sections 328-25 to 328-27;
- (9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, drug, device, or cosmetic, if the act is done while the article is held for sale and results in the article being adulterated or misbranded;
- (10) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device, authorized or required by regulations promulgated under this part or the Federal Act;
- (11) The using, on the labeling of any drug or in any advertisement relating to the drug, of any representa-

tion or suggestion that an application with respect to the drug is effective under section 328-17, or that the drug complies with the provisions of such section;

(12) The using by any person to his own advantage, or revealing other than to the Department of Health or to the courts when relevant in any judicial proceeding under this part, any information acquired under authority of sections 328-11, 328-12, 328-17, or 328-23, concerning any method or process which as a trade secret is entitled to protection;

(13) In the case of a prescription drug distributed or offered for sale in this State, the failure of the manufacturer, packer, or distributor thereof to maintain for transmittal, or to transmit, to any practitioner licensed by applicable law to administer the drug who makes written request for information as to the drug, true and correct copies of all printed matter which is required to be included in any package in which that drug is distributed or sold, or such other printed matter as is approved under the Federal Act. Nothing in this paragraph shall be construed to exempt any person from any labeling requirement imposed by or under other provisions of this part;

(14) (A) Placing or causing to be placed upon any drug or device or container thereof, with intent to defraud, the trade name or other identifying mark, or imprint of another or any likeness of any of the foregoing; or

(B) Selling, dispensing, disposing of, or causing to be sold, dispensed, or disposed of, or concealing or keeping in possession, control, or custody, with intent to sell, dispense, or disposed of, any drug, device, or any container thereof, with knowledge that the trade name or other identifying mark or imprint of another or any likeness of any of the foregoing has been placed thereon in a manner prohibited by clause (A) hereof; or

(C) Making, selling, disposing of, or causing to be made, sold or disposed of, or keeping in possession, control, or custody, or concealing, with intent to defraud, any punch, die, plate, or other thing designed to print, imprint, or reproduce that trade name or other identifying mark or imprint of another or any likeness of any

of the foregoing upon any drug, device, or container thereof;

(15) Dispensing or causing to be dispensed a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed without express permission in each case of the person ordering or prescribing.

(16) The distribution in commerce of a consumer commodity as defined in this part, if such commodity is contained in a package, or if there is affixed to that commodity a label, which does not conform to the provisions of this part and of regulations promulgated under authority of this part; provided, that this prohibition shall not apply to persons engaged in business as wholesale or retail distributors of consumer commodities except to the extent that such persons (1) are engaged in the packaging or labeling of such commodities, or (2) prescribe or specify by any means the manner in which such commodities are packaged or labeled.

(17) Wilfully and falsely representing or using any devices, substances, methods or treatment as effective in the diagnosis, cure, mitigation, treatment, or alleviation of cancer.

The provisions of this section shall not apply to any person who depends exclusively upon prayer for healing in accordance with the teachings of a bona fide religious sect, denomination, or organization, nor to a practitioner thereof."

SECTION 2. [New material is underscored. In printing this Act, the Revisor of Statutes need not include the underscoring.] Chapter 237, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

'Sec. 237- Exemption of sales and gross proceeds of sales of prescription drugs, proprietary drugs, and food products. (a) The gross income or gross proceeds of sales received or derived from the retail sale of prescription drugs, proprietary drugs, and food products for human consumption shall be exempted from the taxes imposed by this chapter. (b) As used in this section:

(1) 'Retail sale' of prescription drugs' is defined as:

(A) The retail sale of drugs prescribed for the treatment

of a human being by a person authorized to prescribe drugs and dispensed on prescription filled by a person authorized to dispense drugs in accordance with law;

(B) The retail sale of proprietary drugs sold as a health aid by any person in the State;

(C) The furnishing of drugs by a licensed practitioner of medicine, osteopathy, podiatry, or dentistry to his own patient for treatment of the patient;

(D) The furnishing of drugs by a hospital for treatment of any person pursuant an order by licensed practitioner of medicine, osteopathy, podiatry, or dentistry.

(2) 'Prescription drugs' include:

(A) Any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment, or prevention of disease;

(B) Any auditory, prosthetic, ophthalmic, or ocular device or appliance;

(C) Articles which are in the nature of splints, bandages, pads, compresses, supports, dressings, instruments, apparatus, contrivances, appliances, devices, or other mechanical, electronic, optical, or physical equipment or articles or the component parts and accessories thereof;

(D) Insulin furnished by a licensed pharmacist to a person for treatment of diabetes as directed by a physician.

(3) 'Proprietary drugs' include any substance or preparation intended for use by external or internal application to the human body other than prescription drugs in the diagnosis, cure, mitigation, treatment or prevention of disease.

(4) 'Food products' include:

(A) Cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, and cocoa and cocoa products.

(B) Milk and milk products, milkshakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product in their preparation; and

(C) All fruit juices, vegetable juices, and other beverages, whether liquid or frozen, except bottled water, spirituous, malt, or vinous liquors or carbonated beverages.

(5) Food products and proprietary drugs do not include preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

(6) Prescription drugs, proprietary drugs, and food products do not include any liquor or intoxicating liquor as defined and regulated by chapter 281.

(c) None of the exemptions provided for in this section shall apply to establishments furnishing food or beverages where such food or beverages are normally served and consumed on the premises of the person furnishing them. As used in this subsection:

(1) Food or beverages are normally served and consumed on the premises of a restaurant, cafe, diner, teahouse, night club, bar, and other like establishments. A restaurant includes an establishment which serves a smorgasbord or buffet.

(2) Food and beverages are not normally served and consumed on the premises or that part of the premises of an establishment providing food and beverages as a cafeteria, drive-in, bakery, delicatessen, grocery store, supermarket, or private home. A cafeteria is an establishment in which customers select or are given individual portions at a counter and carry their selections to tables for consumption. A drive-in is an establishment at which a person places his order and obtains his food or beverage in throw-away eating utensils at a counter, whether or not parking facilities are furnished by the drive-in.

SECTION 3. [This Act shall take effect upon its approval.]

Section 237-23, Hawaii Revised Statutes, is amended by amending subsection (a)

to read as follows:

'(a) This chapter shall not apply to the following persons:

(1) Banks taxable under Chapter 241;

(2) Public service companies (as that term is defined in section 239-2), with respect to the gross income, either actual gross income or gross income estimated and adjusted, which is included in the measure of the tax imposed by chapter 239;

(3) Public utilities owned and operated by the State or any county or other political subdivision thereof;

(4) Insurance companies which pay the State a tax upon their gross premiums under chapter 431;

(5) Fraternal benefit societies, orders, or associations, operating under the lodge system, or for the exclusive benefit of the members of the fraternity itself, operating under the lodge system, and providing for the payment of death, sick, accident, or other benefits to the members of such societies, orders, or associations, and to their dependents;

(6) Corporations, associations, or societies organized and operated exclusively for religious, charitable, scientific, or educational purposes, as well as that of operating senior citizens housing facilities qualifying for a loan under the laws of the United States as authorized by section 202 of the Housing Act of 1959, as amended by the Housing Act of 1961, the Senior Citizens Housing Act of 1962, the Housing Act of 1964, and the Housing and Urban Development Act of 1965;

(7) Business leagues, chambers of commerce, boards of trade, civic leagues, and organizations operated exclusively for the benefit of the community and for the promotion of social welfare, and from which no profit inures to the benefit of any private stockholder or individual;

(8) Hospitals, infirmaries, medical clinics, and sanitarium;

(9) Cooperative associations now or hereafter incorporated under and pursuant to chapters 421 or 422 and which fully meet the requirements of section 421-23 or section 422-33 (provided that the exemption shall apply only to the gross income derived from its activities authorized by chapters

421 or 422; and that the exemption shall not relieve any person who receives any proceeds of sale from the association of the duty of returning and paying the tax on the total gross proceeds of the sales on account of which the payment was made, in the same amount and at the same rate as would apply thereto had the sales been made directly by the person, and all such persons shall be so taxable);

(10) Building and loan associations taxable under chapter 241;

(11) Persons affected with leprosy and kokuas, with respect to business within the county of Kalawao;

(12) Corporations, companies, associations, or trust organized for the establishment and conduct of cemeteries no part of the net earnings of which inures to the financial benefit of any private stockholder or individual (provided, that the exemption shall apply only to the activities of such persons in the conduct of cemeteries and not to any activity the primary purpose of which is to produce income, even though the income is to be used for or in the furtherance of the exempt activities of such persons);

(13) Industrial loan companies taxable under chapter 241, provided that the exemption shall apply only to the income from the 'engaging in the business of an industrial loan company' as defined in section 408-2;

(14) Businesses which are organized for the purpose of broadcasting radio programs to areas outside of the State to promote the Hawaiian tourist industry and which are solely supported by State funds;

(15) Local development companies incorporated under the laws of the State and approved by the Small Business Administration as qualifying for loans under section 502 of the Small Business Investment Act of 1958, as amended, provided that the exemption shall apply only with respect to gross income derived as interest on loans made to borrowers from loan funds obtained from the Small Business Administration but only if the loans are made at the same rates of interest payable to the Small Business Administration by the local development corporation;

(16) Nonprofit shippers associations operating under part 296 of the Civil Aeronautics Board Economic Regulations [.] ;

(17) Physicians licensed under chapter 453.'

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.

SECTION 5. This Act shall take effect upon its approval."

Representative Lum moved that the amendment be adopted, seconded by Representative Ajifu.

Representative Lum then spoke in favor of the amendment, stating:

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

As the title states here in this particular bill, it is a bill for an act relating to food, drugs and cosmetics. This is the vehicle that we found that could be used to attach an idea that has been a Republican idea ever since I have been in this body, and for years after years, the majority party who has been in control of this Legislature has never passed it out of this body.

Mr. Speaker, there are two things that this particular amendment will do. The first thing it does is it puts the bill in its proper form. The method that we go by according to the House Rules is the Ramseyer method and this bill is not in that particular method. So what I did was I re-did the whole thing and put it in the proper form.

In the second half of the amendment, I am asking that we, as a Committee of the Whole, adopt an exemption on the food and drugs--the 4 percent on food and drugs--throughout the State of Hawaii.

This issue is well known. Most of the majority members who have been here for a long time know the consequences of the particular amendment. They know that this particular 4 percent on food and drugs is a particular tax that is imposed upon the people that usually live here. This particular amendment would make it possible for us to take off all of the 4 percent on food and drugs.

Now, I could go paragraph by paragraph explaining this, but I think we are at a point where we need to consider the time because we have other bills we have to go over, so I would ask and implore that every member of this particular House vote for this particular amend-

ment so that we can pass over to the Senate, as the Chairman of the Finance Committee would say, 'Something that they can chew on.' "

Representative Segawa then rose and stated:

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

The introducer of this amendment is a member of the committee that acted on the original bill. I have to say that the introducer was not at the hearing when we discussed this bill and he could, had he been there, have introduced the subject; he could have asked for an amendment. . ."

At this point, Representative Poepoe rose, stating:

"Point of order, Mr. Speaker. Stay on the amendment, please."

The Chair then said:

"Representative Segawa, with that in mind, will you proceed."

Representative Segawa continued, stating:

"I believe that the speaker, the introducer of the amendment, had his opportunity to introduce his matter to this body at the beginning of this session, Mr. Speaker, and this change that he has introduced is substantive in nature, Mr. Speaker, and I believe that for this body to even try to understand this amendment at this time would be impossible. We have not had a hearing on this matter and I believe it is improper that we accept this amendment to the bill at this time."

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

"At the beginning of the session, I believe we adopted rules that would prevent a technique known or referred to as 'piggy-backing' of matters not relating directly to the original title of the bill even though the title may be broad enough to cover it and that such matters could not be inserted in committee. . ."

Representative Lum rose on a point of order, stating:

"Mr. Speaker, I believe that those amendments were to conference committee."

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

"I do not understand the full impact

of this, but I do understand that on paragraph 6, it has a direct financial implication and, therefore, may I ask you--maybe this amendment should be referred to the Finance Committee?"

The Chair replied:

"I disagree."

Representative Ikeda then rose, stating:

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

The substance of this amendment, Mr. Speaker, came from a bill which I introduced and which died a quiet death in the Finance Committee after having a public hearing, I might add.

Mr. Speaker, the people of this State bear the third highest tax burden of the 50 states. We are also caught in the middle of a period of spiralling costs and inflation which erodes everybody's income. And if ever there was a time when a repeal of the 4 percent tax on food and drugs is needed, it certainly is now.

Also, Mr. Speaker, since food and drugs and medical care are basic necessities of life, it should never have been taxed in the first place. I, therefore, urge the members of this body to support this amendment.

Thank you."

Representative Ajifu then rose, stating:

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

This amendment would remove the 4 percent excise tax on food and drugs.

Mr. Speaker, in just the last 30 months, inflation has pushed the cost of living index up by about 20 percent. This inflation has been a burden on everyone. Because of our progressive tax system in Hawaii, inflation, which pushes up the price of goods, also pushes up the tax burden. This has become a heavier and heavier burden on the elderly, the low income families, and the middle class people of the State, many of whose salaries have not kept up with even half of this inflation rate.

Mr. Speaker, this is something I feel that we, as the elected representatives of Hawaii, can no longer sit by

and casually let continue. It is our responsibility to do all in our power to help alleviate the ever-increasing tax burden on our citizens.

Mr. Speaker, I, therefore, urge all my colleagues to support this amendment.

Thank you."

The motion to adopt the amendment was put by the Chair and failed to carry.

The motion to pass H.B. No. 3247-76, HD 1, on Third Reading was put by the Chair and carried, and H.B. No. 3247-76, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD, DRUGS, AND COSMETICS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Amaral and Inaba being excused.

The Chair directed the Clerk to note that H.B. No. 3247-76 had passed Third Reading at 11:50 o'clock p.m.

H.B. No. 3262-76, HD 2 on Third Reading:

Representative Kawakami moved that H.B. No. 3262-76, HD 2, having been read throughout, pass Third Reading, seconded by Representative Uechi.

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

"The clocking time on that, sir?"

The Clerk replied:

"11:50 p.m. yesterday."

Representative Sutton asked:

"And what is the time now?"

The Clerk replied:

"11:51 o'clock p.m."

Representative Kawakami then requested that his prepared statement be entered into the Journal and the Chair, noting that there were no objections, so ordered.

Representative Kawakami's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill 3262, HD 2.

We, in Hawaii, have always been proud of our Land Use Law and its effectiveness in regulating land

use activities in the State. The economic importance of agriculture, the imminent pressures of land development, and the prospect of urban sprawl were factors behind the establishment of land use laws. In fact, when the Legislature enacted Chapter 205, it declared that 'inadequate controls have caused many of Hawaii's limited and valuable lands to be used for purposes that may have a short-term gain for a few, but would result in long-term losses to the income and growth potential of our economy.'

As part of our land use regulation scheme, we established land use classifications, among which is the agricultural district. Within an agricultural district, we define certain permitted uses. These uses include growing of crops, raising livestock, grazing, farm buildings, public buildings necessary for agricultural practices, utility lines, some open-type recreation, and other uses necessary for conducting agricultural activities.

The administration of permitted uses within agricultural districts was left to the counties which, by ordinance, could set more restrictive regulations if they so desired.

Mr. Speaker, we have laws, we have regulations and we have county ordinances which govern the uses of agricultural lands. But, today, we have agricultural subdivisions within agricultural districts which can only be viewed as a subterfuge of the spirit and intent of our land use laws.

What has been happening, Mr. Speaker, is that landowners have found it difficult to get land reclassified from agriculture to urban. Therefore, they have taken advantage of county zoning provisions and, under the pretext of agricultural subdivisions, have been subdividing prime agricultural lands into two-acre sites for residential purposes.

In practice, these agricultural subdivisions are not only circumventing county zoning provisions but are being offered at prices very few can afford and becoming, in fact, agricultural estates.

Mr. Speaker, the result is the withdrawal of agricultural lands from economically feasible potential agricultural use. A recent attorney general opinion on the subject noted that the shifting of prime agricultural

lands into non-revenue producing residential uses when other lands are available that could serve adequately for urban needs is evidence of the need for public concern and action.

Originally, the intent of the agricultural subdivision provision was to aid farmers in conveying lands to their children. Thus, if a farmer wished to subdivide his land so that his child could have a piece of property to build a home and work the land, this provision allows him to do so. The intent of the provisions was not to encourage residential development in agriculturally zoned areas. For this to happen is a clear transgression of legislative intent.

House Bill 3262-76, House Draft 2, amends the land use law by listing permissible uses of Class A and B lands within agricultural districts. Further, the bill specifically states that no subdivision of Class A or B lands within an agricultural district shall be approved by a county unless the land within the subdivision is subject to the use restrictions in the law and only on the condition that the use shall be primarily in pursuit of agricultural activity. The bill provides for county regulation of uses for Class C, D and E lands.

The bill further requires that any deed, lease, agreement of sale, mortgage or any instrument of conveyance on land located within an agricultural subdivision shall expressly contain a restriction on use, and that such restriction shall provide that the use will be primarily agricultural in nature. This condition on any instrument of conveyance shall remain with the land until it is reclassified for another use.

The bill sets forth a penalty of up to \$5,000 fine for any person found violating the provisions relating to restricted use of agricultural district lands.

Mr. Speaker, the passage of House Bill 3262-76, House Draft 2, will go a long way in reaffirming the original intent and spirit of our land use laws and in supporting agriculture in Hawaii by preserving our prime agricultural lands.

For these reasons, Mr. Speaker, I urge the members of this honorable body to vote favorably on this bill."

The motion was put by the Chair and carried, and H.B. No. 3262-76, HD 2, entitled: "A BILL FOR AN ACT RELATING

TO AGRICULTURAL LANDS", having been read throughout, passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Kondo, Machida and Santos voting no, and Representatives Amaral and Inaba being excused.

The Chair directed the Clerk to note that H.B. No. 3262-76 had passed Third Reading at 11:52 o'clock p.m.

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 414 to 417) and concurrent resolution (H.C.R. No. 72) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
414	Committee on Water, Land Use, Development, and Hawaiian Homes
415	Jointly to the Committees on Labor and Public Employment and Public Assistance and Human Services

416	Committee on Water, Land Use, Development, and Hawaiian Homes
417	Committee on Health

<u>H.C.R. No.</u>	<u>Referred to:</u>
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72	Committee on Water, Land Use, Development, and Hawaiian Homes
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At 11:53 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

ADJOURNMENT

At 11:55 o'clock p.m., on motion by Representative Kimura, seconded by Representative Ajifu and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Thursday, March 18, 1976.