

FORTIETH DAY

Wednesday, March 16, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 12:05 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Herbert A. Segawa, after which the Roll was called showing all members present.

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 702 on H.B. No. 490, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 490, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REPLACEMENT OF SCHOOL BOOKS", 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. 703 on H.B. No. 813 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 813, entitled: "A BILL FOR AN ACT RELATING TO LEAVES FOR OFFICERS OR EMPLOYEES ON LOAN TO OTHER GOVERNMENTS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 704 on H.B. No. 1283, HD 2 (Deferred from March 14, 1977):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 1283, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Mina then rose and stated:

"Mr. Speaker, I rise to speak

in support of House Bill No. 1283, House Draft 2.

Mr. Speaker, I would like to begin by saying that the reason as to why I am in support of this measure is because it is in recognition of the valuable services provided by a segment of our community which has been silent and patient too long.

Mr. Speaker, I'm speaking of the approximately 420 care and boarding home operators of the State of Hawaii. Altogether, these operators provide shelter, board, companionship, and numerous other special services to 1,428 disabled elderly and handicapped citizens of our State at the very minimal rate ranging between \$258 to \$370 for each resident.

Ten years ago, Mr. Speaker, when many of these operators started out in this business, the compensation received was adequate to cover actual operating expenses, as well as show some actual income. Today, Mr. Speaker, this is hardly the case for a majority of these operators because, since then, the cost of home construction or renovation as required by law has more than doubled in some instances. And, of course, we are all familiar with the constant rise of the cost of food as well as other commodities over the last couple of years.

Nonetheless, the compensation of these operators, which is part of the State and part of the Federal source, has virtually remained the same. There has been raises totalling approximately \$10 over the last ten years.

The measure before us this morning is a beginning toward greater equity for the care and boarding home operators of this State. Mr. Speaker, let me remind all in this great body that some of us are not too far away from the time that we may be in need of the services of these care and boarding home operators. The care that we receive will depend greatly on the compensation that these operators get, and I urge my fellow members of this honorable body to please support this measure.

Thank you, Mr. Speaker."

Representative Narvaes was recognized by the Chair and he stated:

"Mr. Speaker, I am not that close to being in need of these care homes

so I hope he. . ."

At 12:13 o'clock a.m., on request by Representative Yuen, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:14 o'clock a.m.

SUSPENSION OF RULES

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

Representative Yuen further stated that "in such motion, I would like to add that we also approve the two bills that we have voted on thus far."

The Chair then stated:

"House Bill No. 490, HD 2, and House Bill No. 813, both passed unanimously by consent calendar."

The motion to adopt the report of the Committee and to pass H.B. No. 1283, HD 2, on Third Reading was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1283, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADULT DOMICILIARY CARE AND BOARDING HOME OPERATORS", having been read throughout, passed Third Reading by a vote of 51 ayes.

At 12:15 o'clock a.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:16 o'clock a.m.

Stand. Com. Rep. No. 705 on H.B. No. 565, HD 2 (Deferred from March 15, 1977):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 565, HD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Blair was recognized by the Chair and he stated:

"Thank you, Mr. Speaker. I rise to speak against this bill. I will be very, very brief. I would like to make only two points.

The first is that I am not convinced that behavioral sciences are class that we should regulate by a Board of Commission. But, perhaps more compelling in the short run, at least, is that in three more bills, we will be taking up House Bill 1056 which relates to regulatory licensing reform and I just as soon that this particular Board not be set up until that regulatory licensing reform mechanism is in place.

I would urge that my colleagues vote 'no' on this bill so that we can set up the mechanism and then review this Board rather than letting it in at the last minute like this.

Thank you."

Representative Sutton then rose and stated:

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

Mr. Speaker, we are dealing here with a bill for an act that relates to your behavioral sciences, and the idea was to create a Board of Examiners. They will examine licenses and they will subsequently discipline these practitioners--psychotherapy, social workers, marriage and family counselors, Mr. Speaker, and these mental health psychiatric nurses.

Now, Mr. Speaker, you and I are in the very best closed shop there is and I hate to see another closed shop as good as ours for those that are in these various professions already. The moment you make it closed shop, Mr. Speaker, you have a situation where, for all intents and purposes, competition is completely stifled. Competition is the lifeblood of the American economy. It is the lifeblood of all types of things. We talked of competition in the Sherman Act as being probably the most important thing in economy. Why can't we take that same concept, Mr. Speaker, that is the basis of the Sherman Act, the Clayton Act, and work it through into these very essential behavioral sciences where the public will have a choice?

Now, Mr. Speaker, let me give you an example. Last year, we had the acupuncture. I can tell you, right here now, that we were wise in not over-regulating acupuncture. I can give you the name of a very famous individual in this State who had acupunc-

ture treatments from a person who had no license at all and has had wonderful treatments. There are certain fields that you can over-regulate. We are living in a day and an age when we want to deregulate, not over-regulate.

Of all of these Federal boards throughout the United States of America, costing \$80 billion, everytime we set up a bureaucratic board to do this sort of thing, we have favoritism. We have a type of favoritism that permits individuals who have the inside to get an advantage.

I think that we are not sufficiently yet well acquainted with some of these criteria for what constitutes. . . you and I don't know what constitutes the best standards for a marriage counselor. What we are trying to do is to regulate something that invariably is not regulatable and, therefore, Mr. Speaker, I would ask all of my colleagues to please vote against this bill."

At 12:20 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:23 o'clock a.m., Representative Suwa requested that action on Stand. Com. Rep. No. 705 on H.B. No. 565, HD 2, be deferred until the end of the calendar, and the Chair, noting that there were no objections, so ordered.

Stand. Com. Rep. No. 706 on H.B. No. 849, HD 2 (Deferred from March 14, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 849, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A FEED AND FORAGE RESEARCH PROGRAM", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 707 on H.B. No. 432, HD 2 (Deferred from March 14, 1977):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, Stand. Com. Rep. No. 707 and H.B. No. 432, HD 2, were recommitted to the Committee on Energy and Transportation.

Representative Cayetano then rose and asked:

"Mr. Speaker, may I make a few remarks on this? Just a short remark."

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

"Mr. Speaker, this is the first time I have had a Senate bill come over and beat the House bill with the Senate bill containing amendments which I thought was exclusive to the House. My staff worked long and hard on this and I thought this whole thing was a secret, but the Senate bill contains all of our amendments. I am just wondering whether this is the price of House inefficiency or House democracy."

The Chair remarked:

"The Chair has always reminded members that nothing is secret in the halls of this body, of this Capitol."

Stand. Com. Rep. No. 711 on H.B. No. 1056 (Deferred from March 14, 1977):

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 1056, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY LICENSING REFORM", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 490 and 813 had passed Third Reading at 12:10 o'clock a.m.; H.B. No. 1283 at 12:13 o'clock a.m.; H.B. No. 849 at 12:24 o'clock a.m.; and H.B. No. 1056 at 12:25 o'clock a.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. 1430:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1430, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL APPEALS", passed Third Reading by a vote of 47 ayes, with Representatives Evans, Ikeda, Poepoe and Sutton being excused.

H.B. No. 1441:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1441, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING", passed Third Reading by a vote of 51 ayes.

H.B. No. 1653, HD 1:

Representative D. Yamada moved that H.B. No. 1653, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

Representative Sutton then rose and stated:

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

Mr. Speaker, we are trying to do something here which is not appropriate. We are trying to equate agreements of sale to mortgages. We are trying to codify procedures that relate to foreclosure action following default on agreement of sale, and we are treating such action just the same way as if it were a mortgage default. Now, an agreement of sale is an agreement of sale; mortgage is mortgage. Title does not pass in an agreement of sale. Title does pass, subject to the mortgage, in a mortgage.

The current state of the law does not have procedures to govern actions following default on agreements of sale, and rightly so. We are trying to superimpose something that the common law abhors. Let us not so do, Mr. Speaker, and I would ask my colleagues to vote this down."

The motion was put by the Chair, and H.B. No. 1653, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES AND AGREEMENTS OF SALE", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Carroll and Sutton voting no.

H.B. No. 1641, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1641, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Third Reading by a vote of 51 ayes.

H.B. No. 1321:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1321, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEAT INSPECTION ACT", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

H.B. No. 727, HD 1:

Representative D. Yamada moved that H.B. No. 727, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

Representative Sutton then rose and stated:

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

Mr. Speaker, this is a bill for the health care providers, and the purpose is to create a physician and surgeon 'cooperative', and have this specifically excluded from the insurance law. We passed something just about ten months ago which specifically did exclude from the insurance law, but that is not my concern. My concern is not even with the bill itself. I am speaking in favor of it.

My concern is that, last session, we put on these books of this State, a very unfair malpractice law that penalizes the doctors and this is a very honest. . ."

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

"Is the speaker speaking against, or for the bill? I thought he said he was speaking against. . .I don't know. I am confused."

Representative Sutton continued his remarks, stating:

"Mr. Speaker, if you will tell one of the musketeers from Kauai, and I think this one rides points with the musketeers--would you tell him, please, that I am speaking in favor of this bill, but showing the reservations, because this ties in with another bill which we will come to shortly."

The Chair stated:

"Will you proceed with dispatch."

Representative Sutton continued,

stating:

"I am sorry it is complex, but I can't help that. I didn't make it complex.

Now, Mr. Speaker, we put on the books a malpractice law that hurt the medical profession. We treated the medical profession as if it were, say, some shoeshiners, or something of that nature. We told them that they had to have \$100,000 in securities; they had to buy a \$100,000 of insurance. We put down almost punitive measures on the practice of medicine.

We said that if any doctor utilized alcohol in excess, that he lost his license. Now, you know and I know, Mr. Speaker, that some of us aren't always devoid of the use of alcohol and, Mr. Speaker, this bill was punitive. We are not correcting it. We should have addressed our attention, not to alternatives, such as this 'cooperative', but we should have gone in and repealed the malpractice law we put on the books. In the first place, there was no need for it. We are putting a bill on the books of the State of Hawaii based on statistics in the State of California. That statistic is in the wrong state, Mr. Speaker. We only had two adjudications of malpractice.

Now, Mr. Speaker, when you play golf, you don't talk about hitting your ball into the bunker; you talk about hitting your ball up to the greens. You charge and, by the same token, we must not conceive of the practice of medicine as something that is going to be for malpractice. Malpractice is the exception of the rule. We have not attacked this problem with any of the degree of skill, the degree of integrity, that we should have done, and I would like to see this body pass this particular measure, but keeping in mind, Mr. Speaker, that we should repeal and take off the books the aborted malpractice law we put on a year ago.

Thank you."

The motion was put by the Chair, and H.B. No. 727, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE PROVIDERS", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 1535:

On motion by Representative D.

Yamada, seconded by Representative Cobb, H.B. No. 1535, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF ELECTRICIANS AND PLUMBERS", passed Third Reading by a vote of 51 ayes.

H.B. No. 786:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 786, entitled: "A BILL FOR AN ACT RELATING TO ADVISORY ORGANIZATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 1353:

On motion by Representative Stanley, seconded by Representative Uwayne, H.B. No. 1353, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE FOR THE COUNTIES OF HAWAII, MAUI, AND KAUAI", passed Third Reading by a vote of 51 ayes.

H.B. No. 817, HD 1:

On motion by Representative Stanley, seconded by Representative Uwayne, H.B. No. 817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN THE PUBLIC SECTOR AND AMENDING CHAPTER 89, HAWAII REVISED STATUTES", passed Third Reading by a vote of 51 ayes.

H.B. No. 1624, HD 1:

Representative Garcia moved that H.B. No. 1624, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Carroll then rose and stated:

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

I believe the City and County had a similar requirement and it was held unconstitutional by the State Supreme Court. They have introduced here a one year statute of limitations which is in conflict with our normal two year statutes.

Again, this is a measure which needs to be looked at, and I urge all members to vote no."

Representative K. Yamada then rose and stated:

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

Mr. Speaker, the Supreme Court of the State of Hawaii does not hold that provision to be unconstitutional. It merely held that the provisions within the State Tort Liability Act has superseded the section that the previous speaker had referred to, and I am referring, Mr. Speaker, to Section 46-72 of the Hawaii Revised Statutes, and also the provisions contained within the Charter of the City and County of Honolulu.

By adopting this bill, we are curing the defect, Mr. Speaker."

Representative Carroll then rose and stated:

"Mr. Speaker, my primary objection to this measure is the question of cutting the statute of limitations down to one year."

The motion was put by the Chair, and H.B. No. 1624, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE TORT LIABILITY", having been read throughout, passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Ajifu, Carroll, Evans, Fong, Ikeda, Kamalii and Narvaes voting no.

H.B. No. 1643, HD 1:

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

H.B. No. 238:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 238, entitled: "A BILL FOR AN ACT RELATING TO TAX APPEALS", passed Third Reading by a vote of 51 ayes.

H.B. No. 236:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 236, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 425, HD 1:

On motion by Representative D.

Yamada, seconded by Representative Cobb, H.B. No. 425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Evans voting no.

H.B. No. 1198, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1198, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS", passed Third Reading by a vote of 51 ayes.

H.B. No. 865:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 865, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX LAW", passed Third Reading by a vote of 51 ayes.

H.B. No. 1472, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1472, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Peters voting no.

H.B. No. 1667:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1667, entitled: "A BILL FOR AN ACT RELATING TO INJURY TO PUBLIC UTILITY PROPERTY", passed Third Reading by a vote of 51 ayes.

H.B. No. 48, HD 1:

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

H.B. No. 785, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 785, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGGREGATE LIMITS", passed Third Reading by a vote of 51 ayes.

H.B. No. 985, HD 1:

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

H.B. No. 261, HD 1:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Larsen and Sutton voting no.

H.B. No. 81, HD 1:

On motion by Representative Ushijima, seconded by Representative Abercrombie, H.B. No. 81, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 1463, HD 1:

On motion by Representative Blair, seconded by Representative Kawakami, H.B. No. 1463, HD 1, entitled: "A BILL FOR AN ACT EXCLUDING TREES INVOLVED IN COMMERCIAL FORESTRY OPERATIONS", passed Third Reading by a vote of 51 ayes.

H.B. No. 986, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 986, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLAIMS", passed Third Reading by a vote of 51 ayes.

H.B. No. 1455, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1455, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROMOTING DRUGS", passed Third Reading by a vote of 51 ayes.

H.B. No. 1547, HD 1:

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

H.B. No. 1533:

On motion by Representative Kawakami, seconded by Representative Caldito, H.B. No. 1533, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS", passed Third Reading by a vote of 51 ayes.

H.B. No. 12, HD 2:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 12, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CERTAIN FUNDS", passed Third Reading by a vote of 51 ayes.

H.B. No. 258, HD 1:

Representative Segawa moved that H.B. No. 258, HD 1, having been read throughout, pass Third Reading, seconded by Representative Garcia.

Representative Evans then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 258.

As you may recall, Mr. Speaker, one year ago, I rose as a member of this House and as a professional in the health field, to speak in opposition to a similar bill concerning the definition of death. My present reversal of that opposition is due to several developments.

First, it has finally been firmly established that the definition of death is, in fact, a legal as well as a medical problem; the jurisdictional dispute has been resolved.

Second, the delay of one year served to clarify previous testimony and recruit new testimony from other valuable sources; the 1977 legislation is much more precise.

Third, on an issue as delicate as the definition of death, the extra time played an important role in the acceptability of a bill of this sort.

This past year has provided us with the time to research and study prevailing attitudes and definitions of death by the medical, religious, and legal professions. The State of Hawaii is only now able to legislate a definition of death without violating the considerations of the various professions and historical ideologies.

One year ago, I cited a recent experiment conducted by Dr. Adrian R.M. Upton, an Associate Professor of Neurology at McMaster University in Ontario, Canada. To illustrate the very severe problems involved in determining death, Dr. Upton used an electro-encephalogram (E.E.G.) machine, and attached the electrodes to a blob of jello. Brain wave analysis of that blob yielded readings which could have been mistaken as evidence of life.

I assure my colleagues that we have come farther than that with House Bill No. 258, and I encourage your support on this measure.

Thank you."

Representative Sutton then rose and stated:

"Mr. Speaker, it is with great regret that I find myself in opposition with my colleague, Mrs. Evans, but I rise to speak against this bill.

Mr. Speaker, I would ask you to address your attention to Section C, page 2, of the bill, to the part that concerns a transplant of an organ and the donor's death, and how that is determined. In other words, somebody has made a living witness to the effect that any of their organs can be taken when they are there. The problem is that the type of organ in a transplant, for example a kidney, must be retained in good use in order to be of any value in a transplant.

That means that we have a determination of death solely based on the irreversible cessation of the brain function. This sets up a very grave situation, Mr. Speaker. We could have the brain function cease for a 24-hour period and all the electronic data would indicate a lack of any brain function and, yet, there could be a situation where revival could recur and these have occurred. In our Health Committee, chaired by Mr. Segawa, we found these to be cases that did occur and, therefore, I feel that we have a definition on this one point--the transplants--which doesn't cover the base.

Now, the next part of the statute says that the determination of death shall be made by a physician making the determination of death who shall not participate in the transplant and that he shall have present an additional person. This is very excellent, but we still haven't covered

this one proposition that the necessity to keep the organ sufficiently usable for a transplant requires a definition of death which may not be quite adept.

Therefore, I would like to have this recommitted for further study, just on this one point of transplant, Mr. Speaker. I would ask my colleagues to vote along with my motion for recommittal."

Representative Segawa then rose and stated:

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

To begin with, I would like to quote from the excellent report that has been presented by the Legislative Reference Bureau towards a definition of death which was just presented to the legislative body on March 7, 1977. It says: 'The relevance of death, or any need for such a definition is perhaps made most understandable when viewed in the light of well-publicized death issues. The two most well-publicized death issues in this State are probably the circumstances surrounding the death of Alice Cameron and the life of Karen Ann Quinlan. The usefulness of reviewing in some depth the facts of the two cases primarily revolves around the necessity to clarify the definition of death as an issue.'

Because of man's limited knowledge and understanding of the processes of life and death, death has traditionally been presumed when respiratory and circulatory functions of the body have subsided. Historically, there was no alternative to the traditional method of determining death. The findings of the Legislative Reference Bureau, in their report towards a definition of death, state that the traditional standard of determining death, recognized by medicine and law, is inadequate to meet present medical and legal needs and recommends that the State of Hawaii enact a statutory definition of death.

The report also points out that the increased sophistication and extension of medical knowledge in resuscitation, artificial life support techniques, and organ transplants now require a different means of measuring death.

House Bill No. 258, House Draft 1, provides a definition of death under two conditions. One, under a traditional condition and I quote: 'A human body

shall be considered dead if, in announced opinion of a physician licensed under Chapter 453, based on ordinary standards of current medical practice, the human body has experienced irreversible cessation of spontaneous respiratory and circulatory functions. They will have occurred at the time when the irreversible cessation of the functions first coincided.

The second definition is the event of a human brain death syndrome. In the event that artificial means of support preclude a determination that respiratory and circulatory functions have ceased, a human body shall be considered dead if, in the opinion of an attending physician, licensed under Chapter 453, and of a consultant physician who shall be a neurologist, neuro-surgeon, anesthesiologist, or internist, and licensed under Chapter 453, based on ordinary standards of current medical practice, the person has experienced irreversible cessation of brain function. The opinions of the physicians shall be evidenced by a signed statement. Death will have occurred at the time when the irreversible cessation of brain function first occurred. Death shall be pronounced before artificial means of support are withdrawn and before any vital organs are removed for purposes of transplantation.

Therefore, Mr. Speaker, the concern that the previous speaker had alluded to in the fact that an organ may be transplanted before it is proven that a person is dead is very much in error because this bill provides for this assurance. Furthermore, the Hawaii Medical Association testified at our hearing that they are in support of the report as presented by the Legislative Reference Bureau and, further, that the Committee, because of its concern, in deference to the Hawaii Medical Association who recommended that we do not need a consultant physician to confirm death by a brain syndrome death, that the Committee further added that there is a need for a consultant physician who need not only be a neuro-surgeon, a neurologist, but could also be an anesthesiologist or an internist.

On these bases, I urge all members to vote 'aye'."

The motion was put by the Chair, and H.B. No. 258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF DEATH",

having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Peters and Sutton voting no.

H.B. No. 201, HD 1:

On motion by Representative Segawa, seconded by Representative Yuen, H.B. No. 201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SURVEILLANCE", passed Third Reading by a vote of 51 ayes.

H.B. No. 829:

On motion by Representative Segawa, seconded by Representative Ueoka, H.B. No. 829, entitled: "A BILL FOR AN ACT RELATING TO THE ENRICHMENT OF BREAD AND FLOUR", passed Third Reading by a vote of 51 ayes.

H.B. No. 1319:

On motion by Representative Uechi, seconded by Representative Kawakami, H.B. No. 1319, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Narvaes voting no.

H.B. No. 1059, HD 1:

On motion by Representative Uechi, seconded by Representative Kawakami, H.B. No. 1059, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS", passed Third Reading by a vote of 51 ayes.

H.B. No. 264, HD 1:

Representative Cayetano moved that H.B. No. 264, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamura.

Representative Blair then rose and stated:

"Mr. Speaker, I would like to speak against the bill."

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

"We are really just going away from the concept of having a private owner on an abutting property take care of it, and we throw in phrases like 'hazardous to the owner' and 'reasonable access'.

I think we are really opening the door to the convenience of our constituents not to comply with this concept and, eventually, we may as well have the City just take over--taking care of everybody's abutting sidewalk and be done with it.

Thank you, Mr. Speaker."

The motion was put by the Chair, and H.B. No. 264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTRUCTION AND MAINTENANCE OF SIDEWALKS", having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Blair, Sutton and Yuen voting no.

H.B. No. 162, HD 1:

Representative Cayetano moved that H.B. No. 162, HD 1, having been read throughout, pass Third Reading, seconded by Representative Stanley.

Representative Takamura then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, but I do so mainly to express some reservations.

Mr. Speaker, I think that the establishment of a staggered work hour and flexible time system for State employees is an important step towards helping relieve some of the congestion, and also to, I think, accommodate some of the different kinds of life styles that our public employees have. I think when this bill was brought to the Committee and we had a public hearing, we had excellent testimony testifying to the value that such a program would have.

Mr. Speaker, the bill that you have before you is a greatly emasculated version of that original bill, and while I have some serious reservations about it, it nevertheless, is harmless enough. It allows the Governor to be a little bit flexible on the office hours and, actually, what it is is a flexible office hour bill. Even though I think it is not in any sense of the word a staggered work hour bill, it still, perhaps, will help to bring that about eventually in the far future, I guess.

With those reasons, I urge that we vote for this bill."

Representative Cayetano then

rose and stated:

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

A previous speaker is right--the bill has been somewhat emasculated. However, the Committee has been working for a staggered work hour or variable time program to alleviate traffic congestion for the past two sessions, and we have been unsuccessful. Now, we are at the point where the parties who are going to be most directly involved--the representatives of the State employees, the labor unions, and the State Administration--are now beginning to talk. They have agreed to meet on an informal basis to develop a program and this bill, although it does not go as far as I would personally like to see it go, is a step in the right direction, and I urge all my colleagues to vote yes."

Representative Abercrombie then rose and stated:

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

Mr. Speaker, this bill has staggered on to the floor of the House. My remarks to the previous speakers are in order and I want to indicate, as I urge people to pass the bill, that we intend on drawing attention to the second page, third paragraph, which would indicate that in deleting the entire Section 80-1(b), that we expect to have before us, in 1978, a program which we will review at that time. And I want to indicate to the other members who are not in the Transportation Committee that when we are speaking of staggered work hours, we may also be speaking about a seven-day week, as well as a shorter work week. That is to say that I think we are going to have to consider, and if the Governor and the unions don't come up with something sensible in 1978, I, for one, will certainly consider bringing to the attention of the members the idea of putting the government to work seven days a week, so that the public may be inconvenienced and that we may truly get into a staggered work hour section which simply does not become a situation of altering when you start today and when you finish today.

Thank you."

Representative Cobb then rose and stated:

"Mr. Speaker, in the interest of time, I would just like to incorporate my sentiments along the lines expressed

by the three previous speakers, particularly Representative Takamura's.

Thank you."

The motion was put by the Chair, and H.B. No. 162, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STAGGERED WORK HOUR AND/OR VARIABLE TIME PROGRAM FOR STATE EMPLOYEES", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 1644, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1644, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC COMPANIES", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ajifu voting no.

H.B. No. 234:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 234, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 874:

Representative Suwa moved that H.B. No. 874, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Abercrombie then rose and stated:

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

I could see this if it was a one year tax exemption. Two years is too long and it invites abuse."

The motion was put by the Chair, and H.B. No. 874, entitled: "A BILL FOR AN ACT RELATING TO THE USE TAX LAW", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

H.B. No. 13, HD 2:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 13, HD 2, entitled: "A

BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS", passed Third Reading by a vote of 51 ayes.

H.B. No. 1698, HD 1:

Representative D. Yamada moved that H.B. No. 1698, HD 1, having been read throughout, pass Third Reading, seconded by Representative Baker.

Representative Sutton then rose and stated:

"Mr. Speaker, these are amendments to the No-Fault Law, and I would like to speak in favor of what we have, but with a caveat."

Directed by the Chair to "proceed", Representative Sutton continued, stating:

"Mr. Speaker, addressing your attention to the question of no-fault benefits for public assistance recipients who are insured and do not pay any premium thereunder, it seems to me that we have had an interim committee that reported back that this was grossly unfair, that people who are operating cars under the no-fault. . ."

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

"The report that the speaker is referring to did not report back that it was grossly unfair."

The Chair stated:

"Representative Sutton, will you proceed and keep in mind that the Chair agrees with the point of order raised by Representative Dennis Yamada."

Representative Sutton continued his remarks, stating:

"The interim committee pointed out that we had a very big problem on this and that the testimony that we took in the interim committee showed us--I was a member thereof--that the public was very much disturbed at paying premiums which, in turn, subsidized others who are on public assistance.

I think that this was a time in this bill to have addressed our attention to that point, and I don't think that we have covered that phase. I do hope that the gentleman from

Kauai will address his attention, as Chairman of this Committee, to more remedial measures for the average motorist who is paying a no-fault insurance which was the law that was put uniquely on the books of this State--having to subsidize other drivers, including those on public assistance, and I would ask that we keep this in mind.

Thank you very much."

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

Representative Blair's remarks are as follows:

"Mr. Speaker, Hawaii is the only State which provides free no-fault automobile insurance for welfare recipients. According to a study published in 'Business Week', Hawaii also has the most generous welfare payments by a substantial margin over any other state.

In light of our relatively generous welfare payments, I believe we should have taken this opportunity to discontinue the free no-fault automobile insurance for welfare recipients.

I introduced a bill to make that change, but it has been killed in committee. I am voting against this Administration bill, not because of what it does, but because of what it fails to do. If I were to support this bill, it would be giving tacit approval to a continuation of free no-fault automobile insurance for welfare recipients."

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

"Mr. Speaker, I think a strong statement must be made about this critical situation into which we are putting ourselves.

House Bill No. 1698, House Draft 1, must be shown to be a short-sighted and defective measure as it now stands; one that will prove itself to be a greater detriment to our citizens--not only the taxpayers, but also those who receive welfare benefits.

Our public welfare program has grown into a fiscal monster, one that not only doles out assistance

to the needy, but which has led to the psychological dependence of welfare families on public assistance. Some of these families have required welfare help for several generations.

The Committee Report reveals several assumptions and conclusions about alternatives to the free auto insurance which had been rejected by its members. I believe these alternatives have not been explored as seriously and farsightedly as possible.

I submit that there are positive alternatives we can pursue to assure adequate transportation for those citizens who are provided welfare assistance.

In the Committee Report, I would be willing to dispute several conclusions, such as whether it is, in fact, cheaper for us to provide free auto insurance for automobiles owned by welfare recipients in the long run.

With the present and future need to conserve limited fuel resources, I would think that it is more wasteful to allow public subsidy of private autos for those people on public assistance. We should be looking more seriously at providing bus passes for welfare families, to make greater use of our public transportation system at all times of the day. We should also practice what we have been preaching all along about the merits of mass transit.

We should be looking more seriously at providing special State-run van service from public housing projects to specified destinations, as well as for medical care.

The first thing we have got to remember, in considering liability for accidents, is that no automobile can be driven in this State which is not covered by no-fault insurance. Therefore, there is no one who is on public welfare assistance who should be allowed to operate their vehicles if they cannot meet the cost of insurance premiums.

Mr. Speaker and members of this House, I would urge that you vote this measure down."

Representative Peters then rose and stated:

"Mr. Speaker, I have no feelings one way or the other on this particular measure. I think the remarks of the previous speaker is devoid of

what is called social consciousness. I am getting sick and tired of having people who are on welfare serving as a scapegoat for many of the things that get down in this process. Nobody can tell me that anybody on welfare wants to be there. It is very degrading and beneath them to go through a process of asking for assistance.

There may be some exceptions, Mr. Speaker, but then if that is the case, then it seems to me that another measure should be introduced for that purpose of investigating any kind of abuses. I think I have made my point."

Representative Narvaes then rose and stated:

"In regards to this bill, and as I sat in Committee, again in regards to this bill. . ."

The Chair interrupted and asked:

"Are you speaking for or against the bill?"

Representative Narvaes replied:

"I rise to rebut some of the statements made by the previous speakers, Mr. Speaker, and I speak against the bill.

Mr. Speaker, there was an individual who came up and he testified, and his testimony had to do with something to the effect that he was on welfare for the last 15 years because of emphysema. He came up saying that he needed this insurance at no cost to him. He said that he couldn't afford it. Mr. Speaker, when I asked him if he had insurance before no-fault, he said, 'yes'. I asked, 'For how many years did you have this insurance?' He said, 'All the time'.

Mr. Speaker, I think it is clear that there are many abuses of this system. Thank you."

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

"Did the Representative from the 14th district file a speech that was for or against the bill."

Representative Blair replied that it was "against the bill."

The motion was put by the Chair, and H.B. No. 1698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE

ACCIDENT REPARATIONS ACT", having been read throughout, passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Ajifu, Blair, Evans, Kamalii, Larsen, Narvaes and Poepoe voting no.

H.B. No. 1358, HD 1:

On motion by Representative Takamine, seconded by Representative Peters, H.B. No. 1358, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPREHENSIVE EMPLOYMENT AND TRAINING", passed Third Reading by a vote of 51 ayes.

H.B. No. 122, HD 1:

On motion by Representative Blair, seconded by Representative Larsen, H.B. No. 122, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ueoka voting no.

H.B. No. 1084:

Representative Stanley moved that H.B. No. 1084, having been read throughout, pass Third Reading, seconded by Representative Uwaine.

Representative Evans then rose and stated:

"Mr. Speaker, I rise to speak in opposition to House Bill No. 1084.

My firm opposition to this bill is based on the following reasons:

First, and perhaps most importantly, is the blatant misuse of the basic concept of the CETA and SCET programs which were developed as a temporary measure to provide for transitory employment of the unemployed and the under-employed. According to testimony presented by the DPS, the bill is in conflict with the intent of CETA and SCET because it may encourage participants of these programs not to seek fully unsubsidized permanent employment knowing full well they will receive preferential treatment for State civil service positions.

This bill undermines the philosophy of the civil service system of job placement on the basis of open competitive examination and merit.

Secondly, the civil service system has inherent weaknesses as it is

presently applied. I submit to you that politics and 'who you know' is a major factor in the final determination of filling government positions in many cases. This sort of preferential treatment exists without this body giving the practice legal sanction by legislating more preferential treatments.

Thirdly, I do not oppose the intent to help these people to find gainful permanent employment. The Committee Report fails to mention the need to develop adequate training programs that will enable these participants to compete on an equal basis. The failure to mention the development and implementation of such programs offers a carte-blanc to a very small number of people. Such legislation in the face of the severe unemployment picture this State faces today is irresponsible.

With this bill, we throw the doors wide open to wholesale politics and we establish no means by which participants--as well as non-participants--can be encouraged to help themselves. House Bill No. 1084 offers a small group advantages not enjoyed by the whole and this, in itself, is discriminatory.

It is incumbent on us to safeguard the public interest against more infringement of their rights. House Bill No. 1084 is an infringement on the rights of the large numbers of unemployed and under-employed who are not participants in this program through no fault of their own.

I urge you to defeat this bill."

Representative Dods then rose and stated:

"Mr. Speaker, I rise to speak against House Bill No. 1084.

The purpose of this bill is to give preferential treatment to the participants of the State Comprehensive Employment and Training (SCET) and the Comprehensive Employment and Training Act (CETA) public service employment programs.

There is a personnel management system in the State which provides an equal opportunity to all applicants who wish to be considered for employment. This question is emphasized by one of the policy statements of the State Department of Personnel Services which requires an 'impartial selection of the ablest person for

government service by means of competitive tests which are fair, objective and practical.'

CETA and SCET programs are designed to provide work of a temporary nature to those individuals who are unemployed. I agree, Mr. Speaker, that during this period of high unemployment, the State must take necessary measures to provide employment opportunities for many of our more than 30,000 unemployed individuals in the State. I disagree, however, that preferential treatment, as provided in this bill, will address itself to only 800 CETA and 1,100 SCET participants. This bill, if enacted, will discriminate against the majority of unemployed individuals who were unable to obtain public service employment through the above programs.

The State Department of Personnel Services indicated in their budget requirements that in the 1975-76 fiscal year, there were 4,837 vacancies to be filled, and a total of 31,000 eligible applicants referred to these vacant positions.

This bill, if enacted, will circumvent the existing State merit system requirements and procedures.

At present, there are approximately 16,174 State civil service employees. I am sure that most of these were processed for employment under the merit system principles.

This bill, if enacted, may have a serious demoralizing effect on these employees who went through 'the system' to be where they are today. Furthermore, there are 5,000-plus exempt employees, who, by virtue of special legislation or by the Department of Personnel Services rules and regulations are placed in this exempt category. This figure does not represent the SCET and CETA employees. This bill, if enacted, will give SCET and CETA employees preferential treatment over the current 5,000-plus exempt individuals.

I believe that all of these public service employees should follow the existing policy established under the merit system of the State, which enables the Departments to select from among the best qualified applicants.

However, if these individuals qualify under the existing merit system requirements, then, I believe that if all things are equal, strong consideration should be given to those who are or have participated in public service employment.

Because of these reasons, Mr. Speaker, I urge all members of this body to vote 'no' on House Bill No. 1084.

Thank you."

Representative Say then rose and stated:

"Mr. Speaker and members of this House, I also rise to speak against this, primarily because of the reasons stated by Representatives Dods and Evans. I hope each and everyone of you will open up your eyes and listen to what I am saying. If it goes in your left ear and comes out your right ear--fine, but all I am trying to get is a message across to you folks that the purpose of Chapter 76 is 'to build a career service in government which will attract, select, and retain the best of our citizens on merit, free from coercive political influences, with incentives in the form of genuine opportunities for promotion in the service,' and to render impartial service to the public at all times according to the dictates of ethics and morality.

The merit principles that follow in Chapter 76, Section 1, of the Hawaii Revised Statutes, require that no person shall be discriminated against in any case, and further, that the selection of any person shall be impartial and based on ability by means of competitive tests which are fair, objective and practical.

Mr. Speaker and members of the House, neither the SCET nor the CETA programs were designed as pre-requisites for employment within the civil service system. Also, preferential treatment allowed by House Bill No. 1084 is, in my opinion, discrimination in the most subtle and insidious form and violates the intent of Chapter 76, the Civil Service Law.

Whatever this bill attempts to do, the results are disastrous in my viewpoint. It not only sets a precedence, but is a Pandora's box that would create problems beyond the scope of imagination and experience, so I urge you all, this morning, to vote 'no' on House Bill No. 1084.

Thank you."

Representative Peters then rose and stated:

"Mr. Speaker, I had some reservations.

. . .by the way, I am speaking in favor of this bill. The only reservation that I have is that SCET and CETA people will have to, after one year of on-the-job training, be subject to taking an examination.

Mr. Speaker, I think there was another bill that we passed and I think. . .I know we did--another bill that we passed which earmarked some monies for the continuation of this program. The amended present statutes dealing with the SCET program and CETA program, more especially the SCET program, will allow these people who are in these programs to participate in the training mechanism. It seems to me that it takes care of some of the questions raised regarding the lack of training.

Mr. Speaker, the provisions of this bill are rather stringent, but I would like to address myself to the civil service standards. Some of my colleagues used some words to describe those standards as impartial and fair. Civil service standards, by way of its minimum qualifications and, many times, by way of the examinations that were given, as far as I am concerned, are artificial barriers--barriers against many of our people in the State who may not have what the Hawaiians call 'palapala'. It may not meet the criteria established by civil service. Again, western influence--right?

My concern is that these people were given preferential treatment only by way of selection and the standard there was that they were unemployed. They needed the job and that is exactly the premise under which SCET and CETA were formulated and implemented. These people are in those programs because they needed to provide for the needs of their families. They needed the job so they can possibly secure the resources necessary to provide for those needs. It seems to me, Mr. Speaker, the criteria established here, one were working in a program, and don't tell me many of them don't mind, after working one year on the job, training, that you don't know what that job entails. In addition to that, after taking an examination and being in the system, you are still subject to a delayed period of six months before you really get established and really get accepted in the system.

I think one and a half years is long enough for anyone to be properly trained to be in the system to do a job that they are currently doing already. It states over here the examination is given 'in those classifications related

to the participants public service employment experience.' Civil service doesn't render that kind of stringent guidelines. All they say is, 'Brah, you got the palapala? You got the experience on the outside? Come take the examination.' If you are articulate, you'll probably pass it.

SCET and CETA workers will be in this program for one year. No other employment that I know of, especially civil service, established that kind of stringent guidelines that you would have to serve one year before you get accepted. In this case, it would be one and a half years.

Thank you very much."

Representative Stanley then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 1084.

This bill permits the Director of Personnel Services to adopt rules and regulations for granting preference to SCET and CETA participants applying for permanent positions in government service. This bill also establishes minimum requirements which CETA and SCET participants must meet to be eligible for preference.

First, the applicant must have performed in a SCET or CETA public service job at least one year and received satisfactory or above ratings on quarterly evaluations by the supervisor.

Second, the applicant must have achieved a passing grade on an open competitive examination administered by the Department. The extent to which preference will be granted is left to the discretion of the Director of Personnel Services. He shall determine the extent to and the conditions under which preference shall be granted through the promulgation of rules and regulations, under Chapter 91, a process which requires public hearing.

A basic question which needs to be addressed in our consideration of this bill concerns the SCET and CETA programs themselves. That is, for what intents and purposes were these programs established? My understanding is that these programs were created to provide unemployed and under-employed individuals with transitional employment to expedite their entry into a highly competitive labor market. If this is the case, then the Legislature must do what it deems necessary to assist program participants in obtaining unsubsidized,

full-time jobs. House Bill No. 1084 is a step in this direction.

The testimony heard by your Committee indicated that despite satisfactory on-the-job performance, some program participants have difficulty obtaining permanent positions in government service because they are unable to compete with other applicants on written examinations. Under the present civil service recruitment system, all applicants on an open competitive examination are ranked according to their scores and the top five applicants are referred to the appointing authority for an interview. The granting of preference, should the Director of Personnel Services decide to, as an example, add five points to the exam score, may enable more SCET and CETA participants to rank among the top five applicants, giving them a better chance of being selected for a position.

The intent of this bill is not to violate the spirit of the merit principle. Rather, it is to recognize the experience and training gained through public service employment.

I urge my colleagues, during this period of high unemployment, to support the efforts of those workers who have the courage and initiative to seek unsubsidized employment.

I urge you all to vote favorably for House Bill No. 1084. Thank you."

Representative Abercrombie then rose and stated:

"I signed the bill 'I do not concur'. . . I am speaking against the bill and I think it was only in the last two or three minutes that I decided that I would definitely not vote for the bill. I signed it 'I do not concur.' After thinking a lot about it because of the powerful arguments made by the Chairman of the Committee and others, Mr. Speaker, in the end, it comes down to this: It is not fair.

No matter how you add it up; no matter how you turn it around; no matter how you try to walk on the razor's edge of it all, in terms of human needs and in terms of the personalities, in terms of the dignities that people are seeking, and rightly so, it still isn't fair, and there are a few more points involved in that to make it quite clear.

Now, I am not sure, Mr. Speaker, that we want to get into a situation of providing endless public employment

leading to civil service status. Now, if that is what we want to do, then let us state it quite clearly that we are going to move into it seriously; the government is going to hire people under one set of circumstances, presumably for short periods of time or for training time, and then with the full knowledge, as with other jobs, the things that they will seek or that these are, in fact, training periods leading to civil service jobs. We got so many thousands of people in the State of Hawaii. We want to put more thousands of people on the payroll of the State of Hawaii. Then say so, and let us be prepared to raise the revenues for it. Let's not hide the tax bills; let's not go running away from votes on it. It's all right with me. If you want the government to become the employer, as such, let us talk about that and let's get down to it and argue it out--public hearings and all the rest--but let's not come into the back door and find ourselves loaded up with civil service employees because. . ."

Representative Peters interrupted on a point of order and stated:

"Mr. Speaker, this bill talks about the possibility of giving consideration to SCET and CETA employees for employment within the system. It doesn't address itself to creating positions within the system to absorb these people."

The Chair asked, "Representative Abercrombie, will you confine your remarks to the subject at hand."

Representative Abercrombie asked:

"Are you ruling that I am speaking out of order? Would you cite to me exactly how I am speaking out of order?"

The Chair replied:

"The Chair has ruled for you to confine your remarks to the merits of the bill."

Representative Abercrombie then stated:

"That is exactly what I am doing."

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

"Have you ruled that I was doing that or not?"

The Chair stated:

"I am requesting that you confine it within the confines of the bill. I don't want you to go overboard", and directed Representative Abercrombie to "proceed".

Representative Abercrombie continued his remarks, stating:

"That is precisely this kind of thing that is going to occur. We are going to encourage people to come into the system and put them into this kind of competitive situation, and say to the people on the outside who have managed to find a job that it is better to come in, that you are going to have a better chance--a five point chance. I don't care how you make a sophisticated argument to the public at large, including those people who are employed right now, that the five points may not be all this and may not be that, and it is at the discretion of the Director of Personnel Services. The average man and woman isn't going to believe that, and rightly so. They are going to read it one way, and one way only, if somebody has got a five point bulge on me.

Now, what I say is, it is coming at it the wrong way and from the opposite end from where the emphasis should be. We add the University without walls. Some of us in here have been arguing for a long time about its external degree programs, about learning at all levels out into the community, and instead, have gotten a needless program. Why shouldn't we take advantage of the fact that we have thousands of unemployed teachers? And if we're putting people into jobs, why do we have to assume that because someone goes into a job at one level because of the circumstances of their life, that they wouldn't like to move into a situation of preparing themselves, whether it is for a civil service job or for anything else? If we're going to put in a subsidiary situation, in terms of preferences, we've already passed bills in here concerning subsidies in the private industry. Why should it be towards civil service? There is no way; there is no way you can avoid the logic of what is involved with what we are doing here if we encourage people to come into CETA and SCET jobs with the idea of taking civil service employment.

As I said before, perhaps the previous speaker that interrupted me with a point of order was out of the room when I said it. I don't object to that. If that is what we want to do, and we have those people available, then let's do it. But let's not kid ourselves. Let's not duck the revenue issues

that are involved; let's face them directly. Why aren't we putting this money into private industry then? Why aren't we putting people to work in private industry and paying those industries a subsidy, if you will? I call it an investment. You see, it all depends on the way you look at it. If we give money to the HSPA, it is an investment in the future. If we put money into an individual, we call it a subsidy. You see, we get socialism for the rich, but it is welfare for the poor. I can't see it. I look at this, not as a subsidy situation, but as an investment in the individual, so we've got to make a basic decision, and what I think we do in this bill in the end, and that's why I wrote 'I do not concur', and why I decided in the last couple of minutes to stick with that is, I think we are not doing any favors for the people in SCET or in CETA. As a matter of fact, we are doing the exact opposite.

What we are saying is, you're stopped in life--you're not going to have the chance to expand your horizons in life. On the contrary, we are going to take a patronizing attitude towards you and say that we're going to give you five points if you can walk around in town and be known as a five pointer when you get a job, and that's what will happen. People will say, I know you got the job; you had the 'balls.' I don't care what kind of language you put in here--that's what is going to happen. There is no Director of Personnel Services on earth that has got the wisdom of Solomon to be able to take the kind of discretion that's in this bill and use it that wisely. There is no where on earth that is going to happen. So, what I am suggesting is that, instead of this five points 'balls' situation, that we go back to the fundamentals and open up opportunities for people on all levels of industries--not just in what I call government welfare inside, and shutting people who are working already, or underemployed but working right now, out of the system because that is what the logical thrust of this bill is.

Thank you."

Representative Lunasco then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill. Mr. Speaker, let's not kid ourselves. Let me address my comments to the State Comprehensive Employment Training

Act.

Mr. Speaker, this Act was set up several years ago and, basically, it was supposed to take care of the underemployed people in our State. Members of this House, if you are well aware of the underemployed people in this State, for them to take a test and do well, compared to those that are coming out of schools today and do terrific on tests, you might realize that those individuals, presently under the underemployed category, would not do too well. What I'm really addressing my comments to, Mr. Speaker, is that if you are really seriously training these people for employment, then some consideration should be given to them when they presently work in our State departments.

Mr. Speaker, I've heard of cases where individuals were hired under the SCET program and when a vacancy occurs, they are competent to do the job that the individual left, but yet, because they did so poorly on the tests, they weren't hired, and five individuals from the Civil Service Office were referred to that department and they were chosen because of their high grades; not necessarily meaning that they were in the program. If you're seriously training these people for employment, then, at least, we should make jobs available to them when jobs are available within our departments.

If we say we shouldn't give them preference, then why should we even talk about the State Comprehensive Employment Training Act. I think we're only kidding ourselves because who are we training these people for--for the Legislature? I don't think we can absorb that many people in the Capitol, so what I'm really saying is, Mr. Speaker, if we're going to do it, let's do it right. If not, let's not do it at all."

Representative Takamine then rose and stated:

"Mr. Speaker, I think enough has already been said. I thought I'd just make it clear--try to make it at least more clear--that the whole purpose of the CETA and SCET programs is to train those that are unemployed; those that have exhausted their unemployment compensation for needed government services, and public service jobs. For instance, under the CETA program, we have funds allocated to community colleges to train the CETA applicants so that they may be trained and that

they may be upgraded for further advancement and, also, early in the evening, we acted on House Bill 137 and that is the continuation of our SCET program. Here, we decided that it is about time knowing that there is no . . . at least not in the near future, that we will not be able to cope with the constant rise in unemployment, that we got to continue this program and, therefore, we decided, under the SCET program, to include Manpower Training Program. Therefore, the whole emphasis for both, under the CETA and SCET programs, is to train the unemployed--the fifteen weeks of those that have exhausted their unemployment compensation and those that were unemployed for fifteen weeks--giving them priority, and work both priorities down so that those that need this job the most will be given preference, and on top of the preference, be given self-training so that they can improve themselves.

Thank you."

Representative Say then rose and stated:

"Mr. Speaker, the immediate concern I see here is just the overall SCET program, or you could call it SPU, and one of the previous speakers talked about the workers who are in these programs.

Last evening, I testified, with reservation, on House Bill No. 137 and I would like to say it again that my major concern about the SCET program is this--it's not helping the needy; it's not helping the unemployed; it's not helping the underemployed. When I gave you my facts and figures about the priority groups, in priority group No. 1, there is only 28 percent of the total enrollment for the year 1976. When you look at priority 4, it's 68 percent. Now, when brother Henry stands up and says these are the people that's going to lose out, I think they are going to lose out, brother Henry. Priority No. 1 has only 28 percent of the total enrollment. If the SCET program was for this priority No. 1. . ."

At this point, the Chair interrupted and stated:

"The Chair would request that you address. . ."

Representative Say interrupted and stated:

"That's all I've got to say. Thank

you."

Representative Stanley then rose and stated:

"Mr. Speaker, I would like to respond to some of the remarks that have been made this morning.

The previous speaker, I think, has raised some very good points about the operation of the CETA program, and I share his concern about the percentages that have been shown to be distributed across the priorities.

This bill, before us right now, is aimed at the first priority--the 28 percent, I believe. It is my belief that those people that have had the advantage of CETA positions in priority four are very competitive and do not need any further assistance and have used the program unassisted.

My concern is for the people that I have known who have had positions in the Department of Social Services as food stamp workers, in particular, and then when, after last session's completion, we authorized additional positions to be opened, these people had to compete in a competitive examination and even though having performed satisfactorily, having learned the whole application process, because they could not score in the top five on an open examination, were not even afforded the opportunity to be interviewed for the job.

This bill does not 'grandfather' wholesale CETA and SCET people into civil service nor does it violate the merit principle. It is an adaptation to meet the needs of the people who we are trying to help through our unemployment program.

Thank you."

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

"Thank you. I noticed that you recognized age before beauty, Mr. Speaker. It's almost 2 o'clock--most of the bars are going to be closed so we might as well be here. I'd like to say only a few words in support of this measure, Mr. Speaker.

Yes, it's five percent, but the five percent, Mr. Speaker, is not going to help too many because lots of them are good workers and they have proven, for one year, their good performance. They know how to do their job, but most of them are local boys or girls

who are not real test takers, you know. They are going to be sucked out of the jobs. I've seen so often people that couldn't do the job, but they came out in the top five in the examinations. Then, we spend a lot of money training them. The five percent is to insure all the investment made in the year or so in getting these people trained for that particular job, to insure that we can enjoy the investment. That's all. We had pet programs before, Mr. Speaker. I believe you will remember--we blanketed them in without an examination.

I am going to support this bill because it still affords that examination, and it recognizes also the experience and the investment that the State or the county governments have made in these individuals, and to work one year and to stick by, and stick to it for a year because these SCET positions are not the top positions--okay? You really got to have blood and guts to stick it out because all these privileges and benefits don't really accrue, so that's all I've got to say. Let's hurry on, Mr. Speaker."

Representative Cobb then rose and stated:

"Mr. Speaker, the hour is late. I will try to be brief, but I am going to speak against the bill.

Mr. Speaker, one of the earlier remarks made was that these CETA and SCET programs involved training for a non-subsidized position and I think, Mr. Speaker, that is exactly one of the points that I am in odds with. It's because the thrust of this five percent factor would be to provide training. In fact, even an entire career program, as it develops for a totally subsidized position; namely, that of a regular State employee. And as I have understood, all of the training programs that is to take place in employment, the priority is supposed to be for the private sector of the economy before the public sector. The idea behind it is to help a person with a job, and help him learn how to work and how to do a function, but whenever possible, to go into the private sector. Otherwise, the program becomes self-defeating in that a temporary program then becomes a permanent civil service position and I think that's the fact that we got to realize if, in facing this function--a broader law to provide a preference--we are not considering

where the larger issue of all the jobs in this State should really come from. Should it be public, and should we direct the major emphasis of this program to the public sector? Or, should we consider the question of employment for everyone and wherever possible.

Leave the priority to placement in the private sector, Mr. Speaker. That's where the tax base comes from; that's where the revenue comes from to provide those kind of public jobs. And while we have an unemployment situation that has been going up in the last two years, I don't think we can say this is permanent. Just as these programs were designed not to be permanent but as a temporary device to carry on over this period of high unemployment, are we going to look down the road five, ten, or fifteen years from now and still have a SCET and CETA program? That's the question we're facing, Mr. Speaker, and that's one of the reasons why I cannot support this measure.

In addition, Mr. Speaker, the five percent opens up the possibility, that since it is discretionary on the part of the Director of Personnel Services, of incredible games that could be played, that if there is a listing of applicants of, say, ten, within a margin of five points, he then will have a discretion to assign whatever point value he considers sufficient. Mr. Speaker, they are not games being played. Please, let's not do any more.

Thank you."

At this time, Representative Stanley rose on a point of information and stated:

"Mr. Speaker, I would like to state for the record that whatever figures I was able to obtain on some research I was able to do this afternoon, under Title 22, out of 1,700 participants, approximately 113 obtained civil service positions for a percentage of 6.5 percent. I don't think we are loading up civil service with CETA employees."

Representative Machida then rose and stated:

"Mr. Speaker, I would like to speak in support of this bill. In so doing, I would like to correct some statements that have been made and some assumptions that some of my colleagues may have in terms of what this bill does.

This bill does, in no way, create any additional government employee positions, or permanent positions.

Also, it does, in no way, circumvent the rules and regulations promulgated by the Department of Personnel Services. It does, in no way, violate the merit principles of the civil service system.

What this bill does is that, for those who are trained under the CETA or SCET programs, whenever any permanent positions in civil service do open up, either by attrition or by the good nature of the Legislature, then these people who are on the CETA and SCET programs, if they have one year of satisfactory service, proceed and go to the merit system and take the open competitive examination, and if they pass by a score of seventy or more, and in order to become one of the top five, they are given a preferential treatment and then considered for placement.

Mr. Speaker, the State spends a tremendous amount of money in terms of the SCET program. Tremendous amounts of resources are put into these people and when permanent positions open up, this is the method, I think, all State employees should try to take advantage of these resources. This is a system in which we can have some of these people who are trained to do the work of government employees to carry out the goals and objectives of the State agencies, have them trained and, eventually, be placed in permanent positions. So, Mr. Speaker, this bill, as indicated by the Chairman of the Public Employment Committee, does, in no way, violate any kind of principles that are presently in our civil service system. It doesn't also, in no way, violate the rights of any of the other employees who are competing for this permanent position.

Thank you, Mr. Speaker."

Representative Carroll then rose and stated:

"Mr. Speaker, I would like to adopt by reference the remarks of Representatives Evans and Cobb as my own for the purpose of the Journal.

Thank you."

At 1:55 o'clock a.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:07 o'clock a.m.

Roll call having been requested, the motion to pass H.B. No. 1084 on Third Reading was put by the Chair, and H.B. No. 1084, entitled: "A BILL FOR AN ACT RELATING TO PREFERENCE FOR PUBLIC SERVICE EMPLOYMENT PROGRAM PARTICIPANTS", having been read throughout, passed Third Reading by a vote of 34 ayes to 15 noes, with Representatives Abercrombie, Ajifu, Blair, Carroll, Cobb, Dods, Evans, Ikeda, Kamalii, Larsen, Medeiros, Narvaes, Poepoe, Say and Sutton voting no, and Representatives Cayetano and Shito being excused.

The Chair directed the Clerk to note that H.B. Nos. 1430 and 1441 had passed Third Reading at 12:25 o'clock a.m.; H.B. Nos. 1653, 1641 and 1321 at 12:26 o'clock a.m.; H.B. Nos. 727 and 1535 at 12:32 o'clock a.m.; H.B. Nos. 786, 1353 and 817 at 12:33 o'clock a.m.; H.B. No. 1624 at 12:34 o'clock a.m.; H.B. No. 238 and 236 at 12:35 o'clock a.m.; H.B. Nos. 425 and 1198 at 12:36 o'clock a.m.; H.B. Nos. 865, 1472 and 1667 at 12:37 o'clock a.m.; H.B. No. 785 at 12:38 o'clock a.m.; H.B. No. 261 at 12:39 o'clock a.m.; H.B. Nos. 81, 1463, 986, 1455 and 1533 at 12:40 o'clock a.m.; H.B. No. 12 at 12:41 o'clock a.m.; H.B. No. 258 at 12:51 o'clock a.m.; H.B. No. 201 at 12:52 o'clock a.m.; H.B. Nos. 829 and 1319 at 12:53 o'clock a.m.; H.B. No. 1059 at 12:54 o'clock a.m.; H.B. No. 264 at 12:58 o'clock a.m.; H.B. Nos. 162, 1644 and 234 at 1:00 o'clock a.m.; H.B. Nos. 874 and 13 at 1:01 o'clock a.m.; H.B. Nos. 1698 and 1358 at 1:10 o'clock a.m.; H.B. No. 122 at 1:11 o'clock a.m.; and H.B. No. 1084 at 2:09 o'clock a.m.

The Chair then stated:

"The Chair, at this time, would like to thank all members for your cooperation, patience and understanding."

At 2:10 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 6:00 o'clock p.m. this evening.

EVENING SESSION

The House of Representatives reconvened at 6:50 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from

the Senate (Sen. Com. Nos. 38 to 53) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 38) transmitting Senate Bill No. 51, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 39) transmitting Senate Bill No. 139, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MANAGEMENT OF PUBLIC LANDS", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 40) transmitting Senate Bill No. 245, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RIDING ON ROADWAYS AND BICYCLE PATHS", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 41) transmitting Senate Bill No. 484, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE EQUIPMENT", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 42) transmitting Senate Bill No. 485, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 43) transmitting Senate Bill No. 538, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 44) transmitting Senate Bill No. 563, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHT", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 45) transmitting Senate Bill No. 574, entitled: "A BILL FOR AN ACT RELATING

TO PUBLIC OFFICERS AND EMPLOYEES", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 46) transmitting Senate Bill No. 589, entitled: "A BILL FOR AN ACT RELATING TO ETHNIC STUDIES", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 47) transmitting Senate Bill No. 758, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 48) transmitting Senate Bill No. 853, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 49) transmitting Senate Bill No. 1049, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURAL HISTORY", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 50) transmitting Senate Bill No. 1209, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 51) transmitting Senate Bill No. 1211, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 52) transmitting Senate Bill No. 1411, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVENTING LITTER FROM TRUCKS", which passed Third Reading in the Senate on March 15, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.B. Nos. 51, SD 1; 139, SD 1; 245, SD 1; 484; 485, SD 1; 538, SD 1; 563, SD 1; 574; 589; 758; 853; 1049, SD 1; 1209, SD 1; 1211, SD 1; and 1411, SD 1, passed

First Reading by title and further action was deferred until tomorrow, March 17, 1977.

A communication from the Senate (Sen. Com. No. 53) returning House Concurrent Resolution No. 97, which was adopted by the Senate on March 15, 1977, was placed on file.

ORDER OF THE DAY

UNFINISHED BUSINESS

H.B. No. 1660, HD 1 (Deferred from March 15, 1977):

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1660, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST RATES", having been read throughout, passed Third Reading by a vote of 51 ayes.

H.B. No. 1151, HD 1 (Deferred from March 15, 1977):

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1151, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 611 on H.B. No. 768, HD 1 (Deferred from March 15, 1977):

On motion by Representative Suwa, seconded by Representative Baker and carried, Stand. Com. Rep. No. 611 and H.B. No. 768, HD 1, were recommitted to the Committee on Finance.

H.B. No. 1643, HD 1 (Deferred from March 15, 1977):

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF PROPERTY AND CHOSES IN ACTION", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Carroll and Kamalii voting no.

At 6:53 o'clock p.m., on request by Representative Garcia, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:56 o'clock p.m.

Stand. Com. Rep. No. 650 on H.B. No. 591, HD 1 (Deferred from March 15, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, Stand. Com. Rep. No. 650 and H.B. No. 591, HD 1, were recommitted to the Committee on Finance.

H.B. No. 48, HD 1 (Deferred from March 15, 1977):

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 48, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL PROFESSIONAL LIABILITY", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

H.B. No. 985, HD 1 (Deferred from March 15, 1977):

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 985, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Blair, Say and Yuen voting no.

H.B. No. 1547, HD 1 (Deferred from March 15, 1977):

Representative Kawakami moved that H.B. No. 1547, HD 1, having been read throughout, pass Third Reading, seconded by Representative Caldito.

At 6:59 o'clock p.m., on request by Representative Blair, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:16 o'clock p.m.

The Chair then made the following request:

"The Chair requests that we take things in an orderly fashion."

Representative Blair then rose and stated:

"Mr. Speaker, I rise to speak against

House Bill 1547, House Draft 1.

Mr. Speaker, it has come to the attention of the Legislature that there is a problem in the City and County of Honolulu. I would like to go into that very briefly because it's a background for this bill. I am not sure of the truth of the charges, but the charges that have been are briefly as follows: In the City and County of Honolulu, the park dedication ordinance is being subverted for political ends. The charge has been made that the whole concept of lands dedicated for park use has been thrown out the window and in place of that, the county is taking, almost solely, cash which is then used for operating expenses. This, as I understand it, is allegedly being done because the Mayor wishes to be fiscally conservative and by using these park dedication funds for operational purposes, he can avoid going to the bond market, and the usual case that we've heard time and time again as we approach 1978. So there may very well be a real problem which this bill seeks to address and I believe that the problem does exist that this bill would cure it.

Unfortunately, Mr. Speaker, this bill would also raise some problems in addition to curing any problems. There are really two things that I would like to draw to this body's attention.

The first of these is that we're changing the word 'may' to 'shall' in regards to giving credit for private park development. Mr. Speaker, what I fear this would do is that it will end any additional dedication of lands for public parks. I feel the economic incentive will be for the developer to solely rely on the private parks. I feel this way because, Mr. Speaker, once the land is given to the county for public use, the developer has no economic realization therefrom; whereas, if it is put into a private park, then, it will increase the value of the associated units and by raising the price thereof, the developer will receive an economic return, so from his perspective, it will be foolish not to use it almost exclusively in private parks. Or, there might be some circumstances, and we have seen this in the case of a particular development in Waianae, where it's allegedly a public park but, really, it was dedicated solely for the purpose of having the county cover the maintenance costs when, in fact, the location of the park is

such that the public would not want to use it. So those few instances where we would get public parks out of the ordinance, after the enactment of this bill, will be solely for the purpose of allowing the developer to have his cake and eat it too.

There is another problem with the bill in addition to that, Mr. Speaker, and that's in the definition which is in the last portion of the bill which allows the private parks to be double counted for purposes of the number of units in the development, and also, it provides that the park need not be up to comprehensive zoning code standards.

Mr. Speaker, perhaps, if we had no alternative, we would be faced with a choice of the lesser of two evils-- this bill, or some existing practice. In that case, I would feel that any member of this House could make that judgment for himself and could come out as he sees as in the best interest of the public, but fortunately, Mr. Speaker, we are not faced with that choice.

First of all, I feel that this is a problem which the County Council of the City and County of Honolulu, not only should, but is duty bound to investigate, and if any changes are required, I think those changes could best be made at the level of the City and County of Honolulu without dragging in the neighbor island counties to any problems on our island. But, in addition to that, Mr. Speaker, as I understand it, the Senate has decked a bill dealing with this same section of the Hawaii Revised Statutes, and when this bill comes over, notwithstanding that we will kill the bill here tonight, we will have an opportunity, this session, to try and address the very real problems without, at the same time, causing additional problems.

Mr. Speaker, it is for these reasons that I would urge my colleagues to do the prudent thing and kill this bill at this time.

Thank you."

Roll call having been requested, the motion was put by the Chair, and H.B. No. 1547, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES", having been read throughout, passed Third Reading by a vote of 30 ayes to 18 noes, with Representatives Baker, Blair, Caldito, Cayetano, Dods, Evans, Garcia, Kunimura, Mizuguchi, Narvaes, Peters, Say, Stanley, Sutton, Takamura, Toguchi, Uwayne and Yuen voting

no, and Representatives Abercrombie, Mina and Naito being excused.

Stand. Com. Rep. No. 697 on H.B. No. 250, HD 1 (Deferred from March 15, 1977):

Representative Aki moved that the report of the majority of the Committee be adopted and H.B. No. 250, HD 1, pass Third Reading, seconded by Representative Campbell.

Representative Campbell then rose and stated:

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

The purpose of this bill is to amend the present law to allow for the fingerprinting and photographing of juveniles by the police when the juvenile commits an act which, if committed by an adult, would be a felony. At the present time, juveniles cannot be fingerprinted or photographed without the permission of the Family Court and only in instances where there exists an emergency requiring immediate action for the safety of the child or the community and the Family Court judge is not reasonably available, can the juvenile be fingerprinted or photographed. In such instances, the police must report to the Family Court on such actions.

Now, this bill would amend the present law by removing the Family Court's restrictive rules and allowing the police to fingerprint and photograph a juvenile and arrest him for probable cause that a felony was committed. Mr. Speaker, it seems pretty obvious to me that there is a difference between the Family Court and the Police Department. I don't know how deep that difference is, but if we are going to have an effective attack on juvenile crimes in this State, and certainly on this island, we are certainly going to have to have cooperation between the Family Court and the Police Department, and it is just my feeling that, probably, those two units of our judicial system ought to be given a little more time to work out their differences.

Now, there is another concern of mine as it relates to this bill, and it relates to the trauma that could grip an innocent youth who is photographed and fingerprinted. This could be a lasting negative experience with an innocent youth.

I would conclude by saying that

I am not fully convinced that we need this bill anyhow, so those are some of my concerns, Mr. Speaker.

Thank you."

Representative Sutton then rose and stated:

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

Mr. Speaker, there was established in the United States of America, a doctrine that in treating crimes by children, that we reverse the common law that came from England where, as you read Charles Dickens and Oliver Twist, children were treated exactly as adults, and a very famous judge, Judge Lindsey, in Denver, established a basic concept of the juvenile court system. My uncle, Judge Whitney, established it here. Subsequently, we had Judge King and, presently, we have Betty Vitousek, and these are names in a very difficult crusade to protect a child from what could become something that would destroy their lives in total.

This bill, Mr. Speaker, reverses the present situation. At present, juveniles cannot be fingerprinted nor photographed without the permission of the Family Court. Only in instances where there exists an emergency requiring immediate action for the safety of the child and the community, and the Family Court judge is not reasonably available, can the juvenile be fingerprinted or photographed. In such instances, however, the police must report to the Family Court of having taken such action.

This bill would amend the present law by removing the Family Court's restrictive rules and allowing the police to fingerprint and photograph a juvenile arrested upon probable cause. Probable cause, Mr. Speaker--not cause--probable cause, that a felony was committed. It, in effect, destroys the present meaning of our Family Court. It is agreed that we must protect children against this stigmatization that happens to a juvenile.

If you will look at the reading of the actual change, it almost in and of itself begs that this body not pass it, so this is alluding. It says, 'provided that when any child'--these are the words in the statutes. I am reading the statutes verbatim, Mr. Speaker, 'provided that when any child commits an act which, if committed by an adult, would be a felony.' Such rules and standards of the Family Court shall

not apply. We had testimony by the judge of the Family Court, and Mrs. Vitousek indicated that she was available twenty-four hours a day, seven days a week, and that if the police had something that really required the apprehension of a juvenile, she was available.

Mr. Speaker, we have another amendment in this bill. This is on page 3, line 20, and again is inserted the word 'child'. Here we are, a body that is trying to develop the next generation, a body that is trying to preserve, in every way, shape, or manner, a sense of social justice. We spend, in our budget, thousands and millions of dollars, on those who are on welfare, millions of dollars on health--just tremendous sums--and I have been on the Finance Committee for the first time, Mr. Speaker, and I just had no idea of the immensity of the funds that we spend. Should we not then have some compassionate adjudication in our own minds for the child? And I say, Mr. Speaker, that I hope you and my colleagues would vote no.

Thank you."

Representative Carroll then rose and stated:

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

Mr. Speaker, this bill has been before the House for a number of years and each year that it has been coming before the Committee, the question has always been, what is going to be the effect on the child? We hear testimony about the trauma of being photographed and the trauma of being fingerprinted. Mr. Speaker, I submit that this is a 'tempest in a teapot.' The trauma of arrest comes when a child is picked up in some kind of an illegal act; when he has exhibited anti-social behavior; when there is probable cause for the arrest; when he is nabbed by a police officer after pursuit. In these circumstances, that is when the trauma of arrest occurs.

The sixteen year olds that I know of will rush to the Police Department to be fingerprinted and photographed so that they can get a driver's license and they will go out of their way to be fingerprinted and photographed for other purposes which they deem proper.

The Family Court people who

came to testify regarding the reason for not fingerprinting and photographing the juveniles had no cogent reason, not one cogent reason, for not fingerprinting and for not photographing the juveniles under these circumstances. I submit that the effect of these two activities is minimal in terms of the impact on the juvenile. When we relate this impact of not doing it, particularly with the juvenile delinquency rate as high as they are; when burglaries rate 50 percent, having been committed by juveniles in our community; that this is the very least we can do. We talk about protecting the child and I submit that now, we must protect the community and this is one very small step in that direction, and I urge that all our members vote aye.

Thank you."

Representative Aki then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill 250, House Draft 1.

Mr. Speaker, this bill will allow fingerprinting and photographing of juveniles suspected of committing those crimes which would be classified as a felony, if committed by an adult.

Mr. Speaker, we have heard arguments for and against this measure. We have had long discussions in committee on this measure. There are strong and valid points on both sides. I know we can continue to debate this issue for many hours, but I think, Mr. Speaker, that time has come for us to move with the times and recognize that our society is changing, and that we must change and adapt our laws to meet the needs of today.

Today, our youngsters are well educated and matured. Today, our youngsters are making decisions for themselves in many areas concerning their education, their health, and even their life styles. Today, more youngsters are assuming responsibilities at an earlier age. At the same time, today, our young people are faced with numerous social problems and difficulties in finding their place in society.

Mr. Speaker, we find a growing segment of our youth population becoming involved in serious anti-social behavior. Many youngsters are participating in antagonistic activities ranging from vandalism to serious crimes. And the number of juveniles involved or suspected of involvement in crimes

continues to rise.

In 1975, juveniles accounted for 62 percent of the total arrests for serious crimes. In the area of burglary alone, juveniles account for 64 percent of the arrests. Mr. Speaker, we cannot allow this trend to continue. If we have recognized the ability of our young people to assume legal responsibility and make their own decisions, then we also have to recognize that part of being responsible involves accepting consequences.

I don't think that photographing and fingerprinting of juveniles who are suspected of committing serious crimes is an infringement of their rights. Nor do I see this measure as going against the spirit of our present juvenile justice system. We have a Family Court system which acts as a guardian of the juvenile's rights. The Court's responsibility is to adjudicate these youngsters. And it is at this point that treatment and rehabilitation can and should take place.

House Bill 250 is not intended to take away any rights of our young people. Instead, it is intended as an investigative tool to be used by the police in identifying juveniles involved in serious crimes. It will also provide information on juveniles who are establishing a pattern of repeated offenses. In this way, these juveniles will be identified early and through this early identification, be given the necessary services to rehabilitate and redirect their behavior.

In testimony presented before the Committee on Youth and Elderly Affairs, we found that the police have been experiencing difficulty in acquiring permission to fingerprint and photograph juveniles where such fingerprinting and photographing may be warranted. At the present time, a police officer must obtain permission from the Family Court for fingerprinting and photographing. Even though the law presently allows for oral permission, in many cases, judges will require a written order and that the officer appear in person to make the request. I might add here, Mr. Speaker, that for the outlying areas, this oftentimes poses a real problem.

One final point, Mr. Speaker. There appears to be a fear that should we give the Police Department the authority to fingerprint and photograph juveniles, that this

authority will be abused. I realize that there have been instances in the past where the police have abused their powers. And, that out of these rare instances, some people have developed a general mistrust of the police.

But, I feel very strongly that this should not be the basis for rejecting the measure before us. Mr. Speaker, it is my view that we should support the police in whatever way we can by providing them with the investigative tools to fight crime. And, if they use any of these tools in an indiscriminate or abusive manner, then and only then, will we be justified in taking away such powers.

To summarize, Mr. Speaker, House Bill 250, House Draft 1, maintains safeguards regarding fingerprinting and photographing of juveniles. It limits such fingerprinting and photographing to cases where juveniles are suspected of committing felonies and it ensures that any fingerprinting records of juveniles shall remain confidential and shall not be used by any other agency.

Mr. Speaker, I believe that by authorizing fingerprinting and photographing of juveniles suspected of committing felonies, we will see a breakthrough in the solving of many crimes in our community.

For these reasons, I urge the members of this honorable body to act favorably on this measure.

Thank you."

Representative Cayetano then rose and asked if either the Chairman of the Judiciary Committee or the Chairman of the Youth and Elderly Affairs Committee would yield to questions.

Representative Garcia replied in the affirmative.

Representative Cayetano then asked:

"Mr. Speaker, would you ask the Chairman of the Judiciary Committee whether this bill provides that a child needs to be convicted of a crime before he is photographed and fingerprints can be taken by the police?"

Representative Garcia replied in the negative.

Representative Cayetano asked:

"Mr. Speaker, would you then ask the Chairman if the remark made by

the Chairman of the Youth and Elderly Affairs Committee is correct when he says that a child need only be suspected of committing a felony?"

Representative Garcia replied:

"Mr. Speaker, that is correct. There has to be probable cause."

Representative Cayetano then stated:

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

Mr. Speaker, I had not intended to speak against this bill because, upon perusing this bill, I thought the child would have to be convicted, but what we are doing here, and I answer the remarks of my good friend from across the aisle, Representative Sutton, because I think he put very concisely what the philosophy of juvenile justice is all about.

I think what we are doing here is a bad thing because what will happen, and those who are familiar with police methods--what will happen is that we will have the police resorting to a dragnet effect every time they have a burglary or some other crime committed. Those who are unfortunate enough to have been once suspected of a crime, and have been once photographed and fingerprinted, will be part of that dragnet. Their photos will be in the files; never mind if they are found innocent of the charge. It will still be there. I feel this is an infringement, not only an infringement, but something that goes against the very grain of what this society is all about and I am a bit disturbed when I hear talk about these youngsters, made in such a cavalier fashion as the Representative from the Waikiki district stated, about sixteen year olds running down to have their photographs taken for driver's license. That is the kind of problem that makes me afraid to give powers like this to the police. Young people get into trouble often. Our laws are set up right now to provide that we protect them; that we protect them from being stigmatized, as pointed out by Representative Sutton.

This bill is a bad bill because it marks a trend in this society; a trend for law and order, no matter what happens to back the recall of the bill of rights.

I am urging all of my colleagues to vote against this bill. I wish

I had been better prepared to speak on it. I had not intended to speak on this bill because I was under the impression that the child would have to be convicted.

Thank you."

Representative Segawa then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill. The previous speaker had talked about the mass arrest of juveniles, including the innocent, and I would like to bring up a point here that by providing this right to the police, the fingerprints or photographs could clear a juvenile who is innocent but suspected of such an offense.

We have talked about burglary as a major crime done by juveniles. Mr. Speaker, I believe it goes further than that. I have known several people who have had their homes entered and burglarized. These people have lost their personal belongings and their monies, but more than that, Mr. Speaker, these people have, for many weeks--maybe months--after this thing has happened, suffered traumatic experience in being very insecure in their own homes.

Mr. Speaker, we are not talking about usurping or taking away the influence of the Family Court which takes care of our juveniles in the disposition after a juvenile has been found suspect, and has found to be proven to the point of guilt, and has to be brought to court. This is where the court takes over to dispose of this juvenile. We need to have the police given the tools to do their work, and this tool that we can give them through this bill is one big step in trying to prevent more burglaries and more crimes in our community.

I ask the members to vote 'aye' on this bill."

Representative Cobb then rose and stated:

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

Several years ago, when I was first elected to the House, we had a similar measure and I had a number of reservations, and having sat on the Judiciary Committee now for four years, and having confronted this piece of legislation most every session of the four years, my opinion has changed. Several things have brought about that change.

First, during the years in the Judiciary Committee, our Committee members, this year, asked the Family Court what the rules, regulations or guidelines are, relative to the fingerprinting of juveniles, and we saw a very long and complicated, extremely involved, set of rules and regulations that had to be followed in order for this to be accomplished. The question was raised whether or not the individual who is the prime suspect could be fingerprinted, and the answer was in the negative until after conviction had been obtained. In short, Mr. Speaker, the Family Court was not only dealing in the cases of juveniles after conviction; they were hindering police investigations of juvenile suspects before conviction, and the difficulties that we heard from the Police Department in conducting these kinds of investigations is one of the factors that convinced me that we need these kinds of legislation and, hence, the change of my mind. But, that wasn't all, Mr. Speaker. We asked the Chairman of the Judiciary Committee to ask the Family Court and the police to meet on their own to see if they could get together and agree on procedures for the fingerprinting of juveniles to the satisfaction of the Family Court.

Secondly, they would not cause an impediment to a lawful police investigation and, subsequently, he reported back a week later that the parties could not agree on a procedure and, therefore, we would have to, in effect, choose sides. We have done that, Mr. Speaker, and in doing so, we put in a number of safeguards into the bill--that such records are private, confidential, and may be used for law enforcement purposes only; that if they went beyond that, there would be a cause of action, and that there would not be a wholesale dragnet in the sense that there must be a showing of probable cause. If such probable cause is not shown, there can be a request for expungement and I think that, too, is a very important constitutional safeguard to be remembered. If the individual is brought to trial and acquitted, a right to expungement by request also exists and that is another safeguard.

But, Mr. Speaker, some of the testimony in the hearing brought out the fact that burglaries were continuing, not only in an alarming rate, but such that fingerprints were being found that were identical. In one case, there were eleven consecutive

burglaries and there were no records on file for the police to conduct an investigation and to try and trace the suspect. It is not allowed until they actually apprehend the suspect in the house, and if they have the records--previous burglaries in terms of the fingerprints--they could then tie such an individual to it.

Mr. Speaker, in effect, we are asked to make a choice whether to continue the Family Court jurisdiction before the time of a conviction, maybe even before the time an individual is accused and brought in, but to say that such records may be kept on a strictly confidential basis to aid the police only for the purposes of a law enforcement investigation, Mr. Speaker, the Committee, in fact, two Committees, have made their decision on this.

I can appreciate the trauma that might take place if the wrong individual were photographed, but I think the police can also appreciate that if such a thing was done, or would be a cause of action for false arrest, that we have a great body of law already on the subject providing safeguards.

Accordingly, Mr. Speaker, I would ask my colleagues to support this measure.

Thank you."

Representative Takamura was recognized by the Chair and he stated:

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

Mr. Speaker, I don't think anyone here would deny the fact that the problem of crime in the United States and Hawaii, and the problem of juvenile crime, is a serious one, but I think the problem is not going to be solved. It is a complex issue, and I think what happens is many people become frustrated because of such a complex issue, and the answers are not simple, that there is a tendency, I think, for people to start to search and go towards simple answers as a means of satisfying the frustration, at the same time, I think, feeling that, somehow, this is going to solve the problem.

The problem of juvenile crime rests with many problems that we are facing in our society today, and the bill that we have before us will not do anything to change that problem. I think that, particularly when it comes to juveniles, we have to be careful about having these people begin to become part of the juvenile justice system too quickly. I think

that is why these safeguards are in now. It is to try to keep the juveniles out of the system as long as possible; to try to treat that person as an individual; to try to bring positive changes before that person becomes a part of the system and, therefore, becomes a part of the entire problem. I think studies after studies have shown that the earlier a child becomes part of the whole juvenile system and, in many cases, when they are put into jails, and prisons, and detention homes, that this does not do anything to bring about any kind of positive changes but, instead, what you do is provide a training ground for these people to learn to become better criminals.

I don't feel that the bill before us will do much except, perhaps, temporarily alleviate some frustrations people feel with regard to the entire issue before us. I think it does hold some definite dangers to minor individuals who are facing these problems and who get into trouble, and I think that while we have some efforts going on to try to deal with the core of this problem, I think our efforts would be better spent in trying to improve these efforts and work in this direction.

I think this bill is a regressive one, and I don't think it will bring about the kind of improvement we all hope to see.

Thank you."

Representative K. Yamada then rose and stated:

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

Mr. Speaker, throughout the entire course of deliberating on this bill, we have taken a great deal of testimony and, if anything, there is one consistency in all of the testimonies and that is, burglary is a very difficult crime to prove. The reason is that, oftentimes, the criminal is no longer at the scene. He is gone. But in many cases, his fingerprint remains.

Now the statistics, Mr. Speaker, show that 62 percent of all burglaries are committed by juveniles and the estimate is much, much higher than that, and the reason that we have such a high statistic, Mr. Speaker, is that when adults commit burglaries, or any other crime, for that matter, they are fingerprinted and their fingerprints are kept on file, so

it is a relatively easy matter of finding these individuals. Mr. Speaker, many of the other individuals who have spoken against this bill said that we ought to protect the child; that we shouldn't give the child, or the juvenile, any kind of stigmatization that he has committed a crime; that we should have compassion for the child. Well, what would they have us do, Mr. Speaker? Would they have us arrest the child and release him, or isn't it more proper, Mr. Speaker, in this case, to apprehend the child and try to reform him? After all, how can you have compassion if we can't even find the individual who committed the crime, and I think that is where the inconsistency in much of the testimony lies, Mr. Speaker, of those who spoke against this bill, who say we ought to protect the child but, yet, if we can't find the child, if we can't show that he had committed the crime, then, there is no way that we can help that individual.

Yes, there is a rise in crime, and I suppose that the passage of this bill will not significantly alter that rise and the increase. But I think the bill is instrumental in directing its attention to one problem area, and that problem area is the juvenile. The passage of this bill, Mr. Speaker, will prevent the child from continuing to commit crimes and going into adulthood with that same intention.

I, therefore, ask all of my colleagues, Mr. Speaker, to help the child and to vote in favor of this bill."

Representative Ikeda then rose and stated:

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

Mr. Speaker, I don't think that we can ignore the fact that the statistics show that, in 1975, more than 13,000 burglaries were committed and juveniles were responsible for 64 percent of that, and out of the 4,320 juveniles arrested, only 170 were actually fingerprinted.

Mr. Speaker, it seems to me that it is more important that this Legislature take a stand--a positive stand--of protecting society from the ever-increasing rate of juvenile crimes. We are talking, today, about photographing, and if that is so traumatic, I submit, Mr. Speaker, that perhaps we should have done this a lot sooner. Perhaps, some of these so-called children were submitted to such a traumatic experience, they might have thought twice before

committing another offense.

I think one of the other speakers also alluded to the fact that these victims also suffer a traumatic experience and, perhaps, at this time, we should look at that side of the coin. Nobody talks about the person who gets ripped off and what they go through after the experience. I have talked to several and my heart bleeds for them, particularly when a juvenile is involved in the crime. The crime is committed again and again by the same person, and the courts will let him off, and it is like getting a slap on the hand for stealing a thousand dollars and, I think, it is time we put a stop to it.

If these children can commit felonies, and that is what we are talking about, Mr. Speaker, then, I submit, they are grown up enough to suffer the consequences, one of them being fingerprinted and photographed, and I ask my colleagues in this House to support this measure on that basis.

Thank you, Mr. Speaker."

Representative Takamura, in rebuttal, stated:

"Mr. Speaker, some of the comments, I think, that have been made point to, I guess, the great fear I have, because running through all of this is a tone that these people, when they are arrested, are guilty and this is the distinction that we are trying to make; that we are talking about people who have been accused, not convicted, of committing a crime.

Now, under the existing law, it is my understanding that in cases such as the ones we have been talking about--aggravated assault, robbery, burglary and murder--which is committed by a juvenile, and convicted, that person is fingerprinted and a photo is taken and that such fingerprints and such photo can be retained and are retained without the Family Court's permission; so there are safeguards in there with regards to juveniles who have been convicted of committing these crimes. What we are talking about is a situation of people who have merely been accused of committing crimes, not convicted, and I think this is a very important distinction and I think this is one thing we must keep in mind in making our deliberations on this bill."

Representative Sutton, in rebuttal,

stated:

"I want to see if I can't bring to your attention, Mr. Speaker, the basic fact that if you look at the lobbyist list for this Legislature, you will not find the name of a single child--not one single child. The only representation that a child has in the Legislature is in the hearts and consciences of each and every member.

We have heard that this is a 'tempest in a teapot'. Maybe that individual would say a child should be seen and not heard. But, Mr. Speaker, I know that you have heard of the late Clarence Darrow and I know that you understand that the late Clarence Darrow said that he would drop any case, move any amount of miles, travel sick or tired, to protect the child. He is the greatest criminal lawyer of all times and a man whose dictums today are almost all law.

The United States Supreme Court, Mr. Speaker, has, for the first time, finally brought the bill of rights and applied them to juveniles. That word 'juveniles'--I wish they would use it as they use the word 'child'. The word 'juvenile' is a label which covers the spectre of a child being from a baby on up to 18, and the courts have the right to try any child as a criminal if he is 17, going on 18, and there is absolutely a proof of a felony.

We, here, hear that this is cajoling; that we are condoning. What we don't like is to have this investigative tool of interrogation. A child doesn't know how to combat interrogation and might easily plead guilty to something by thinking that that was the right thing to do even though he is totally innocent.

The only thing that we are saying in this particular bill is just let the juvenile have the protection of the Family Court system. Here is what they delete. They delete these words in the bill--without the consent of the judge, neither the fingerprints nor the photographs shall be taken on any child in police custody unless the case is transferred to criminal proceedings. All we are asking is to have a very competent, well-trained individual, an attorney-at-law, act as the determinant at this interrogation, and these judges in the Family Court are exceedingly well versed. They don't want to see a child who is truly a criminal put out on the streets. That is the farthest thing from their minds.

Now, that last point Mr. Takamura

has brought out--we are talking about probable cause. . ."

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

"Mr. Speaker, the speaker rose to rebut the remarks and in referring to Carl Takamura's remarks, he is speaking in terms of remarks that have been made favoring the position that he has taken out of order."

Directed by the Chair to "proceed", Representative Sutton continued his rebuttal, stating:

"That was just by preface. I hadn't finished the sentence. It is almost like introducing these phantom people.

The only thing that we are saying is probable cause and I go one step further than Mr. Takamura. He talked about accused but not convicted. Actually, these are people who could be found in the vicinity of where a crime was committed and because of the fact that they were in that vicinity, some innocent child could very easily be called probable cause, be put under severe interrogation without knowing his rights--his constitutional rights--in calling for an attorney, and could make a confession although totally innocent, and then would find himself blighted for the rest of his life. He couldn't get in any college I know of; he couldn't get into any vocational school; he would be in a position. . . those fingerprints--they'll say they'll expunge him--nothing is ever expunged, Mr. Speaker, in this day and age of computers. Believe me. The police would expunge him if somebody else had picked him up in their computer in the interim and, Mr. Speaker, I do hope that my colleagues will, in their hearts and their compassion, let wise people like former Judge Sam King, and wise people like my Stanford classmate, Betty Vitousek, handle these things with the discretion that only they know how to do.

Thank you."

Representative Kamalii then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 250.

Mr. Speaker, an operative system of identifying those juveniles who violate our laws is imperative.

Not only can more serious crimes be solved, but other juveniles may be deterred from delinquency altogether, or deterred from repeating delinquent acts.

I hope that the members of this House do not lose sight of the fact that this measure would be beneficial to the juveniles as well as the community. If a child can be positively identified as a delinquent, or identified as a repeat delinquent, rehabilitation is still within the realm of possibility at that tender age. That is the time for guidance and reform--before a child has been repeatedly successful in avoiding prosecution, and before 'crime has paid.' If they are not caught while young, delinquents become criminals beyond hope of rehabilitation after an orientation session in our Oahu Prison.

If our children are not expected to accept the responsibility and the consequences of their actions before age 18, when will they ever learn it?

I ask my colleagues to vote 'aye' on House Bill No. 250."

Representative Uwayne then rose and stated:

"Mr. Speaker, I would just want to make a short statement against this bill.

As a member of the Judiciary Committee, may the Journal reflect that the Police Department did not provide any type of statistics to show that the fingerprinting of juveniles, who currently undergo such a procedure, has helped solve or prevent future crimes. Mr. Speaker, I think this is very important since we are talking about statistics."

Representative Cayetano was recognized by the Chair and he stated:

"Mr. Speaker, just a rebuttal.

There has been a lot of debate on this and I keep on hearing, by the Minority Leader over there, for example, that the children who will be photographed and fingerprinted under this bill, if it becomes law, should be taught a lesson. They should know better. The talk is, as if they are, or they are, or have been convicted, or are guilty. Read the bill, please--okay--so there's no confusion on what you're voting on."

Representative Larsen then rose and stated:

"Mr. Speaker, I rise to speak, with grave reservations, in favor of this bill, and one statistic that I want to leave with the members here is that we have had serious problems in Waialae-Kahala of burglaries and break-ins. It has taken place over a good many years, and the place has built up a great involvement of statistics on a whole set of crimes, and the most prevalent are burglaries and break-ins, so I asked them to give us a summary of what had happened over the last few years. They came out in age categories where all these things have taken place, and the conviction rate showed a tremendous number of people from age eighteen down as those who had been picked up on these two offenses--burglary and break-in.

However, behind this whole thing is the very real statistic that only 8 percent of all reported burglaries and break-ins, that anybody has ever been picked up, so what we are saying here is that 8 percent of all those who are picked up are juveniles. But if only 8 percent of all the burglaries and break-ins are ever picked up, you are talking about 6 percent of the cases that have been identified as being committed by juveniles. This is the basic statistic that always bothers me when I see these numbers banged around--oh, my God--there's 60 or 70 or 80 percent of the crimes by juveniles. All we are saying is that 6 or 8 percent of the people who have been picked up are juveniles. That has nothing to do with the number of crimes, or the percentage of juveniles, who are committing the crime.

I am forced to vote in favor of this, and I have grave reservations, and I hope that once we identify some of the multiple repeaters in the case, we will take out the repeaters and, then, I hope we can look at the statistics again and come up with a firm figure of who is actually doing the burglaries.

Thank you."

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to rebut several remarks made by earlier speakers.

First of all, Mr. Speaker, I respect my learned colleague from the Moiliili district. There is no police statistics with regard to this particular measure because they have not been allowed

to compile any of the statistics because of the prohibition presently in effect by the Family Court law. That is number one.

Another member of the House has made the comment that we should read the bill. Well, I suggest that he read the bill because all this is doing is allowing the police to photograph and fingerprint after the person has been picked up and is in custody, and it is clearly set forth in the bill that way. It is not a question of going out and using a dragnet; it is not a question of illegal arrest; it is not a question of harassment; it is a question of having picked the person up under probable cause and then using this very simple tool to allow the police to be able to solve crimes when they are committed later on.

The other Representative from Moiliili had talked about the frustration. Well, certainly there is frustration, and I think a large part of the frustration is because of the fact that this very large element of the criminal community has been sealed off from normal police activity and normal police investigatory practices, and I think it is time that we started bringing things into balance and into focus. We are not doing anything to traumatize the individual by the fingerprinting and photographing which is the sole subject matter of this bill. We are not doing away with Family Court jurisdiction; we are not wiping out the protections of the Family Court. All we are doing is making a provision to be able to solve crimes in the community and it is very, very little to ask of this House to do this, and I think to do anything less would be a grave disservice to the community, and I wish that we will get off the so-called 'bleeding heart' kinds of argument; get down to business; pass this measure and move on."

Representative Peters then rose and stated:

"Mr. Speaker, I rise to speak against this bill, and just as a point of interest, I am not a 'bleeding heart.'

I think there are some questions here that were raised by my colleague from Pearl City that seemed to be quite legitimate--just a pure exercise of suspecting someone, or a child, of committing a crime, you are going to subject him to things that even adults have a very difficult time accepting.

There was some talk about the police having difficulty gathering facts,

making investigations, whatever. Let me point out, Mr. Speaker, that while we try to be as convenient as possible, we try to develop measures that may be relatively easy to administer. We should also temper our decisions; in this case, the best interest and welfare of our youth.

I don't believe that we should be passing measures simply for the convenience of the Police Department or any other department. We have some basic rights here that have to be considered and, more especially, when those rights that you deal with or temper with have to do with the rights of youth, and in that context, Mr. Speaker, I hope that my colleagues will vote 'no'."

Representative Narvaes, at this time, rose on a point of information and asked:

"I am not clear about the ages of the juveniles, and I would like you to answer it. I would also like to know if the individuals--the juveniles concerned--are found not guilty, what would happen to the records?"

The Chair called on Representative Garcia and he replied:

"Mr. Speaker, a minor is considered to be less than 18 years old, and the second answer to the question is, the records are kept in the Family Court files and not available to anyone else."

Representative Narvaes then stated:

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

Mr. Speaker, then, it is my understanding that somebody--11 years old, 12 years old, 13, 14--they would also be put in this category. Mr. Speaker, I cannot concur with that.

Mr. Speaker, if the individual is also not guilty, I believe that his record should be destroyed and, therefore, I urge all members to vote 'no'."

Representative Carroll then rose and the Chair stated:

"Representative Carroll, the Chair will invoke the rule. For what purpose do you rise?"

Representative Carroll replied:

"I rise on a point of clarification, Mr. Speaker."

The Chair stated:

"The Chair would allow you to rise on a point of information. Proceed."

Representative Carroll proceeded, stating:

"Well, Mr. Speaker, the point is that there is no such thing as guilty or not guilty among the juveniles. They were talking about something that doesn't, in fact. . ."

The Chair interrupted and ruled Representative Carroll out of order.

Representative Garcia then rose and asked:

"Mr. Speaker, may I make an additional point in this debate? I think it is fairly important."

There being no objections, Representative Garcia stated:

"Mr. Speaker, I would like to raise some Family Court rules relating to the removal and destruction of fingerprint cards and photographs, because I think this is a very important point to keep in mind, and that is, fingerprint cards and photographs shall be removed from the juvenile file and destroyed immediately after it is determined that Family Court jurisdiction either does not exist, or the Family Court jurisdiction does exist, but the matter should not be referred to the court, or that no record exists of a new violation of the offenses enumerated above for a period of four years following the initial offense. That's the disposition of the records."

At this point, Representative Kamalii requested a roll call vote on H.B. No. 250, HD 1.

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. 250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", having been read throughout, passed Third Reading by a vote of 35 ayes to 14 noes, with Representatives Baker, Campbell, Cayetano, Evans, Fong, Lunasco, Mizuguchi, Narvaes, Peters, Sutton, Takamura, Toguchi, Ueoka and Uwaine voting no, and Representatives Mina and Naito being excused.

The Chair directed the Clerk to note that H.B. Nos. 1660 and 1151 had passed Third Reading at 6:51 o'clock p.m.; H.B. No. 1643 at 6:57

o'clock p.m.; H.B. Nos. 48 and 985 at 6:58 o'clock p.m.; H.B. No. 1547 at 7:30 o'clock p.m.; and H.B. No. 250 at 8:20 o'clock p.m.

At 8:20 o'clock p.m., on request by Representative D. Yamada, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:23 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. 978, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 978, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 51 ayes.

H.B. No. 1166, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1166, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE TELEVISION", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ajifu voting no.

H.B. No. 1284, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1284, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ajifu voting no.

H.B. No. 1182, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 1182, 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. 678, HD 1:

On motion by Representative D.

Yamada, seconded by Representative Cobb, H.B. No. 678, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONTRACTORS RECOVERY FUND", passed Third Reading by a vote of 51 ayes.

H.B. No. 498:

On motion by Representative D. Yamada, seconded by Representative Cobb, H.B. No. 498, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 51 ayes.

H.B. No. 1013, HD 1:

Representative D. Yamada moved that H.B. No. 1013, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

Representative Uwaine's remarks are as follows:

"Mr. Speaker, I would like to speak in favor of House Bill No. 1013, House Draft 1.

Mr. Speaker, I feel that the current security deposit practice is an unfair discrimination which allows the opportunity of unauthorized use of the renter's security deposit and deprives the renter of any possible accumulation of interest.

Mr. Speaker, the enactment of this bill will help correct a gross inequity. It is a small, but positive, first step in the right direction.

I urge my colleagues to vote in favor of this bill. Thank you."

The motion was put by the Chair, and H.B. No. 1013, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITY DEPOSITS IN THE LANDLORD TENANT CODE", passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Ajifu, Fong, Ikeda, Kawakami and Sutton voting no.

H.B. No. 1690, HD 1:

On motion by Representative Uechi, seconded by Representative Inaba, H.B. No. 1690, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AGRICULTURE PROTECTION PROGRAM",

passed Third Reading by a vote of 51 ayes.

H.B. No. 1711:

On motion by Representative Uechi, seconded by Representative Inaba, H.B. No. 1711, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS AND INCREASED UTILIZATION OF THE METRIC SYSTEM", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 978 and 1166 had passed Third Reading at 8:24 o'clock p.m.; H.B. Nos. 1284, 1182, 678 and 498 at 8:25 o'clock p.m.; and H.B. Nos. 1013, 1690 and 1711 at 8:26 o'clock p.m.

At 8:27 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:43 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 739) informing the House that House Resolution Nos. 507 to 518, House Concurrent Resolution Nos. 94 to 97, and Standing Committee Report Nos. 714 to 738 and 740, have been printed and distributed.

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

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 740) recommending that H.B. No. 892, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 892, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 17, 1977.

The Chair directed the Clerk to

note that printed copies of H.B. No. 892, HD 1, were made available to the members of the House at 4:15 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 727 on H.B. No. 941, HD 2 (Deferred from March 15, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 941, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 728 on H.B. No. 967, HD 1 (Deferred from March 15, 1977):

On motion by Representative Garcia, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 967, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 729 on H.B. No. 1505, HD 1 (Deferred from March 15, 1977):

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.B. No. 1505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 736 on H.B. No. 878, HD 2 (Deferred from March 15, 1977):

On motion by Representative Suwa, seconded by Representative Baker and carried, Stand. Com. Rep. No. 736 and H.B. No. 878, HD 2, were recommitted to the Committee on Finance.

Stand. Com. Rep. No. 737 on H.B. No. 1375, HD 2 (Deferred from March 15, 1977):

Representative Suwa moved that the report of the Committee be adopted and H.B. No. 1375, HD 2, having been read throughout, pass Third

Reading, seconded by Representative Peters.

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

The following is the remarks of Representative Takamine:

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

This bill seeks to correct a long standing injustice to John and Aiko Reinecke, generous and early supporters of the ILWU and life-long friends of the working people in Hawaii. The union testified at the Reinecke hearing that 'the prevailing climate of opinion in Hawaii and especially in official circles at the time of the hearings, was so intensely prejudiced that the Reineckes could not have a fair hearing.' In effect, the Reineckes were the 'unfortunate casualties of an attack which was aimed at the ILWU.' The Attorney General subsequently issued an opinion that valid grounds existed for reopening and reviewing the case. After careful review, the Board of Education found that the actions of its predecessor commissioners were in error and revoked those actions.

It is up to the State to now make restitution for losses suffered and restoration of pension rights as if this grievous error had not been committed. If the cost of restitution is high, it is because justice was so long delayed, at great cost to the Reineckes. It is said that justice delayed is justice denied. It is within our power, as a State legislative body, to make sure that the Reineckes are given their day in court for full restitution because the long delay has resulted in such a large loss to the Reineckes. I need not go into details of the times. It has been fully covered and made available to each member of this House and members across the hall by the Committee for justice for the Reineckes.

For several years, I worked with John and Aiko Reinecke, selling the 'Honolulu Record' in the late 40's and 50's; a paper which has done what the 'Observer' is trying to do today. I feel privileged to have lived through a trying time with Aiko and John and, tonight, being able to vote on this measure.

In conclusion, Mr. Speaker, it

is for these reasons, to recognize and help alleviate this miscarriage of justice, that I urge the members of this House to pass this bill."

Representative Abercrombie then rose and stated:

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

"Mr. Speaker, I agreed strongly in Committee for a known sum to be put in this bill, higher than that recommended, when we finally voted to move the bill to the Finance Committee. Subsequently, the bill was amended by the Finance Committee in HD 2.

I had reservations about this approach and procedure and, as a result, the Education Committee held a meeting and we thoroughly discussed this matter at that time. We had the advice of the Attorney General and his assistants at that meeting, and I must say that the discussions that took place at that time revolved entirely around the Reineckes--the difficulties that had been encountered--in respect of the amounts of difficulty that had been encountered, by the very idea of the bill itself, were discussed and, as a result, the Education Committee agreed with the Finance Committee's recommendations.

The reason I am speaking at some length about the process that went on in order to achieve having the bill before us in this form is that there are a good many people of good will and good motives in the community who have a deep and abiding interest in the successful passage of this bill and seeing that justice, at least in some economic form, can be brought for the Reineckes, a justice which was denied them for some thirty years in the State, as a result of being wrongfully deprived of their means of making a living as teachers.

I can assure those who have reservations, as I did, prior to discussions that took place in our conference meeting, that this bill, as it is presently written, will stand us in good stead when it moves to the other house. I have confidence that the Chairman and Vice Chairman of the Committee, and their responsibilities and capacities, along with such members as may be involved, in the future, work on this bill, will see to it that we do not lose this opportunity and this obligation that we have to see that these people receive some recompense for the wrong that was done to them.

Thank you."

Representative Ajifu then rose and stated:

"Mr. Speaker, I rise to speak against House Bill No. 1375, House Draft 2.

Mr. Speaker, in so doing, I do not want to involve myself in a discussion of the atmosphere surrounding a case that was adjudicated thirty years ago--a generation ago--Mr. Speaker, except to note that it was a highly charged atmosphere and that the same can be said for the period immediately preceding World War II, for most of the depression; for the years immediately preceding and immediately following World War I; for the period of the Spanish-American War, the Civil War, and so on, all the way back to the birth of the Republic. During all those periods, grievous wrongs were perpetrated, nor would I venture to say that grievous wrongs are not being perpetrated today.

But, Mr. Speaker, the question before us now is not whether a wrong was perpetrated against the Reineckes. The question before us now in House Bill No. 1375, House Draft 2, is quite clear on this point. It is whether the Legislature would mandate that the statute of limitations be waived so as to permit the Reineckes to sue the State of Hawaii.

In other words, the question before us turns on a strictly legal point, affecting the legal viability of the statute of limitations. If the bill is passed, a legal precedent will have been established that will permanently alter the perception of a concept that lies at the very heart of our legal justice system. That statute never will be viewed in the same way.

Permit me to remind my distinguished colleagues of this House, Mr. Speaker, that the statute of limitations serves a fundamental purpose. That purpose is, quite simply, to ensure the very possibility of a fair trial, it being judged that memories fade over time, and that it is, in the most basic sense, utterly impossible to conduct a fair trial several years after the event.

In this case, we are talking about thirty years, or what is generally recognized as a full generation in time. Moreover, I don't think I need to mention any more than in

passing that if this bill is passed, it will open up a Pandora's box with every person feeling he or she was wronged at some distant point in the past, feeling even more wronged if the Reinecke precedent is not invoked in their favor.

Mr. Speaker, our legal system does not guarantee a perfect world. But it is, I think, the best legal system in an imperfect world. To tamper with its foundation, as this bill proposes to do, goes deeper than being right or wrong. It strikes at the very means by which we determine what is right or wrong. The consequences, Mr. Speaker, are incalculable.

For these reasons, Mr. Speaker, I urge all of the members of this House to vote against House Bill No. 1375, House Draft 2.

Thank you, Mr. Speaker."

Representative Suwa then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 1375, House Draft 2.

Mr. Speaker, the previous speaker alluded to setting a precedent, but no matter which way we go, we are setting a precedent. I think the method chosen in this bill is the right one, and I think the Judicial process is made by the Judiciary agency. I feel that the action taken by the Finance Committee in recommending this way of doing it--authorizing Dr. and Mrs. Reinecke to sue--because of the proceedings of the Board of Education to reinstate the Reineckes in good standing and many, many other factors presented to the Education Committee and also by the Attorney General and the Finance Committee.

Therefore, the Finance Committee is recommending to the House that we go about it this way by authorizing the suit against the State. Therefore, I ask the members to support this measure."

Representative Lunasco then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill and concur with the Chairman of the Finance Committee on his remarks made on this bill.

Mr. Speaker, I had lengthy discussions on House Bill No. 1375, House Draft 2. Mr. Speaker, at that time, present with us was the Attorney General.

Mr. Speaker, at that hearing, or decision-making, we, as a Committee, didn't feel that we should be judge and jury to compensate the Reineckes. We felt, at that time, it was a clean way of settling this situation by lifting the statute of limitations which the Attorney General said that, as the legislative body, we had the authority to do so. I do not say that I think that we are setting a precedent, Mr. Speaker, because only the Legislature can lift the statute of limitations and if the Legislature, in the future, sees fit to lift this statute of limitations for other cases, then they may do so.

But, for this case, Mr. Speaker, we chose this route because, at that time, the Attorney General assured us that we can do it this way rather than paying them the amount that was stated in the bill.

For that reason, Mr. Speaker, and members of this House, I ask you to vote in favor of this bill."

Representative Mizuguchi then rose and stated:

"Mr. Speaker, as Chairman of the Education Committee, we had primary responsibility over this bill. I would just like to say that we concurred with the Finance Committee's recommendations.

Also, we have a letter from the Attorney General, Mr. Amemiya, that gives the salient features of House Bill No. 1375, House Draft 2, and if I may ask that it be entered into the Journal."

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

The following is the letter from Mr. Ronald Y. Amemiya, Attorney General of the State of Hawaii:

"STATE OF HAWAII
DEPT. OF THE ATTORNEY GENERAL
4TH FLOOR
HONOLULU, HAWAII 96813

March 16, 1977

Honorable Norman Mizuguchi
House of Representatives
315 State Capitol
Honolulu, Hawaii 96813

Dear Representative Mizuguchi:

RE: H.B. No. 1375, H.D. 2

The salient features of the above-named bill are as follows:

1. The bill would allow John and Aiko Reinecke to sue for damages in connection with their dismissal from the Department of Public Instruction in 1948. Insofar as the two-year statute of limitations has run on any claim that the Reineckes may have, the provision of Section 3 of the bill expressly waives any defense of limitation of actions. Section 3 also waives any potential defense of sovereign immunity of the State. Section 4 allows suit to be brought within two years from the effective date of the act.

2. The practical effect of this bill would be to provide the Reineckes redress through the Judicial system, and will effectively remove the decision of the amount of remuneration from the Legislature. The Reineckes could file suit in the First Judicial Circuit after retaining counsel. The Office of the Attorney General in all probability would engage the services of a Special Deputy to represent the State.

It should be noted that the Reineckes will, in all probability, attempt to prove both contract and tort damages. Specifically, these may include breach of contract, interference with a contract, and infliction of emotional distress. If their allegations can be proven, their recovery will be substantial, certainly much higher than \$146,000.

While the bill envisions a full hearing in the circuit court, there would be a possibility of an out-of-court settlement after they file their suit.

Finally, whether it be a court judgment or an out-of-court settlement, the Legislature would still have to appropriate the funds to pay off such judgment or settlement.

Very truly yours,

/s/ Ronald Y. Amemiya

RONALD Y. AMEMIYA
Attorney General"

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1375, HD 2, entitled: "A BILL FOR AN ACT RELATING TO JOHN E. AND AIKO T. REINECKE", having been read throughout, passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Ajifu, Carroll, Evans, Ikeda, Kamalii, Medeiros and Poepoe

voting no, and Representative Sutton being excused.

Stand. Com. Rep. No. 738 on H.B. No. 1347, HD 2 (Deferred from March 15, 1977):

On motion by Representative Peters, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.B. No. 1347, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONTINUE OPERATION OF WAIANAE HAWAIIAN HERITAGE CULTURAL CENTER", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 941 and 967 had passed Third Reading at 8:44 o'clock p.m.; H.B. No. 1505 at 8:45 o'clock p.m.; H.B. No. 1375 at 8:56 o'clock p.m.; and H.B. No. 1347 at 8:57 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 519) and concurrent resolution (H.C.R. No. 98) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 17, 1977:

A resolution (H.R. No. 519) requesting the Legislative Auditor to conduct an audit of the Office of Environmental Quality Control was jointly offered by Representatives Blair, Ajifu, Aki, Baker, Cobb, Dods, Kamalii, Kawakami, Kiyabu, Kunimura, Larsen, Mina, Mizuguchi, Naito, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Stanley, Takamura, Toguchi, Ueoka, Uwaine and Yuen.

A concurrent resolution (H.C.R. No. 98) requesting the Legislative Auditor to conduct an audit of the Office of Environmental Quality Control was jointly offered by Representatives Blair, Ajifu, Aki, Cobb, Dods, Kamalii, Kawakami, Kiyabu, Kunimura, Larsen, Mina, Mizuguchi, Naito, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Stanley, Takamura, Toguchi, Ueoka, Uwaine and Yuen.

At this time, Representative Takamine introduced to the members of the House Mr. Walter Freitas, former Chairman of the Parole Board, from Hilo.

THIRD READING

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

H.B. No. 1436, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada, H.B. No. 1436, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Peters voting no.

H.B. No. 132, HD 1:

Representative Takamine moved that H.B. No. 132, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

Representative Takamine's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 132, House Draft 1, 'A Bill for an Act Relating to Employment Security', because it is important for the workers of Hawaii.

Since its establishment, the Hawaii Employment Security Law has provided for the Federal-State Unemployment Insurance Program. What this has meant for Hawaii is: (1) The administration of the unemployment insurance program under the State Department of Labor and Industrial Relations is 100 percent federally funded; and (2) Any amendments to the Federal Social Security or the Federal Unemployment Tax Act require conformity amendments to the State's unemployment insurance laws to ensure continued Federal support.

The 94th U.S. Congress enacted the unemployment compensation amendments of 1976 which extends and strengthens the Federal-State unemployment programs in the nation. House Bill No. 132, House Draft 1, brings Hawaii's unemployment insurance law into conformity with the 1976 Federal amendments.

These conformity amendments are absolutely necessary for Hawaii because:

1. They are required for certifica-

tion by the U.S. Secretary of Labor. Under existing law, employers must pay a contribution to the State's Unemployment Compensation Trust Fund and an unemployment insurance tax to the Federal government. If Hawaii's law is not certified, employers will have to pay both the employer contribution to the State's fund and the Federal unemployment insurance tax. If Hawaii's law is certified, contribution payments required under State law would offset most of the Federal tax.

2. If Hawaii's law is certified but does not provide as extensive coverage as the Federal law requires, employers in uncovered areas must pay the full Federal tax with no offset credit but their employees will not be covered by the State unemployment insurance program. This means workers in the uncovered areas would not be eligible for unemployment insurance benefit payments even though their employers pay Federal taxes on their employment.

3. If the conformity amendments are not incorporated in Hawaii's employment security law, the Federal government will not fund the administration of the unemployment insurance program which would, therefore, require State support of the program.

The Hawaii Employment Security Law is a major employee benefit of the workers of the State which was established to provide income support to the employee who, due to temporary economic and social conditions, is unemployed. We must continue to protect the worker who faces the risk of unemployment through maintaining the State's unemployment insurance program. The Federal conformity amendments, as contained in House Bill No. 132, House Draft 1, strengthens this program by clarifying certain provisions of the law, thereby, making them more enforceable and by providing protection to more of the State's laborers.

With the passage of House Bill No. 132, House Draft 1, we move closer and closer toward our commitment to the workers of Hawaii."

Roll call having been requested, the motion was put by the Chair, and H.B. No. 132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", having been read throughout, passed Third Reading by a vote of 38 ayes to 12 noes, with Representatives Ajifu,

Caldito, Carroll, Cobb, Evans, Inaba, Kawakami, Larsen, Lunasco, Naito, Sutton and Uechi voting no, and Representative Mina being excused.

H.B. No. 1604:

On motion by Representative Cayetano, seconded by Representative Takamura, H.B. No. 1604, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ajifu voting no.

H.B. No. 894:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 894, entitled: "A BILL FOR AN ACT RELATING TO A STAGGERED SYSTEM OF MOTOR VEHICLE REGISTRATION", passed Third Reading by a vote of 51 ayes.

H.B. No. 1175:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 1175, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed Third Reading by a vote of 51 ayes.

H.B. No. 1531, HD 1:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 1531, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ASSESSMENT OF REAL PROPERTY", passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Ajifu, Sutton, Ueoka, D. Yamada and Yuen voting no.

H.B. No. 992:

Representative Suwa moved that H.B. No. 992, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Narvaes then offered the following amendment to H.B. No. 992:

"SECTION 1. House Bill 992 is amended by amending lines 9 to 17 on page 13 to read:

'[(5) Tax upon sales representatives, etc. Upon every person classified as a representative or purchasing agent under chapter 237-1, engaging

or continuing within the State in the business of performing services for another, other than as an employee, there is likewise hereby levied and shall be assessed and collected a tax equal to four percent of the commissions and other compensation attributable to the services so rendered by him.]¹

SECTION 2. House Bill 992 is amended by amending line 13 on page 17 to read:

¹. . .their gross premiums under chapter 431;¹

SECTION 3. House Bill 992 is amended by amending line 7 on page 21 to read:

¹. . .699[.];¹

SECTION 4. House Bill 992 is amended by amending line 8 on page 21 to add a new paragraph (18) before Section 4 of the bill to read:

¹(18) Persons classified as a representative or purchasing agent under Section 237-1, engaging or continuing within the State in the business of performing services for another, other than as an employee."

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

The House of Representatives reconvened at 9:06 o'clock p.m.

Representative Narvaes moved that the amendment be adopted, seconded by Representative Sutton.

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

"Mr. Speaker, do affected individuals of this amendment have to declare a conflict or ask for a conflict ruling?"

The Chair replied:

"Each member in this House may rise to request the Chair's ruling at the proper time."

Representative Narvaes then asked:

"Mr. Speaker, in regards to points of information, how many of these points of information do I receive as far as parliamentary procedure is concerned?"

The Chair replied:

"You may rise on a point of information if you feel that there is a question, and the Chair will rule accordingly. There is no specific limitation in the rules."

Representative Narvaes thanked the Chair.

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

"Mr. Speaker, the purpose of this bill is to eliminate the tax of 2 percent which insurance solicitors would pay on their hard-earned commission. Mr. Speaker, the purpose of this bill, at present, is also to eliminate the 4 percent on insurance commissions earned by insurance general agents, and I point out--purely commissions. Nothing else is considered.

Mr. Speaker, my amendment simply expands the present bill to include all individuals that work hard for their income and pay this same 4 percent tax on their hard-earned income that is purely commissions.

Mr. Speaker, I urge all members to vote for the amendment."

Representative Sutton then rose and stated:

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

Mr. Speaker, this amendment is very well thought out by the movant. He has participated as an insurance agent; he had participated as a solicitor in insurance. He has also sold real estate, and he feels very deeply that the extension should occur to every person classified as a representative or purchasing agent, engaging a continuing within the State in the business of performing services for another, and then receiving a commission. Because of the fact that these individuals, for all intents and purposes, are small businessmen, that particular tax is something which is very comparable in a position to the insurance solicitors; namely, that the insurance solicitors cannot, by statute, pass the tax on and these individuals cannot pass the tax on because of the market place and, therefore, he feels because of the rules of the market place, that they should be equated to what the Finance Committee has proposed, and I think that equation balances, and I would urge all the members of this body to vote 'aye' on this amendment."

Representative Narvaes was recognized

and he stated:

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

At 9:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:14 o'clock p.m., the Chair stated:

"The Chair appreciates every members' patience and understanding."

Representative Narvaes then rose and stated:

"I now rise to speak in favor of the amendment."

Mr. Speaker, in front of every members' desk, I have passed out something. Does everybody have it?

Mr. Speaker, this relates to House Bill 992. It also relates to the amendment."

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

"Mr. Speaker, what he is referring to, we don't have it."

At 9:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

Representative Narvaes then rose and stated:

"Mr. Speaker, I speak in favor of the amendment."

Mr. Speaker, I have in front of me--the other members of this body do not have it at this time--a testimony from the Department of Taxation, dated February 28, 1977, a testimony on House Bill No. 992 relating to taxation. This is in regards to the amendment.

Mr. Speaker, I quote from one of the second pages out of the testimony: 'That the general excise tax on commissions of insurance solicitors is repealed. Other taxpayers such as manufacturers representatives, stock brokers, sales representatives, food brokers, real estate brokers, and other commissioned agents should be likewise

exempt.' Such taxpayers, including the insurance solicitors, are independent contractors and they should be subject to the general excise tax for the privilege of doing business in the State.

Now, Mr. Speaker, I also have in front of me, testimony from the Tax Foundation of Hawaii. Fred Bennion--he says he feels the same.

Now, Mr. Speaker, I have the handout that was passed out. Mr. Speaker, I call your attention to this handout. At the top of this, you see insurance solicitor. The first figure you see there is his earned commission that this individual earns over, say, a period of a year. The figure we are looking at is \$12,000 and we are looking only at, at this time, an insurance solicitor. Mr. Speaker, at present, the statutes require that this individual pay a tax on this commission of 2 percent. Mr. Speaker, that 2 percent tax on the \$12,000 equals the tax that goes to the State of \$240.

Mr. Speaker, below that, you see insurance agent. This time, general agent. Mr. Speaker, again, we are looking at the same figure of \$12,000. This time, earned income, again. Mr. Speaker, the law or statutes requires this insurance general agent who does really the same function as the insurance solicitor to pay a tax, unfairly, of 4 percent. Mr. Speaker, he pays the State \$480 as tax; he pays \$240 more tax.

Mr. Speaker, below that, you see a real estate salesman. The top figure we are looking at is earned income of \$12,000. We are again talking about earned commissions only. Mr. Speaker, at present, this real estate salesman pays the tax, by statute, of 4 percent. Mr. Speaker, again, his tax total is \$480.

So, Mr. Speaker, to sum up what I have just said, an insurance solicitor pays 2 percent. He gets a benefit over the other people of \$240. Mr. Speaker, I would like to point out that every single commissioned agent in the State, who is an independent contractor and is not an employee, is presently paying 4 percent tax on his income.

Mr. Speaker, I have here, 'Who's Who in Government in Hawaii.' Mr. Speaker, as I page through this, I see many people here who are in the insurance business, real estate and others. . . ."

At this point, Representative D.

Yamada rose on a point of order and stated:

"I don't see the relevance of that information which the speaker is trying to get at."

The Chair responded by saying:

"Representative Narvaes, will you confine your remarks to the amendment that you are offering."

Representative Narvaes continued his remarks, stating:

"Mr. Speaker, I am, but this relates to the amendment.

Mr. Speaker, at this time, and I have pointed out some inequities in our tax system, I have been told by many people, once again--the Tax Foundation, again the tax department, others, myself, Mr. Speaker, back when I was a little bit younger, about five years ago, when I started out as a little kid selling things. Mr. Speaker, I first started out selling small little things like Fuller brush. Even then, I had to pay a 4 percent tax. Mr. Speaker, from there, I went to pots and pans. It is really funny because when I look back, it also was pretty funny to do it, but I also paid a tax of 4 percent. Mr. Speaker, from there, I went to insurance, and as a solicitor, I found out that I paid 2 percent. That was great; I paid less and I got a little more money. Mr. Speaker, I talked to my general agent. I found out he pays 4 percent. Mr. Speaker, from there, I went to real estate, but I didn't do too much of it. Mr. Speaker, as a real estate agent, I paid 4 percent. Mr. Speaker, from my experiences, you see, I find that our tax structure is very inequitable.

So, Mr. Speaker, my amendment takes House Bill 992, which is a good bill, because all of these taxes which I have just pointed out should not be paid by these individuals. Mr. Speaker, I am not against; I am not in favor of this business; Mr. Speaker, I am for the small man. You see, Mr. Speaker, we are talking about the tax and I have heard it mentioned before, but I do not believe that these taxes are being passed on. Mr. Speaker, for those people that say this tax is passed on when this tax is not passed on, let me please point out to you that when some individual buys an insurance policy, he pays for whatever happens to that thing.

People tell me that the tax isn't passed on. Who pays for it in the beginning? The consumer.

Mr. Speaker, this amendment that I am speaking to will make the system more equitable and will eliminate the tax on all solicitors living, at present, on a commissioned income as independent contractors.

Mr. Speaker, I urge all members to vote for this amendment."

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

"I rise to speak in favor of this amendment, noting that I will vote against the bill if it should pass subsequently.

The reason that I am doing this is that if you believe that people should not pay this tax for doing business as insurance solicitors, logic tells you that nobody else should either. If the idea was to pass special interest legislation for one group and leave everybody else out in the cold, then, that's what the bill originally does.

The amendment addresses itself to saying, well, what is good for the goose is good for the gander. If one guy is going to get it, I want it too. That makes sense; that's fair; that is what I would like. While everybody is taking care of all the independent contractors; everybody is taking care of all the brokers, and I know what I am talking about because my father was a food broker. He pays his taxes for the privilege of doing business. In fact, he didn't whine about it. He went out and did his business and paid his taxes for doing business.

Now, we talk about welfare recipients in here all the time. People are all being bad mouthed for being on public assistance, as if they were some kind of thieves and, yet, when somebody wants to come in for theirs, then, all of a sudden, it is not welfare anymore; then it is in the public interest even though every single time, it relates to a single interest group. So when the Representative brings his amendment before us, he is making sense. He is saying why separate all these categories because they are all doing the same kind of thing even if the particular business that they are engaged in differs; whether it is brushes or insurance or real estate or whatever it is.

Well, if the idea is to give these people a break, then, wipe it all off the books. We don't need the money;

we know that. Why, we got a budget here that we can just waltz around with; nobody needs any new taxes. Let's get rid of the old ones too. Why not? Plenty of money in this State. So, let's not come in with one group; let's not come in with the insurance guys and leave the real estate guys out. Let's not bring the bulk of them in and leave somebody else out--car salesmen, whoever else is in this kind of a category. As for me, food brokers, for example, I think they should pay a tax. Let's make it equal. Let's make it all 4 percent or 2 percent or whatever it is going to be. You get taxed for the privilege of doing business in the State.

That's the oldest established Democratic institution--let's keep it equal. Unless you want to keep it equal, don't make it unequal. Don't give to some and take from the others, so I am going to vote for this amendment. Then, I'm going to vote down the main bill if I can, and I doubt it, because I don't think that anybody in here is sufficiently prepared to stand up against this special interest on the basis of the logic that I am putting forward, but I would be delighted to hear any of the other representatives' arguments as to why this is not special interest legislation. It benefits a few at the expense of others who do exactly the same kind of thing, even though their business might be different, and I would be delighted to hear an argument as to why it should be all wiped out or not. I don't think we're going to hear it. I think what's going to happen is that some people are once again going to get a special interest break while the average person is going to get the shaft."

Representative Suwa then rose and stated:

"Mr. Speaker, I rise to speak against the amendment.

The introducer of the amendment has discussed this in Committee, under the Committee system, and he had ample privilege to do so, and the Committee finally recommended this House Bill 992. Therefore, I ask the members to vote down the amendment."

At 9:21 o'clock p.m., on request by Representative Narvaes, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:25 o'clock p.m.

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

"Mr. Speaker, when I was attempting to bring this amendment up, I had the amendment printed, did research that I did and then presented it to the people. I was told that one of the things we have to look for is how you are going to vote politically. . ."

At this point, the Chair interrupted and ruled Representative Narvaes out of order.

Representative Kihano then rose and stated:

"Mr. Speaker, I would like to speak against the amendment.

Mr. Speaker, there are several things that was said which I would like to clarify. The previous speaker from the Manoa district has spoken about equality, and I would like to point out equality to insurance solicitors on this particular point.

Mr. Speaker, there is a tax which is being paid presently by insurance companies known as the premium gross tax. Then, another tax is taxed upon an insurance solicitor, upon the tax that an insurance company has already paid. This tax which is taxed upon the insurance solicitor, Mr. Speaker, cannot be passed on to the customer like most of the sales representatives can in doing their business. This is an inequity, Mr. Speaker, to an insurance solicitor, and we are saying we want to be equal and if this is equality, then I say, I go against this amendment, Mr. Speaker. Thank you."

Representative Narvaes then rose and stated:

"Mr. Speaker, I rise to rebut statements of the previous speaker."

The Chair stated:

"As the movant, the Chair will allow you to summarize and rebut."

Representative Narvaes then stated:

"Mr. Speaker, I am glad that the previous speaker spoke about equity. Again, Mr. Speaker, I have in front

of me the 'Who's Who in Government in Hawaii' . . ."

At this point, Representative Garcia rose on a point of order and asked:

"Mr. Speaker, what is exactly the point that he is trying to get across on this?"

Representative Narvaes answered:

"Mr. Speaker, I am making my point. If he will just be patient and listen, he will hear it."

Representative D. Yamada then rose on a point of order and stated:

"Mr. Speaker, I think what the speaker is alluding to is that if there is any conflict, that those people should declare it, and I am sure that would be forthcoming."

Representative Narvaes stated:

"I am not alluding to that."

The Chair then stated:

"If that is what you are alluding to, the Chair has already ruled, Representative Narvaes."

Representative Narvaes replied:

"I am not alluding to that."

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

"Mr. Speaker, the mention of any name or the mention of any profession in connection with any name is prohibited under the Anti-Personality provisions within the House, and furthermore, that all matters of disclosure relating to income, profession, and personal holdings are on file, not only with the Speaker's Office, but with the Ethics Commission and, therefore, need not be repeated. If any Representative feels that he has a conflict, he is free to declare it at any time."

The Chair then stated:

"Let us be a little patient here", and asked Representative Narvaes to continue.

Representative Narvaes continued his remarks, stating:

"Mr. Speaker, in this 'Who's Who in Government in Hawaii', I am also included. May I speak about

myself?"

Representative Yuen, at this time, rose on a point of order and stated:

"As I understand it, the speaker rose to rebut and, as a fact, he is trying to discuss his personal life which is irrelevant."

Representative Narvaes answered:

"Mr. Speaker, I am rebutting."

The Chair asked Representative Narvaes to "proceed."

Representative Narvaes continued, stating:

"Mr. Speaker, when the previous speaker rose--the speaker that I rose to rebut--I am not sure whether he has sold anything else besides insurance.

Mr. Speaker, I would like to point out that I have sold many things, and again, if you will look at the 'Who's Who in Government in Hawaii', there is visible proof that I was once an insurance solicitor, was once a realtor associate, was once district manager of a pots and pans company. Mr. Speaker, I got out of those because I just wasn't happy in them. Mr. Speaker, I would like to point out, again, that I paid these taxes in all of those departments.

Mr. Speaker, I would also like to point out that the tax was not passed on. Mr. Speaker, despite my age, it was in my past. I feel the experiences I have been through. . . I urge all members to vote 'aye'."

At this time, Representative Segawa rose and asked for a conflict ruling inasmuch as he has a general agent and solicitor's license.

The Chair ruled that there was no conflict.

Representative Kihano then rose and asked for a conflict ruling inasmuch as he is an insurance solicitor.

The Chair then ruled, "No conflict for any person who may be in the insurance business."

At this time, Representative Narvaes requested a roll call vote on his amendment.

Roll call having been requested, the motion to adopt the amendment was put by the Chair and failed to carry by a vote of 40 noes to 9 ayes, with Representatives Abercrombie,

Ajifu, Carroll, Evans, Ikeda, Kamalii, Narvaes, Poepoe and Sutton voting aye, and Representatives Cayetano and Mina being excused.

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

"Is that roll call for the bill?"

The Chair replied:

"For the main motion. The roll call is in order, Representative Kamalii."

Representative Kamalii asked:

"Are we now voting on the bill itself, Mr. Speaker?"

The Chair replied:

"Yes, House Bill 992."

Representative Kamalii then stated:

"Mr. Speaker, I don't remember you asking for discussion on the bill."

At 9:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

The Chair then stated:

"If there is no objection, the Chair will allow debate on House Bill No. 992," and recognized Representative Narvaes who then stated:

"Mr. Speaker, I will yield to Representative Ajifu."

Representative Ajifu, on a point of information, asked:

"Mr. Speaker, I would like to get a vote record on the amendment that was just passed."

On a point of order, Representative Yuen stated:

"Mr. Speaker, just for the record, the vote count was announced."

Representative Ajifu stated:

"Mr. Speaker, I would like to get the vote count. I heard the Clerk announce 9 votes and I counted 10 votes."

The Clerk stated:

"Mr. Speaker, the vote that the Clerk has recorded was 9 ayes, 40 noes, and 2 excused."

Representative Narvaes then rose and stated:

"Mr. Speaker, I now rise to speak in favor of House Bill No. 992."

Mr. Speaker, despite the amendment not going through, I feel that this bill still has a lot of substance and this bill is still a good bill. We are addressing a problem in our tax structure that needs reform. Mr. Speaker, I hope that each individual member, as he sits here, can look at himself and look at his occupation in a more educated manner because of his occupation. Mr. Speaker, I was lucky enough to, at some time had the opportunity, work as an insurance salesman to experience what an insurance salesman goes through, and to pay the taxes of an insurance salesman.

Mr. Speaker, from this side, I will vote in an educated manner and realize that this bill is doing something that is good. Mr. Speaker, in the future, I hope we will address the other problems that I have previously mentioned, and I now urge all members to vote 'aye'."

The motion to pass H.B. No. 992 on Third Reading was put by the Chair, and H.B. No. 992, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Abercrombie, Blair, Kamalii, Sutton, Takamura and Uwaine voting no.

H.B. No. 8, HD 1:

On motion by Representative Suwa, seconded by Representative Peters, H.B. No. 8, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ECONOMIC DEVELOPMENT BONDS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1436 had passed Third Reading at 9:01 o'clock p.m.; H.B. Nos. 132 and 1604 at 9:02 o'clock p.m.; H.B. Nos. 894 and 1175 at 9:03 o'clock p.m.; H.B. No. 1531 at 9:04 o'clock p.m.; and H.B. Nos. 992 and 8 at 9:46 o'clock p.m.

MATTER DEFERRED TO THE
END OF CALENDAR

Stand. Com. Rep. No. 705 on H.B. No.

565, HD 2:

On motion by Representative Suwa, seconded by Representative Peters and carried, Stand. Com. Rep. No. 705 and H.B. No. 565, HD 2, were recommitted to the Committee on Finance.

At 9:48 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:50 o'clock p.m.

At this time, Representative Shito, on behalf of the members of the House, extended birthday greetings to Representative Kihano.

Representatives Evans, Ikeda and Stanley then presented Representative Kihano red carnation leis.

The Chair remarked:

"I would like to share an observation. It's so nice to be dark and handsome, but a little short."

Representative Kunimura then rose and stated:

"Mr. Speaker, I have seen birthdays recognized here on the floor before, but I have never seen one like this tonight.

First of all, Mr. Speaker, if I were you, I would be very careful because anybody who enjoys the position of one heartbeat away from your particular position at this point, I think three leis for his birthday is a threat; in fact, more than a threat.

But, I would like to announce from the neighbor island delegates who have been here and denied access to return to our homes that I believe our Vice Speaker. . .I hope doesn't have to be laid for the rest of the session."

Representative Kihano responded, stating:

"Mr. Speaker, I would just like to thank the members of the House for remembering my birthday. I know we were here since this morning, at 12:05 a.m. and, you know, going home these days at three-four o'clock in the morning--sometimes my wife doesn't speak to me anymore. So, I just wish the three women that had presented me with the leis, instead of handing leis to me--next time around, I hope they would stay with me after three o'clock in the morning.

Thank you, Mr. Speaker."

Representative Stanley then rose and stated:

"Thank you for the offer, Mr. Vice Speaker, but you would have to wait a long time. I would like to point out to my colleagues, both the Vice Speaker and the Speaker, that we all keep in mind that the best things come in small packages."

The Chair then made the following announcement:

"It is intended that session will convene at 11:00 a.m. and again sometime in the evening, so keep your schedules open accordingly."

At 9:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:51 o'clock p.m.

The Chair announced:

"We will have sessions tomorrow at 11:00 a.m. and 8:00 p.m."

ADJOURNMENT

At 9:52 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Thursday, March 17, 1977.

FORTY-FIRST DAY

Thursday, March 17, 1977

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

The Divine Blessing was invoked by the Reverend Chiko Matsumoto of the Palolo Kannoji, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journal of the House of Representatives of the Fortieth Day.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 54 to 114) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 54) transmitting Senate Concurrent Resolution No. 86 requesting a study of the impediments to the development and use of solar energy systems and a recommendation of remedial action which was adopted by the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 55) transmitting Senate Concurrent Resolution No. 90, SD 1, urging the selection of Oahu, Hawaii as the test site for the wind turbine system currently being developed by the energy research and development administration which was adopted by the Senate on March 16, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 86 and 90, SD 1, were deferred until tomorrow, April 18, 1977.

A communication from the Senate (Sen. Com. No. 56) transmitting Senate Bill No. 11, entitled: "A BILL FOR AN ACT RELATING TO DEDICATED LANDS FOR HISTORIC PRESERVATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 57) transmitting Senate Bill No. 24, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 58) transmitting Senate Bill No. 60, SD 3, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 59) transmitting Senate Bill No. 74, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF THE SALE OF RESIDENTIAL LEASE-HOLDS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 60) transmitting Senate Bill No. 108, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER CONTRIBUTIONS TO THE EMPLOYEES' RETIREMENT SYSTEM AND PROVIDING FOR SEPARATE CONTRIBUTIONS TO THE PENSION ACCUMULATION FUND AND TO THE POST RETIREMENT FUND FOR POLICEMEN, FIREMEN AND CORRECTION OFFICERS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 61) transmitting Senate Bill No. 110, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCIDENTAL DEATH BENEFIT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 62) transmitting Senate Bill No. 111, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 63) transmitting Senate Bill No. 113, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 64) transmitting Senate

Bill No. 115, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 65) transmitting Senate Bill No. 124, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE EMERGENCY MEDICAL SERVICES PROGRAM", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 66) transmitting Senate Bill No. 152, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 67) transmitting Senate Bill No. 185, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 68) transmitting Senate Bill No. 246, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 69) transmitting Senate Bill No. 247, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VESSELS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 70) transmitting Senate Bill No. 251, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 71) transmitting Senate Bill No. 254, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SECURITY OFFICERS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 72) transmitting

Senate Bill No. 258, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BIKEWAYS AND THE OPERATION OF BICYCLES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 73) transmitting Senate Bill No. 323, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 74) transmitting Senate Bill No. 336, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE COUNTIES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 75) transmitting Senate Bill No. 449, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 76) transmitting Senate Bill No. 450, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INCOME TAX LAW", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 77) transmitting Senate Bill No. 451, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE EXPENSES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 78) transmitting Senate Bill No. 452, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 79) transmitting Senate Bill No. 453, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 80) transmitting Senate Bill No. 462, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTS OF KALAUPAPA, MOLOKAI", which

passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 81) transmitting Senate Bill No. 532, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 82) transmitting Senate Bill No. 569, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 83) transmitting Senate Bill No. 570, SD 2, entitled: "A BILL FOR AN ACT RELATING TO RETIREMENT AT AGE SIXTY-FIVE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 84) transmitting Senate Bill No. 591, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE AND EXEMPTIONS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 85) transmitting Senate Bill No. 595, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN THE PUBLIC SECTOR AND AMENDING CHAPTER 89, HAWAII REVISED STATUTES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 86) transmitting Senate Bill No. 599, entitled: "A BILL FOR AN ACT RELATING TO LEAVES FOR OFFICERS OR EMPLOYEES ON LOAN TO OTHER GOVERNMENTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 87) transmitting Senate Bill No. 647, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF PUBLIC UTILITIES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 88) transmitting Senate Bill No. 750, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUNISHMENT OF STUDENTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 89) transmitting Senate Bill No. 783, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 90) transmitting Senate Bill No. 790, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ALLOCATION OF FUNDS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 91) transmitting Senate Bill No. 794, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS AND FOR SALARY ADJUSTMENTS OF EMPLOYEES EXCLUDED FROM BARGAINING UNIT 1", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 92) transmitting Senate Bill No. 836, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 93) transmitting Senate Bill No. 891, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE SPECIAL FACILITY REVENUE BONDS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 94) transmitting Senate Bill No. 893, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 95) transmitting Senate Bill No. 995, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UTILIZATION OF ELECTRICITY GENERATED FROM NON-FOSSIL FUELS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 96) transmitting Senate Bill No. 1055, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ART IN STATE BUILDINGS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 97) transmitting Senate Bill No. 1100, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 98) transmitting Senate Bill No. 1129, entitled: "A BILL FOR AN ACT RELATING TO COFFEE INSPECTORS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 99) transmitting Senate Bill No. 1139, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE AND AQUACULTURE LOANS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 100) transmitting Senate Bill No. 1193, SD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS AT WAIKIKI, OAHU", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 101) transmitting Senate Bill No. 1222, entitled: "A BILL FOR AN ACT RELATING TO INJURY TO PUBLIC UTILITY PROPERTY", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 102) transmitting Senate Bill No. 1226, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL PROCEDURES AFFECTING LAND USE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 103) transmitting Senate Bill No. 1266, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENTRY AND EXIT CENSUS", which passed Third Reading in the Senate on March 16, 1977, was

placed on file.

A communication from the Senate (Sen. Com. No. 104) transmitting Senate Bill No. 1299, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 105) transmitting Senate Bill No. 1305, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A RENTER'S INCOME TAX CREDIT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 106) transmitting Senate Bill No. 1344, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS IN THE DEPARTMENT OF THE ATTORNEY GENERAL", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 107) transmitting Senate Bill No. 1350, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY REQUIREMENTS FOR PUBLIC EMPLOYMENT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 108) transmitting Senate Bill No. 1356, 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 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 109) transmitting Senate Bill No. 1359, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 110) transmitting Senate Bill No. 1366, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT AND HARBOR REVENUE BONDS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 111) transmitting Senate Bill No. 1409, entitled: "A BILL FOR AN ACT RELATING TO THE

HAWAII PREPAID HEALTH CARE LAW", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 112) transmitting Senate Bill No. 1465, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE DEVELOPMENT IN HAWAII AND MAKING AN APPROPRIATION THEREFOR", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 113) transmitting Senate Bill No. 1466, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 114) transmitting Senate Bill No. 1469, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the above mentioned Senate Bills passed First Reading by title and further action was deferred until tomorrow, March 18, 1977.

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

Representative Ajifu introduced 85 students from the American Problems course class of Castle High School. They were accompanied by their teachers, Mr. Harry Fanning and Mrs. Ching.

Representative Peters introduced seventy-five students from Ilima Intermediate School. They were accompanied by their teachers, Mrs. Uyehara, Mrs. Sage, Mrs. Igawa, Mrs. Wong and Mr. Kawano.

<u>S.B. Nos.</u>	<u>Referred to:</u>
51	Committee on Energy and Transportation
139	Committee on Water, Land Use, Development and Hawaiian Homes
245	Committee on Energy and Transportation
484	Committee on Energy and Transportation
485	Committee on Consumer Protection and Commerce, then to the Committee on Energy and Transportation
538	Committee on Culture and the Arts, then to the Committee on Finance
563	Committee on Consumer Protection and Commerce, then to the Committee on Energy
574	Committee on Public Employment and Government Operations, then to the Committee on Finance
589	Committee on Culture and the Arts, then to the Committee on Finance
758	Committee on Consumer Protection and Commerce, then to the Committee on Energy and Transportation
853	Committee on Consumer Protection and Commerce
1049	Committee on Culture and the Arts
1209	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture
1211	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Ecology and Environment
1411	Committee on Energy and Transportation, then to the Committee on Ecology and Environment

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 507 to 519) and concurrent resolutions (H.C.R. Nos. 94 to 96

and 98) were disposed of as follows:

H.R. Nos. Referred to:

507 Committee on Energy and Transportation, then to the Committee on Finance

508 Committee on Education, then to the Committee on Finance

509 Committee on Education, then to the Committee on Finance

510 Committee on Judiciary, then to the Committee on Energy and Transportation, then to the Committee on Legislative Management

511 Committee on Higher Education

512 Committee on Corrections and Rehabilitation, then to the Committee on Finance

513 Committee on Energy and Transportation, then to the Committee on Finance

514 Jointly to the Committees on Agriculture and Ecology and Environment

515 Committee on State General Planning, then to the Committee on Water, Land Use, Development and Hawaiian Homes

516 Committee on Energy and Transportation

517 Committee on State General Planning

518 Committee on Higher Education

519 Committee on Ecology and Environment, then to the Committee on Finance

98 Committee on Ecology and Environment, then to the Committee on Finance

COMMITTEE REASSIGNMENT

House Resolution No. 446 was re-referred to the Committee on Water, Land Use, Development and Hawaiian Homes.

STANDING COMMITTEE REPORTS

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 741) recommending that H.R. No. 108, HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.R. No. 108, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF CURRENT EFFORTS TO DEVELOP A STATEWIDE PLAN FOR HOUSING", was referred to the Committee on Legislative Management.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 742) recommending that H.R. No. 161 be referred to the Committee on Legislative Management.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.R. No. 161, entitled: "HOUSE RESOLUTION REQUESTING ESTABLISHMENT OF AN INTERIM COMMITTEE ON THE STATE PLAN", was referred to the Committee on Legislative Management.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 743) recommending that H.R. No. 362 be referred to the Committee on Finance.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.R. No. 362, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE IMMIGRATION GENERATING POLICIES OF THE STATE", was referred to the Committee on Finance.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep.

H.C.R. Nos.

94 Committee on State General Planning

95 Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Ecology and Environment

96 Committee on State General Planning

No. 744) recommending that H.C.R. No. 53 be referred to the Committee on Finance.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE IN-MIGRATION GENERATION POLICIES OF THE STATE", was referred to the Committee on Finance.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 745) recommending that H.R. No. 384, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Kawakami, seconded by Representative Inaba and carried, the report of the Committees was adopted and H.R. No. 384, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE COMMITTEES ON AGRICULTURE AND WATER, LAND USE, DEVELOPMENT AND HAWAIIAN HOMES TO REVIEW THE CLASSIFICATION OF AGRICULTURAL LANDS IN HAWAII", was referred to the Committee on Legislative Management.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 746) recommending that H.R. No. 312 be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Inaba and carried, the report of the Committees was adopted and H.R. No. 312, entitled: "HOUSE RESOLUTION URGING THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE STATE DEPARTMENT OF AGRICULTURE TO EXPEDITE ACQUISITION OF CAMPBELL ESTATE LANDS IN KAHUKU, OAHU, TO ENABLE DEVELOPMENT OF AN AGRICULTURAL PARK", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 747) recommending that H.R. No. 379, as amended in HD 1, be adopted.

Representative Ushijima moved

that H.R. No. 379, HD 1, be adopted, seconded by Representative Abercrombie.

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

"Mr. Speaker, I help participate in a sub-committee of your Committee on Higher Education, which had to do with numbering of courses in the university system; a portion of that report and part of the reasons of the existence of that sub-committee had to do with the decision by the Kapiolani Community College Provost and administration to alter course level numbers for the health program - in effect, put the Allied Health Program into jeopardy along with the Legal Assistant Program and other individual courses at the Kapiolani Community College.

Mr. Speaker, the reason I am asking that this resolution be adopted is that it points out the necessity for legislative oversight, the necessity of overseeing of the university system. It is an excellent argument for indicating that interim work should be done and that the Higher Education Committee, and perhaps in other instances, in other committees, I don't know, but in the area of higher education, there is a need in the State, beyond a shadow of a doubt, for constant overview of their activities. The reason involves the administrative capacities of the university.

I call the members' attention to the fact that two faculty members in the community college system have now formally withdrawn any vote of confidence that they may have had in the Chancellor of the community colleges. I want to indicate that I had made a suggestion, and this is one of the reasons I signed one of the previous reports with reservations, a suggestion that the Legislature look at abolishing the office of the Chancellor of the community colleges. There's no doubt in my mind that this resolution, and other resolutions to follow, will come about as a result of ineptitude and inadequacy that exist in the Chancellor's office. The fact that the way it is now set up at the university, it is inevitable that this House, in the form of its Higher Education Committee, will have to deal time and time again with arbitrary and capricious policies that are against the interest of the students and the taxpayers of the State of Hawaii.

So I urge the passage of this resolution, keeping in mind that those of us in this House who will bring before the body eventually, hopefully by next

year, legislation to rid the university system of the anarchism of the Chancellor of the community colleges."

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

"Mr. Speaker, the sub-committee found that the lowering of course numbers at many of our community colleges would seriously affect the programs in those schools; therefore, this resolution is addressed to that problem and we, the sub-committee, held hearings at Leeward Community College, at Kapiolani Community College and then we went to the University of Hawaii at Manoa and we had considerable testimony relating to this problem. We discovered that there is serious problem and the passage of this resolution could certainly aid in resolving that problem. Thank you, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 379, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CHANCELLOR OF THE COMMUNITY COLLEGES TO REVERSE THE DECISION TO ALTER THE COURSE LEVEL NUMBERS FOR KAPIOLANI COMMUNITY COLLEGE'S ALLIED HEALTH AND LEGAL ASSISTANT PROGRAM COURSES", was adopted.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 748) recommending that S.C.R. No. 64, SD 1, as amended in HD 1, be adopted.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and S.C.R. No. 64, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING EFFORTS TO SAVE THE WHALES", was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 749) recommending that H.R. No. 337, as amended in HD 1, be adopted.

On motion by Representative Shito, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.R. No. 337, HD 1, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO AMEND THE INTERNAL REVENUE CODE TO PROMOTE THE SALE OF RESIDENTIAL LAND SUBJECT TO LEASEHOLDS", was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 750) recommending that H.C.R. No. 45, as amended in HD 1, be adopted.

On motion by Representative Shito, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.C.R. No. 45, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO AMEND THE INTERNAL REVENUE CODE TO PROMOTE THE SALE OF RESIDENTIAL LAND SUBJECT TO LEASE-HOLDS", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 751) recommending that H.R. No. 268, as amended in HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.R. No. 268, HD 1, entitled: "HOUSE RESOLUTION RELATING TO CITIZEN PARTICIPATION IN THE CREATION OF NEW DEVELOPMENT PLANS FOR THE CITY AND COUNTY OF HONOLULU", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 752) recommending that H.C.R. No. 27, as amended in HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.C.R. No. 27, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO CITIZEN PARTICIPATION IN THE CREATION OF NEW DEVELOPMENT PLANS FOR THE CITY AND COUNTY OF HONOLULU", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 753) recommending that H.C.R. No. 72, as amended in HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.C.R. No. 72, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING RENEWED EFFORTS TO ADDRESS THE PROBLEMS OF IMMIGRATION AND IN-MIGRATION ON THE STATE OF HAWAII", was adopted.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 754)

recommending that H.R. No. 103, as amended in HD 1, be adopted.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 103, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF STATE POLICIES ON SENIOR CENTERS", was adopted.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 755) recommending that H.R. No. 213 be adopted.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 213, entitled: "HOUSE RESOLUTION REQUESTING INCORPORATION OF OPERATIONAL GUIDELINES FOR CHILD ABUSE FOR THE IDENTIFICATION OF PSYCHOLOGICAL ABUSE AND NEGLECT", was adopted.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 520 to 522) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 18, 1977:

A resolution (H.R. No. 520) requesting review of cost factor in extended term care was jointly offered by Representatives Segawa, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Mizuguchi, Morioka, Nakamura, Peters, Poepoe, Say, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada, Yuen and Wakatsuki.

A resolution (H.R. No. 521) requesting the City and County of Honolulu to float revenue bonds was jointly offered by Representatives Peters, Aki, Baker, Caldito, Dods, Inaba, Kunimura, Lunasco, Morioka, Say, Shito, Stanley, Suwa, Takamine, Toguchi, Uechi, Ueoka and D. Yamada.

A resolution (H.R. No. 522) requesting a halt to the sale of railroad tracks and other equipment from Lualualei, Hawaii, was jointly offered by Representatives Peters, Aki, Baker, Blair, Caldito, Cayetano,

Dods, Inaba, Kiyabu, Kunimura, Lunasco, Morioka, Say, Shito, Stanley, Takamine, Takamura, Toguchi, Uechi, Ueoka and D. Yamada.

The following resolutions (H.R. Nos. 523 to 525) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 523) recognizing the Hawaii Chapters of the Distributive Education Clubs of America and extending best wishes on the occasion of their 17th Annual State Career Development Conference was jointly offered by Representatives Ajifu, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Ajifu, seconded by Representative Kamalii and carried, H.R. No. 523 was adopted.

A resolution (H.R. No. 524) congratulating Dr. Masao Kanemaru for outstanding community service was jointly offered by Representatives Nakamura, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Mizuguchi, Morioka, Naito, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Nakamura, seconded by Representative Lunasco and carried, H.R. No. 524 was adopted.

A resolution (H.R. No. 525) congratulating St. Anthony High School on its basketball achievements was jointly offered by Representatives Caldito, Machida, Baker, Blair, Carroll, Cayetano, Dods, Garcia, Inaba, Kiyabu, Kondo, Kunimura, Lunasco, Mina, Mizuguchi, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, D. Yamada and K. Yamada.

On motion by Representative Caldito, seconded by Representative Machida and carried, H.R. No. 525 was adopted.

MISCELLANEOUS BUSINESS

At this time, Representative Suwa rose and stated:

"Mr. Speaker, from time to time we are embarrassed by having measures going up to the Governor's office for his approval dealing with the same subject matter.

In order to avoid further embarrassment, I would like to ask the leadership to screen the Senate Bills pertaining to identical House Bills which have been sent over to the Senate and that these Senate Bills not be referred to the House Committees; only Senate Bills with a different subject matter should be referred to House Committees.

So, I would like to ask the leadership to set up a machinery so that we won't have this kind of embarrassment.

Thank you."

At 11:22 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 8:00 o'clock p.m. this evening.

NIGHT SESSION

The House of Representatives reconvened at 8:13 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 115 to 197) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 115) transmitting Senate Bill No. 22, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EMPLOYMENT PROGRAM", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 116) transmitting Senate Bill No. 47, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POSTSECONDARY EDUCATION COMMISSION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 117) transmitting

Senate Bill No. 62, SD 3, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 118) transmitting Senate Bill No. 140, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 119) transmitting Senate Bill No. 221, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 120) transmitting Senate Bill No. 244, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE SCOOTER PROTECTIVE DEVICES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 121) transmitting Senate Bill No. 243, entitled: "A BILL FOR AN ACT RELATING TO BASIC RULE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 122) transmitting Senate Bill No. 271, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OCCUPATIONAL THERAPY", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 123) transmitting Senate Bill No. 320, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 124) transmitting Senate Bill No. 321, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 125) transmitting Senate Bill No. 324, entitled: "A BILL

FOR AN ACT RELATING TO INTOXICATING LIQUOR", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 126) transmitting Senate Bill No. 330, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 127) transmitting Senate Bill No. 331, entitled: "A BILL FOR AN ACT RELATING TO OBSCENITY", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 128) transmitting Senate Bill No. 346, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 129) transmitting Senate Bill No. 347, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 130) transmitting Senate Bill No. 348, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE SAFETY RESPONSIBILITY ACT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 131) transmitting Senate Bill No. 350, SD 2, entitled: "A BILL FOR AN ACT FOR MANDATORY CERTIFICATION OF OPERATING PERSONNEL IN WASTEWATER TREATMENT FACILITIES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 132) transmitting Senate Bill No. 355, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISQUALIFICATION FROM NOMINATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 133) transmitting Senate Bill No. 380, SD 2, entitled: "A BILL FOR AN ACT RELATING

TO RETIREMENT FOR SEWER WORKERS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 134) transmitting Senate Bill No. 391, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND ECONOMIC DEVELOPMENT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 135) transmitting Senate Bill No. 454, entitled: "A BILL FOR AN ACT RELATING TO BANKING", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 136) transmitting Senate Bill No. 460, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY BOARDS AND COMMISSIONS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 137) transmitting Senate Bill No. 475, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 138) transmitting Senate Bill No. 491, SD 3, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 139) transmitting Senate Bill No. 496, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 140) transmitting Senate Bill No. 517, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 141) transmitting Senate Bill No. 518, entitled: "A BILL FOR AN ACT RELATING TO LAND TRUSTS", which passed Third Reading in the Senate on March 16, 1977, was

placed on file.

A communication from the Senate (Sen. Com. No. 142) transmitting Senate Bill No. 530, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR TAX MAP TRACINGS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 143) transmitting Senate Bill No. 533, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-DRIVEN BICYCLES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 144) transmitting Senate Bill No. 560, entitled: "A BILL FOR AN ACT RELATING TO TELEVISED CRIME", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 145) transmitting Senate Bill No. 572, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND DEVELOPMENT OF KAUAI", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 146) transmitting Senate Bill No. 577, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE CONTROL", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 147) transmitting Senate Bill No. 594, entitled: "A BILL FOR AN ACT RELATING TO ACCIDENTAL INJURY LEAVE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 148) transmitting Senate Bill No. 631, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAPSING OF PRIOR APPROPRIATIONS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 149) transmitting Senate Bill No. 677, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 150) transmitting Senate Bill No. 731, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 151) transmitting Senate Bill No. 733, entitled: "A BILL FOR AN ACT AMENDING SECTION 46-6 OF THE HAWAII REVISED STATUTES, RELATING TO COUNTY ZONING", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 152) transmitting Senate Bill No. 735, entitled: "A BILL FOR AN ACT RELATING TO A STAGGERED SYSTEM OF MOTOR VEHICLE REGISTRATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 153) transmitting Senate Bill No. 752, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 154) transmitting Senate Bill No. 761, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SERIAL NUMBERS AND IDENTIFICATION MARKS ON MERCHANDISE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 155) transmitting Senate Bill No. 779, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 156) transmitting Senate Bill No. 795, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS AND SALARY ADJUSTMENTS FOR EMPLOYEES EXCLUDED FROM CERTAIN BARGAINING UNITS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 157) transmitting Senate Bill No. 799, entitled: "A BILL

FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 158) transmitting Senate Bill No. 804, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE NO-FAULT INSURANCE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 159) transmitting Senate Bill No. 854, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 160) transmitting Senate Bill No. 855, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 161) transmitting Senate Bill No. 856, SD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A 75TH ANNIVERSARY COMMISSION ON FILIPINOS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 162) transmitting Senate Bill No. 867, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 163) transmitting Senate Bill No. 869, entitled: "A BILL FOR AN ACT RELATING TO BANKING", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 164) transmitting Senate Bill No. 991, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL OF THE JUDICIAL BRANCH", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 165) transmitting Senate Bill No. 1047, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL",

which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 166) transmitting Senate Bill No. 1059, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND HEALTH CARE PROVIDERS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 167) transmitting Senate Bill No. 1074, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 168) transmitting Senate Bill No. 1120, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 169) transmitting Senate Bill No. 1155, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII WORKERS' COMPENSATION LAW", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 170) transmitting Senate Bill No. 1194, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 171) transmitting Senate Bill No. 1202, entitled: "A BILL FOR AN ACT RELATING TO THE CONSERVATION, MANAGEMENT AND PROTECTION OF ENDANGERED OR THREATENED SPECIES OF WILDLIFE OR PLANTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 172) transmitting Senate Bill No. 1203, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 173) transmitting Senate Bill No. 1251, SD 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 174) transmitting Senate Bill No. 1279, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 175) transmitting Senate Bill No. 1280, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY PROCEDURES AND OPERATIONS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 176) transmitting Senate Bill No. 1281, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS-INDUSTRIAL DEMOCRATIZATION PLAN AND EXEMPTIONS FOR THOSE CORPORATIONS WHICH ADOPT IT", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 177) transmitting Senate Bill No. 1297, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 178) transmitting Senate Bill No. 1304, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST RATES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 179) transmitting Senate Bill No. 1308, SD 2, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 180) transmitting Senate Bill No. 1312, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 181) transmitting Senate Bill No. 1342, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS FOR ANTI-POLLUTION PROJECTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 182) transmitting Senate Bill No. 1348, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 183) transmitting Senate Bill No. 1355, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 184) transmitting Senate Bill No. 1367, entitled: "A BILL FOR AN ACT RELATING TO NAMES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 185) transmitting Senate Bill No. 1368, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN LENDERS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 186) transmitting Senate Bill No. 1369, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 187) transmitting Senate Bill No. 1370, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 188) transmitting Senate Bill No. 1371, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 189) transmitting Senate Bill No. 1407, SD 2, entitled: "A BILL FOR AN ACT RELATING TO

AIRPORTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 190) transmitting Senate Bill No. 1408, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH AND MORALS, OFFENSES RELATED TO OBSCENITY", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 191) transmitting Senate Bill No. 1443, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 192) transmitting Senate Bill No. 1452, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DEBTOR EXEMPTIONS", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 193) transmitting Senate Bill No. 1460, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF PROPERTY AND CHOSSES IN ACTION", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 194) transmitting Senate Bill No. 1464, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY AND LITTER CONTROL", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 195) transmitting Senate Bill No. 1472, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN POSITIONS IN THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 196) transmitting Senate Bill No. 1479, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 197) transmitting Senate Bill No. 1489, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTERING", which passed Third Reading in the Senate on March 16, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the above-mentioned Senate Bills passed First Reading by title and further action was deferred until tomorrow, March 18, 1977.

THIRD READING

H.B. No. 892, HD 1:

Representative Suwa moved that H.B. No. 892, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Suwa, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of H.B. No. 892, HD 1.

Mr. Speaker, we have followed a prudent course in the recommended budget. It does not call for any tax increases. The national policy of the Carter administration calls for a tax reduction, rebates, and other proposals to stimulate the economy. I do not think it is wise for the State policy to be counter to the national policy. Our basic premise, therefore, is that programs must be funded within existing revenue sources.

The budget before us tonight reflects a strong sense of legislative priorities. It restores to needed levels, those programs which were experiencing hardship by austerity. It authorizes new programs only in cases where they are clearly needed. It expands some programs where the evidence is clear that public benefits will accrue. And where the benefits are questionable, programs are held to current service levels and, in some cases, contracted.

The subject matter committees of this honorable body have played an important part in shaping the budget before us. Many of their comments are to be found, not only in the budget itself, but also in the guidelines specified in the committee report.

I wish to thank all of my colleagues and their staff for participating in this budget. I also want to extend a special mahalo to all Finance Committee members, who with their patience

and hard work, brought this budget before us tonight.

I urge all of you to support this bill.

Thank you."

Representative Evans, speaking in opposition to H.B. No. 892, HD 1, stated:

"Mr. Speaker, my reasons for opposition are numerous, particularly in the area of education; an area where we have a multitude of problems - not the least of which is the inability of so many of our high school graduates to adequately perform in the basic 3 R's. With this bill, we compound the diverse educational problems we face with arbitrary budget cuts that show little regard for the needs of our students and our young people.

The Administration and the majority caucus, in all their wisdom, have seen fit to eliminate funds that will drastically cut programs and staffing at all levels of our educational system. In the last decade, the phenomenal growth in our State, and the revenues which flowed in allowed the expenditure of funds for any and every kind of program this Legislature was moved to initiate. Today, we face a financial picture that casts a pall of gloom over this body and it is in a panic to 'make ends meet' and at what future cost, I ask?

Fiscal responsibility is incumbent on us as elected representatives whether the money is flowing in or out and I regard the responsibility of the public's trust and taxpayers' money as sacred. Because we face financial constraints, yes, we must set priorities, but it ill behooves this body to make the deletions in education which is, and will continue to be, the number one priority any state faces - this is the very foundation upon which our future is built. Our young people - they have been had, ladies and gentlemen. It is a tragedy when our young must come to their legislators to beg a 'quality' education.

The education budget, as presented here in H.B. No. 892, HD 1, sanctions legislative interference with such incredible arrogance as to leave me speechless. However, Mr. Speaker, I recover rapidly.

There are a number of significant changes that I take exception to this evening.

The issue of governance is one which constitutionally is the prerogative of the Board of Education which, need I remind you, members of the House, was duly elected by the citizens of this State - as were you and I. With the Legislature usurping the function of governance, who then will be held accountable for the operation of the individual schools? The teacher? The principal? The district superintendent? The Board of Education? The Legislature?

Moreover, operationally, the allocation of funds from a central agency allows for the monetary requirements to be disbursed equitably and according to enrollment and teacher needs, location, range of grades and curricula. I'm sure you will agree, Mr. Speaker and esteemed colleagues, that a high school does have different demands from the grade school.

I do not take issue with an individual school being given the flexibility to meet the program needs of their own students. I have long been a proponent of allowing the principals and teachers of each school, with their ability and resources, to develop curriculum addressed to their own unique needs and have also introduced legislation to reflect this belief. School by school budgeting is not the vehicle by which to make this allowance. School by school budgeting will result in a return to the competition for dollars and a 'preferential treatment' system which will yield a blatant misuse of funds on a grand scale, depending on 'who you know' and how well 'you know who' and how firmly entrenched you are in the system.

It may lead to such inequitable and discriminatory use of dollars for additional programs such as we find in the biennium budget submitted by the Senate in which we find our esteemed colleagues across the way attempting to appropriate \$180,000 to subsidize private language schools.

In our own House budget, \$33,933 is appropriated for the intensive language drill masters and is to be found on page 48 of this 'marvelously massaged work of art', otherwise known as the budget. There is an inequity here. And why not, Mr. Speaker, have language drill masters for Chinese, Hawaiian, Filipino and all other languages?

To continue, Mr. Speaker, the situation in some schools is so bad that it would be funny, if not so tragic. In a letter dated March 14, 1977, from the Hawaii PTA, and I quote, 'For several years now, we have heard of insufficient

textbooks statewide. The most recent instance of severe textbook shortage was reported to me (the President of Hawaii PTA) on March 12. With about one-half of the year to go, the teacher has only nine textbooks to serve 125 students. This situation is painfully acute, particularly on the island of Kauai. If you were to poll teachers across the State, I think that you will find that the Kauai incident is repeated many times in all districts.'

My position on the 3-on-2 class structure has been stated frequently and publicly. The decision to kill 3-on-2 is a tragedy of vastly unknown consequences with the victims being, once again, our children, and the agents being the members of this body.

Mr. Speaker, permit me to quote directly from H.B. No. 892, HD 1, as it describes what will be done with the positions made available by the elimination of 3-on-2. I quote: 'Such positions may be used for tutors, resource teachers, teachers of small groups, teachers of certain groups of students such as those with limited English-speaking ability, teachers for those students with special talents or interests, teachers for those experiencing difficulties in the basic skills,' and on and on and on.

My distinguished colleagues, consider that description for just a moment of specialization. Stripped of all the excess verbiage, our youngsters will be overwhelmed by a barrage of specialists. Another word for specialization is fragmentation and, I submit to you, that this bill proposes to institutionalize a process of personality fragmentation whose implications we see everywhere but whose source escapes our understanding. No revolving door of system of specialists as proposed by H.B. No. 892, HD 1, and which, in a way, is the introduction of special interest group legislation into the lives of our young, can possibly substitute for what 3-on-2 represents.

Sitting in on our committee hearings, what is the one recurring theme that rears its ugly head? Our problematic adolescents - a group of alienated, fragmented, frustrated youngsters. Just last night, we heard statistics about the appalling extent of juvenile crime. Earlier, in the House Education Committee, we heard testimony of school vandalism, of beatings, of endemic truancy. We pass bills

responding to each of these problems as they occur and, in so doing, we are treating the symptoms only. The real problem lies in the fragmentation characterized by our increasingly specialized society and the frustration and alienation that is the result and that so often culminates in violence.

This, Mr. Speaker, is what we must look forward to with this bit of legislation called the budget.

Beyond this, what is to happen to the students at our community colleges and University of Hawaii? The indiscriminate reduction of funds at our secondary educational level is irresponsible.

Lack of funds means the termination of such traditional and necessary courses as English, European languages, Economics, History, Ecology, Computer Sciences, Anthropology, Biology, and the list goes on and on. Where will the students who are turned from the doors of the Manoa campus go? How will those students who need the slim earnings from on-campus jobs find work in the private sector or compete in a job market that is already flooded with the unemployed? For those who plan to go to a mainland school for graduate study, how will this affect their ability to compete on an equal basis with students from other schools?

At our community college level, delay or deletion of badly needed vocational education programs because of lack of funds will create a host of unemployed people who will add to our already swollen roll call of those without jobs. Furthermore, will this affect the ability of students to transfer to a four year college?

Fellow legislators, I find the injustice done to education in this budget horrifying. I urge you to consider very seriously the impact this will have on our State - not only its present needs, but the future well-being of the people of Hawaii. I ask you to join me in voting against H.B. No. 892, HD 1."

The Chair, at this time, requested "that the audience refrain from any kind of demonstration."

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

"Mr. Speaker, I have some reservations about a few of the items in the budget. But before I deal with those items, I would like to commend the hard-working chairman and members of the Finance Committee for the job that they have

done .

Mr. Speaker, I have some concerns about the item in the budget related to the school health program. I was on the School Health Advisory Committee of the Health and Community Services Council of Hawaii which brought this program into being. The responsibility of that committee was to develop a school health pilot program for the public schools in the State to meet the critical need for emergency health care for our school children.

Mr. Speaker, the approach is good; however, it has one significant weakness - it limits the complete implementation of the program to the elementary grades. It is praiseworthy that all elementary schools will be covered, but it is an omission of major proportions that the other grades are not included. Mr. Speaker and members of this House, every minute that passes that there is one health room in any school not manned to service the sick and the injured of our school population at the time they are in school should give us serious moments of concern. Now, in this instance, I am not talking only about the legal responsibility of the State to provide medical care for our children while they are in school, but I am also referring to our moral obligation to provide this service to our youngsters.

Now what about cost? The cost-benefit ratio for this program is one of the best for any program financed by the State. In support of this point, let me call your attention to a statement from Standing Committee Report No. 215, HD 1, HB 925: 'Testimony submitted by the Department of Health, Department of Education, parents and supporting organizations, as well as the public audit by the Legislative Auditor, indicate that cost-benefit studies have been uniformly positive. The cost per student is \$12.00 per year. This small investment has produced many benefits for parents of school children, the schools, as well as the school children themselves.'

Now, Mr. Speaker, so that there will be no misconceptions, let me make the following point: The chairmen and members of the Health, the Education, and Finance Committees are as much concerned about the health of the children of this State as anyone. The main reason the committees did not favor full implementation of this program, at this time,

is cost.

I'm also concerned about cost. But, Mr. Speaker and members of this House, one tragic medical case at any uncovered intermediate or high school could cost the State the equivalent of the cost for funding this program for all of the schools.

Mr. Speaker, we have allowed this problem to fester. Almost eight years ago, we initiated a pilot program to meet the emergency health needs of our school children. This is probably the longest pilot program in the history of this State. This program has waited in the wings too long. The time has come for us to act. The Department of Health, the Department of Education, parents, and other community groups are in favor of expanding this program to include all schools.

So, Mr. Speaker and members of the House, as a definitive indicia of our intent to join them, I urge you to support full funding of this program at the earliest possible date.

And now, Mr. Speaker, I have concerns about another item in the budget and it has been referred to by a previous speaker. It relates to the phase-out of the 3 on 2 program in our schools by 1980, provided that the 485 teachers and the 45 educational assistants are retained for other instructional duties.

The Board of Education voted to make the 3 on 2 program optional. If the Board's decision is followed, we can avoid several problems. Number one, we can avoid some of the added cost of phasing out 3 on 2. According to the Facilities and Services Branch of the Department of Education, 'our review of classroom utilization report submitted January, 1977 indicates a shortage of approximately 185-205 classrooms if 3 on 2 teams are phased out and the third teacher remains at the school.'

Mr. Speaker, the cost for providing this number of classrooms could be astronomical. Furthermore, according to the Department of Education, 'the facilities branch would need to make the necessary alterations to a maximum of 442 classrooms without folding doors. To alter a classroom could cost up to \$4,000.' Mr. Speaker, there are other costs to phasing out the 3 on 2 program, but I won't take the time of this body to mention them.

I am dismayed, however, at the thought that the phasing out of the 3 on 2 could cost almost twice the

cost required to fully fund the school health program in our public schools. Mr. Speaker, we have spent over \$10 million dollars to implement 3 on 2. We have spent thousands of dollars to study 3 on 2. Now we are planning to spend approximately a million dollars to phase it out. In my judgment, this is not a prudent course to take.

Now, Mr. Speaker, I have another concern. The Board of Education and I know there's been some reference to this. The Board of Education, an elected body, voted to retain 3 on 2 as an optional program. The action we are taking now is to phase out 3 on 2. In my opinion, this does present a problem of governance, and I will not elaborate on that because a previous speaker has touched on that point.

But, Mr. Speaker, there is another facet of the problem to phasing out the 3 on 2 program. The action we are about to take in passing this budget is going to put us in a position of making a major expenditure for the phasing out of 3 on 2 without knowing exactly how the alternative to 3 on 2 will function. According to the Superintendent of Education, the detail transition plan is due March 31, 1977. But, in my judgment, I don't see how the Superintendent can complete that detail transition plan since the Board of Education has voted to retain 3 on 2 as an optional program.

So, Mr. Speaker and members of the House, these are some of my concerns about some of the items in the budget, and it is my hope that in the days to come we may be able to address some of these concerns.

Thank you."

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

"I would like to confine my remarks to the area of lower education.

First, I would like to thank the members of the House Education Committee for the hard work and the efforts that they have put in in terms of formulating this particular budget. It's been a long and tedious grind and I thank the members for their efforts.

Also, I would like to thank the House Finance Committee and its chairman for not approving the

lump sum requested by the Department of Education, and concurring with the Committee on Education in adopting a new perspective for bringing about reform in the area of public education financing in the State of Hawaii.

Mr. Speaker, just as our citizens and constituents asked for a better school system in the State of Hawaii, they are also asking us for accountability as it relates to programs and financing of our public education system.

Hawaii's public school system, although statewide in scope, is nevertheless composed of individual schools, each with its own special strengths and weaknesses as it attempts to respond to the needs of the students of its community. To improve the system, your Committee has adopted the philosophy that the focus should be on the discrete units of the system called the schools. Our focus, then, has shifted from that of seeking improvements and applying resources to the Department of Education as a whole to that of encouraging improvements and providing resources to the individual public schools.

At the same time that we have focused on the schools in structuring our appropriations for lower education, your Committee has wanted to be sure that the skills in reading, language arts and math be taught well enough that our students acquire a sound mastery of the substantive skills which form the basis for so much of the school's curriculum. And since it is at the elementary level that the foundations of reading and math are laid, your Committee, in the current session, has devoted a good deal of its attention to the elementary level. This concentration, however, should not be interpreted as a lack of sympathy or affinity for the secondary level. Rather, we now hope that, having provided for some measure of prevention at the elementary schools, we can look forward in the next session to providing for improvements at the secondary level.

Your Committee believes that there is real potential for significant improvements in the public school system as we begin to look more intensely at the parts of the whole while, at the same time, maintaining a systemwide perspective where appropriate. Mr. Speaker, while we anticipate some problems in adjusting to this new focus, we hope that all departments and individuals involved will accept the spirit in which the new focus has been offered. It should be noted that it is your Committee's expectation that the College of Education at the University of Hawaii will be

one of the agencies assisting in implementing this focus and will continue to work closely with the Department of Education in the ultimate goal of both agencies, and that it is the improvement of public education in the State of Hawaii.

This change of perspective for the Legislature means that any retooling of the public school system should start from the bottom up with its emphasis on the individual school as the basic management unit of the educational system, rather than from the top down. To be sure, statewide leadership and administrative support are not only desirable but absolutely necessary to encourage school administrators, teachers, students and the community to fashion the kinds of schools which will meet their particular needs, but ultimately, what takes place in a particular school will depend on the sense of purpose, resourcefulness and creativity of the school itself.

Mr. Speaker this particular budget in education does not reduce any current service program in the DOE. It will not affect ongoing programs. We have placed money for expansion in some areas and we have given the schools, teachers, parents and the principals some discretion to decide the course of action for their respective schools.

I think that there are a number of questions that were brought up this evening with regards to governance. I think the Constitution clearly states the role of the Legislature in this particular governance of education and the role that we play in deciding public policy relating to appropriating funds for education. So, it is with these thoughts, these comments, that I express my appreciation to all members here and urge them to vote 'aye' on the budget."

At 8:42 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:45 o'clock p.m., the Vice Speaker assumed the rostrum.

Representative Suwa then rose and, upon being recognized, stated:

"While the memory is fresh in certain subject areas - in the area of school health services - may I remind the body that a few days ago, we

had passed a special major expansion of school health aide service to the tune of plus \$500,000 or more to this program, and this is in continuation of the school health aide program in the high school complex, intermediate and elementary schools.

What this bill does is to make sure that every elementary school is covered statewide.

The problem, Mr. Speaker, is not what the Legislature appropriates, but the misuse of funds by the school health assistant service administration in the area of nurses. The problem that exists is that rather than spend the money in the area of school health aid directly to the schools that the children will be contacting but it had spent some large sums of money in the nurses area; primarily instead of having the minimum qualification such as using the graduates that come out of our nursing schools rather than establish a three year experience necessary in order to get the nurses in this school complex.

By doing that, Mr. Speaker, most of the dollar allocation was spent in salary and they are using this area probably for their highest three, probably for retirement. They are getting somewhat in the area that they are getting tired in some other areas. They apply for this area because it is somewhat just make sure the complex in the school day is carried on.

Mr. Speaker, is that administration has to be careful in utilizing high salary personnel, with longevity, as to the really qualified passing on the job or the classification vs. the salary. It seems to me that they are using the high salaried personnel for this job. For that reason, we have stated in a special bill that they are to lower the requirement so that the graduate from a nursing school can qualify.

Thank you, Mr. Speaker."

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

"As Chairman of the Higher Education Committee, I would like to comment on those portions of the budget concerning higher education programs in the State.

House Bill No. 892, HD 1, includes \$102.5 million for fiscal year 1977-78 and \$107.3 million for fiscal year 1978-79 for the operations of the University of Hawaii system. As you are

all aware, these amounts are the same totals provided in the Governor's executive budget request.

I would like to point out, however, that the allocation of funds within each fiscal year total is not the same as the Governor's request. During the budget hearings, the University administration continually emphasized to us that the allocations proposed in the executive budget would have serious negative impacts on the operations of the University. The University administration further indicated that they were unable to make appropriate changes since they had a three-day time limit to react to the Governor's reduced budget, and I repeat, a three-day limit.

The University finally completed and submitted its reallocation plan to the House at the end of February. The University's reallocation plan reflected adjustments made among programs within each campus' allocated ceiling based on the assessments made by each campus on operational needs and program priorities. Both the Finance and Higher Education Committees agreed to use the reallocation plan as the base budget because it reflected the University's analysis of its budgetary needs and the Legislature can, therefore, hold the University accountable for its expenditures, and I repeat, we can hold the University accountable for its expenditures.

Mr. Speaker, the Higher Education Committee adjusted the reallocation plan by transferring funds budgeted for vacant non-instructional positions at Manoa Campus and in the University's systemwide office to enhance the instructional and organized research programs at Manoa Campus. In addition, the Finance Committee made an adjustment by delaying the filling of new positions at various campuses and transferring the resultant savings to the instruction program of those campuses.

Overall, the prevailing concern of both committees in developing the budget has been to streamline administrative costs in order to provide more funds to instruction and library services. Over \$600,000 was transferred to instruction and \$1.2 million was transferred to academic support to provide for needed library acquisitions and funds for Hamilton Library Phase II.

Mr. Speaker, there were several programs which were not included

in the Governor's budget or the University's reallocation plan, thereby threatening the continuation of such programs. To insure the continuation of important programs such as the allied health programs at Kapiolani Community College, the Marine Option Program, University Without Walls, Center for Labor Education and Research, Continuing Education for Women and athletic programs other than football and basketball, several bills totalling approximately \$1.1 million for FY 1977-78 passed Third Reading in this House a couple of days ago. While my Committee members and I had hoped for more supplemental funds, I feel that this amount should be viewed as a beginning. Hopefully, more funds can be appropriated for these and other programs next year if the financial situation takes a positive turn.

Mr. Speaker, we are all committed to a quality higher education system for our State, and the conservative budget amounts for the University should not be misconstrued as a lack of commitment or an unsympathetic assessment of the University's needs. I realize that many of us still feel that more money is needed to support the University if we intend to maintain a quality higher education system for our State. However, the total financial picture of the State had to be considered in determining the University's share of the budget.

Mr. Speaker, it is always difficult to pass an operating budget when the State's economy reflects conditions such as high unemployment, slow economic growth, and a rising cost of living. This year seems even more difficult because, as policymakers, we realize that our State departments are struggling to maintain their current level of services after five years of fiscal austerity.

The negative effects of the University of Hawaii's reduced budget, Mr. Speaker, have been widely publicized. Perhaps even more than other State departments because of our traditionally strong commitment to public education. I think what we fail to realize is that all State departments have suffered and, as lawmakers, we have tried, within the constraints of limited funds, to allocate funds in the most equitable and fiscally responsible manner.

The overall fiscal demands of the State make the task of balancing the higher education budget more unpleasant and difficult this year.

Mr. Speaker, as Chairman of the

Higher Education Committee, I think that H.B. No. 892, HD 1, represents the efforts of each primary committee in determining funding requirements for the operations of the State departments. More importantly, Mr. Speaker, H.B. No. 892, HD 1, represents the earnest efforts of the Finance Committee to develop a realistic operating budget which meets the needs of our citizens and balances each committee's request with the available funding resources. True, Mr. Speaker, this budget does not accommodate all our needs, but it does prioritize them within the State's monetary constraints so that every sector of the State's population is provided for.

I am indeed happy, Mr. Speaker, to cite, at this time, a concern that is expressed in the committee report - which accompanies the budget - and I would like to read a section of the committee report: 'Your Committee feels that the University should begin its search for personnel cost savings at the administrative level. The University presently has a large number of top-level administrative personnel and your Committee believes that there is a need for streamlining in this area. The University is therefore directed to review all administrative service requirements and to make necessary workload adjustments. Further, the University is requested to refrain from acquiring additional top-level administrative personnel and to reduce the number of administrative personnel through attrition.'

Mr. Speaker, we have attempted to solve the problem at the University of Hawaii. We have not entirely solved the problems at the University, but I believe, Mr. Speaker, at last, we have taken the right step in the right direction. Consequently, Mr. Speaker, I urge all of my colleagues to vote with me in favor of House Bill No. 892, HD 1."

Representative Abercrombie then offered the following amendment to H.B. No. 892, HD 1:

"SECTION 1. House Bill No. 892, H.D. 1, is amended by substituting the following figures:

(1) Page 51, item 21 delete \$35,395,489A, \$36,773,532A, and \$72,169,021A and substituting therefor \$36,010,378A, \$37,316,651A, and \$73,327,029A, respectively.

(2) Page 52, item 27 delete

\$3,812,787A, \$3,910,217A and \$7,723,004A and substituting therefor \$3,932,346A, \$4,027,806A, and \$7,960,152A, respectively.

(3) Page 53, item 37 delete \$2,545,219A, \$2,649,348A, and \$5,194,567A and substituting therefor \$2,555,346A, \$2,664,982A, and \$5,220,598A, respectively.

(4) Page 54, item 52 delete \$1,284,835A, \$1,344,567A and \$2,629,402A and substituting therefor \$1,299,435A, \$1,359,167A, and \$2,658,602A, respectively."

At 8:59 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:01 o'clock p.m., Representative Abercrombie moved that the amendment be adopted, seconded by Representative Uwaine.

Representative Abercrombie then explained the amendment as follows:

"Mr. Speaker, I have offered an amendment. If the members will be so kind to address their attention to it, on pages 51, 52, 53 and 54 of the budget, the various numbers there. So as to expedite the matter, I would simply like to indicate that the total amounts on that budget will restore the amount that has been deleted from the Governor's budget for instructions in the University system - some \$1,470,852.

Mr. Speaker, there is no question in my mind that the situation that now exists at the University, and I'm an alumnus of that University, is such that we would be failing in our duty if we did not restore the instructional money in the Governor's budget.

Mr. Speaker, the original budget that was to be presented to the Regents and to this body was for some \$114 million. Consequent to that, the Governor produced a budget of some \$102 million plus - far below what is needed for the minimum standards of the University.

Mr. Speaker, that budget of \$102 million, the Governor's budget, would have an impact on the University system - just at Manoa alone, in which financial aid and work-study would suffer; it would cancel twelve sections of English, affecting 150 students; it would affect European languages; ten economic courses; there would be permanent stop to the Soviet Union and advanced European History courses;

the only Hawaiian history course may not be taught; six international law courses would be dropped; Indonesian language offering will be stopped; there will be reduction in the Hawaiian and Hlocano language offerings; three sections of required computer science will be dropped; in ethnic studies they will cancel Chinese and Black studies in Hawaii, affecting 80 students; freshman biology will be cut by 200 students; there will be curtailment of ethnic music and dance instruction; required freshman composition will be dropped by fourteen sections and 350 students will be cut; there will be no more students accepted in the surgical nursing graduate program, as two basic courses will be dropped; the Japanese language course will be dropped by 200 students; introductory anthropology will be cut in half and 100 students will be eliminated; math courses will be eliminated so that 300 people will not be allowed to enroll. That, Mr. Speaker, is with the Governor's budget, instructional budget of \$102 million. This budget proposes to cut that budget further by \$1.6 million.

Mr. Speaker, it is unconscionable that we should be saving in this budget some \$5.1 million, and for 31% of that cut to come from one item in one section of the budget - instruction in the University of Hawaii system.

Let me detail for you, Mr. Speaker, exactly what that entails. The University of Hawaii at Manoa will suffer \$1,158,008 in cuts; the University of Hawaii at Hilo will suffer \$237,148 in cuts; Kapiolani Community College will suffer \$26,031 cuts; Maui Community College will suffer \$29,200 in cuts. This is the kind of systematic destruction of the instructional system at the University of Hawaii which is causing us the grievous circumstances that we have today.

I think it cannot be disputed that in circumstances such as this, that at the very minimum, the instructional budget must be restored - at the very minimum. It is grossly unfair to ask one section of all of the departments of the University, one section of all of the departments of the State government to suffer fully one-third of the cut, and more when you include the Western Interstate Exchange Program that has been cut \$171,000 for the biennium. That means our students who want to go up to the mainland need to go up to the mainland in order to pursue their education

because we do not have offerings here in Hawaii. That is to say, they have no choice. Those funds are cut in the second year. If they are added in, the amount is 35%. It is unconscionable to me that at a time when we consider cutting 35% out of the University's instructional budget, we are, at the same time, boosting for the Department of Planning and Economic Development the tourism budget by \$493,208 to over \$4.6 million. We are going to give the tourist industry \$4 million and increase it by almost one-half million dollars, which we deprive our own. These companies are owned by the outside, and we do in our own.

I bring to your attention, Mr. Speaker, that in this budget there is a budget item for Leeward Community College. I bring it to your attention, there is a budget item for West Oahu College. Let me edify the members of this House as to what it is I am seeking to restore in terms of equity. Just within the Governor's budget, if you take the instructional budget for West Oahu College and Leeward Community College, you will find that two and one-half times the amount of money that is spent on a Leeward student is spent on a student at West Oahu College: for every dollar spent at Leeward, \$2.50 is spent for instruction at West Oahu College; for every dollar spent spent for student services at Leeward, \$3.30 is spent at West Oahu College; for every dollar spent on institutional support at Leeward Community College, \$6.00 is spent at West Oahu College; for every dollar spent for academic support at Leeward Community College, \$6.80 is being spent for West Oahu College.

There are 6,000 students at Leeward Community College. There is a budget item listed in this budget for increase of vocational education program at Leeward Community College. It is blank. There is an item for continuing education that is blank. There is an item for athletic programs, including women's sports, including non-income sports, and it is blank. There is an item for a center of labor research. It is blank.

I want to emphasize to the members that this will not be a supplementary appropriation. If we pass this and go into conference, it will be program versus program. Any dollar that goes into those blank amounts will have to compete with the dollars already in the existing side of the University budget. And that budget will already be \$1.6 million below what it needs to be if one includes the WICHE program.

You can see it all on pages 51-56 in the budget.

There is no question in my mind, at this time, that some of the points made by the chairman are so. System-wide, in the University, there are 270 positions in the top echelon.

Yes, we can cut this budget, and I would be delighted to see this budget cut. I would be delighted to see the chancellor's office of the community colleges eliminated tonight. I would be delighted to see all the associate and assistant deans eliminated tonight. I would be delighted to see the department chairmen, division chairmen, institute directors be able to deal with the deans and the provost of their schools directly so that we can have a system of governance which directly responds to faculty and student needs and a system of governance that can present us in the Legislature with a true picture.

By failing that, at the minimum, I ask that we go into conference with the Senate with at least the flag flying of the Governor's budget.

The University indicated to us in no uncertain terms that \$114 million was the minimum with which they could operate. The Governor came in with less. Now we are in the position of fighting to get up to the Governor's budget.

I'm asking for simple equity. I'm asking for simple fairness to the students who are taxpayers in this State. Don't forget, my friends, that the days are long since past when the majority of students were rich people's sons and daughters who could go to school without having to worry about their tuition; without having to worry about whether their expenses would be met.

Remember that the average age of the student in the community colleges is 26 years. Remember that the average age of the student at West Oahu College is 34 years, and for good reason, because it is the adult learner, my friends, who are the standard for students these days. Education is becoming a life-long process. We are discovering, as a result of inequities in our high school system, elementary and intermediate school system, that we are graduating students who are unable to read sufficiently to enable them to take part in the community college courses which require only a 10th

grade reading ability.

At Leeward Community College, now, almost 40% of the entering students must take remedial English to raise them to the level of the 10th grade. These are the situations I'm trying to address by asking you to consider this amendment in the spirit within which it is being offered, not as a rebuke, not as a divisive argument.

I recognize the circumstance of the revenue picture. I have made my representations to you in the various committees as to what I think would enable us to move forward in the revenue side. We have not chosen to do that just now. Perhaps that will even come out of conference; it may even come out of the Finance and Ways and Means conference."

Representative Suwa, on a point of order, stated:

"Well, to conform to the House Rules, I shall yield my last ten minutes to my honorable friend there."

Representative Abercrombie continued, stating:

"Thank you, Representative Suwa. I hadn't realized I had spoken ten minutes."

The Chair commented:

"You spoke a little longer than ten minutes, but you have another ten minutes."

Representative Abercrombie went on, saying:

"Well, there's a good deal to speak about - \$1.6 million to speak about.

If you will indulge me another moment or so, Mr. Speaker, I think I can conclude.

When I stated that we had these problems in the community colleges in the University of Hawaii itself, in which we have circumstances where we have juniors and seniors taking freshman composition, I cite these things to you not lightly, my friends. And, as I said, I bring this amendment to your attention not in rebuke, not as a divisive nature, but to give us the opportunity to come in with at least the Governor's budget, in terms of instruction, so that when we enter into the conference committee we can assure not only the students and the faculty and those administrators in the University who are doing a job, but the taxpayers as a whole that

we are concerned about this most fundamental of resources within the community. If we undermine this resource, we undermine the future of the State. That may be easy to say, it may sound restricted, but I ask you to look at it and I think you will find that what I have just said is the truth.

This is the most fundamental resource that we have in the State - our intellectual and technical capacity. If we do not support the community colleges, if we do not support the University, if we do not support our graduate divisions, we undercut the very future that all of us are in here to serve. So, I ask you, not as a matter of partisanship, not as a matter to be considered as in any way, shape or form critical of the process by which people made the hard decision that brought the budget before us, but rather a recognition that it is always in order to think about what is being done, and prior to the passage of any bill, to consider and consider seriously whether we are on the right course. I think this amendment is the right course and I ask your support."

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

"While it is true, Mr. Speaker, that the reallocation of funds made by the University of Hawaii, as I stated, that was submitted to us in February of this year, there is reflected in the reallocation of funds some \$1.7 million reduction in the Manoa campus in the area of instructional services as compared to the original amount as proposed in the executive budget.

The University had reallocated those funds, as I stated earlier, primarily in the area of library services to meet other current expenses, to organize research, to help assist the women's athletic program which was not originally funded in the budget, and also to assist in the printing of catalogs. These are the areas where the funds were reallocated to.

One of the problems in the past that the University had encountered was the fact that due to fiscal restraints, they had to reduce the B and C accounts, which is notably the operational and equipment accounts. Consequently, adjustments had to be made to restore, for Manoa campus in particular, a better position so that they can

operate at this particular level.

We were so vitally concerned, that is both the Higher Education Committee and the Committee on Finance, about this \$1.7 million reduction in the Manoa campus, especially in the area of instruction. So, this is why, as I stated earlier, Mr. Speaker, we had restored the sum of three hundred and some odd thousand dollars for the first year to the area of instructions, and another three hundred some odd thousand dollars, Mr. Speaker, for the next year of the biennium, to be able to reduce the amount to \$1.1 million. This is something that I think the Committee on Finance and the Higher Education Committee had done and a step that was in the right direction.

More particularly so, we were concerned about the courses being dropped, and, consequently, we had recommended and stated officially in the committee report that the University administration consider personnel cost savings by increasing faculty workload and possibly class sizes before proposing the elimination of class courses. We further stated that the committee recommends that the University administration monitor faculty workload at the four and two year campuses to determine effective utilization of faculty resources and make proper adjustments wherever needed. We had also stated, Mr. Speaker, in this regard, and that is the concern of instructional services being reduced, that the educational improvement fund provided to the president of the University of Hawaii of \$1.2 million, as reflected in this budget, that \$603,532, which includes forty-nine positions for the first year of our biennium, that is FY 77-78, and \$643,651 - here, again, reflecting forty-nine positions for FY 78-79 - to be used for the educational improvement funds; and I quote, Mr. Speaker, the section of the proviso, Section 53: 'provided further, that priorities shall be given to existing undergraduate instructional programs and areas of selected excellence in instruction, research and public service throughout the University system; provided further, that a status report shall be presented to the 1978 and 1979 Legislatures'. We were vitally concerned, Mr. Speaker, about this great problem and this is why we had taken these particular steps to help alleviate these types of problems.

Mr. Speaker, it is true that we would like to do as much as we can to assist the operations of the University. We have started with the Governor's budget. We have gone along with

the allocations made by and recommended by the University administration. The onus is on their back when we adopt this particular budget because of the fact that now we can hold them accountable.

For these various reasons I have stated, Mr. Speaker, I think at this time we should vote down this particular amendment, recognizing that there are other very vital needs in the State that we have to give consideration for.

Thank you, Mr. Speaker."

Rising in rebuttal, Representative Abercrombie stated:

"Mr. Speaker, I had not intended to make a case about the educational improvement fund. I had hoped that we could deal with the amendment regarding instructional situation on its merits per se. But, as the chairman has pointed out, there is no denying that there is an integral connection between the educational improvement fund and teaching and improvement of institutions.

Mr. Speaker, I wish to be very clear because some of the members in the House may not realize that there is something called an educational fund. It was originally presented to us in the system-wide support for the University by the president at \$1,614,008; it has been reduced to \$1.1 million. I want it very clear to the members of the Legislature that the president of the University may spend this \$1.1 million in any way he sees fit, because the language is such: improvement of instructions, evaluation of teaching, improvement of lower division instruction, areas of selective excellence - phrases like this that he virtually has complete power over \$1.1 million of the budget to do as he wishes.

Yet, before us, previously, in the Governor's budget, was the allocation of \$1.158 million at Manoa, plus the other figures coming to \$1.474 million that delineated exactly what the money would go for in terms of instructional needs of the faculty and students, as determined by faculty/student input. What will happen now, and I want this clear, is that if you have the approval of this budget as is, the \$1.1 million will be in there for the president. But it was in there anyway. It was part of the original budget. It is not added as a substitute for the \$1.6 million that we are withdrawing

under instruction and WICHE. It was in the original budget. It has only been reduced. That's all. That means we gain nothing, even with the president's fund in there. And even if you agree that the president should have over a million dollars to play with for academic instruction, it will not relieve us of the burden that brings me to rise and offer this amendment - mainly, we are still \$1.6 million behind. It should be on us to make that decision. Otherwise, lump sum the University; lump sum education. Why do we meet? We meet because we are supposed to be judging and setting policies. What we are saying is, except in this area, Mr. President of the University, you can make the policies - don't bother us. But we say to the faculty and to the students, your needs, as embodied in the instructional budget, on a line item budget, your needs will not be met. Yours do not count. Yours do not bear the same kind of consideration even though as a Legislature we know what those positions are for.

We know how that money is going to be spent. We know who is going to get it. We know the classes. We know the instructors. But, with a million in the educational fund, the president can do anything he wants, anytime he wants, without asking us for anything - institute any program; do anything he wants - because of the broadness of the language. Doesn't this give him that kind of discretion? We've already seen how he runs the athletic program. That's run the same way. I don't think we want to do that.

And, I might add, in conclusion, it's easy to scapegoat the faculty. Easiest thing in the whole world to talk about tenure. Other people talk about job security and nobody mentions that as a bad phrase. Some of us would even like to have it in here; nobody talks about job security. But if you talk about tenure, that's a dirty word. I'll tell you why - because the faculty are the easiest in the world to nail, easiest people in the world to get at. And, yet, the faculty have lost hundreds of positions in the last five years. You want to talk about cutting, you want to talk about cutting back, the faculty has lost hundreds of positions from retirement, not filled, vacant; hundreds. Lecturers are trying to fill the gap, and they're going to cut the lecturers too.

Just think, all that impact I mentioned to you before is going to be compounded by \$1.6 million more on top of the

impact that I recited to you. Do you truly, really, honestly want to hoist that off on the University and on the students and at the faculty? Do you truly, really want to do that?

I say this, the faculty has paid its price in instructional cuts. The organized research faculty is bringing in \$35 million a year into this State right now. And that money is spent here in Hawaii - thirty-five million dollars a year. The same people we revile so easily are producing \$35 million - hundreds and hundreds of jobs, as a result of the research that they are undertaking in the institutes that they have set up here.

We have a teaching faculty in some areas of the University and the community colleges that are second to none in the country. That is why the community colleges were chosen to do the curriculum work by national grants last year, especially at Leeward.

So, what I am asking for is support for this system. Let's not derelict it. Let's support it.

I would like a roll call vote, Mr. Speaker. Thank you."

Representative Ushijima then rose on a point of clarification and stated:

"Mr. Speaker, reference was made by the previous speaker about the educational improvement fund and insinuations were made as if it were something new. The Legislature, last session, had granted the President of the University of Hawaii the authority to have six hundred some odd thousand dollars at his own discretion to dispose, to improve the University system of operations.

Most of those funds were utilized to offset shortcomings in the B and C account areas. And this is why I would like to point out at this time, Mr. Speaker, that we were concerned about the utilization of this educational improvement fund. Consequently, we had provided provisions over the utilization of the educational improvement fund geared to assist in accounting the shortcomings in the areas of instructional services.

Thank you, Mr. Speaker."

Representative Blair then rose and, upon being recognized, stated:

"I would like to speak in favor of the amendment, but before I do that, I would like to get a conflict ruling. As I understand it, some of the courses that would be restored are offered on an interdisciplinary basis with the school which I attend."

The Chair ruled: "No conflict."

Representative Blair thanked the Chair and continued, stating:

"I rise to speak in favor of the amendment. I wish I had known that this amendment was going to come up. But even so, I would like to react to it rather quickly, and in so doing, I would like to extend my apologies to the chairmen of the respective committees for not giving them notice in advance.

However, I think Representative Abercrombie has made some good points. Unfortunately, I do have one reservation about the amendment. And that is although in his statements Representative Abercrombie alluded to the question of West Oahu College, I wish that this amendment had included, at the same time it added the \$106,000 to the instructional programs at Manoa, Hilo, Kapiolani and Maui Community Colleges, that it had also deleted \$1,117,905 going to West Oahu College.

I do that in the spirit of fiscal responsibility. I don't want to pad the budget with another \$1.6 million without taking a little something away somewhere else. And West Oahu College looked like the prime candidate, at least in my opinion.

So, I would urge all of my colleagues to vote in favor of this amendment, secure in the knowledge that if it does pass in the last couple of minutes, I whopped up a little amendment to wipe out items 62, 63, 64 and 65 on pages 55 and 56 so that we don't end up with a heavy budget.

Thank you, Mr. Speaker."

The motion to adopt the amendment was put by the Chair and failed to carry by a Roll Call vote of 15 ayes to 35 noes, with Representatives Abercrombie, Ajifu, Blair, Campbell, Carroll, Cayetano, Cobb, Evans, Fong, Ikeda, Kamalii, Say, Toguchi, Uwayne and K. Yamada voting aye, and Representative Takamura being excused.

Representative Blair then offered the following amendment to H.B. No. 892, HD 1:

"SECTION 1. House Bill No. 892,

H.D. 1, is amended by deleting:

- (1) page 55; items 62, 63, and 64.
- (2) page 56; item 65."

Upon reconvening at 9:42 o'clock p.m., Representative Blair moved that the amendment be adopted, seconded by Representative Carroll.

Representative Blair then explained the amendment, stating:

"Mr. Speaker, I tend to be quite conservative fiscally and so it was with a great deal of reluctance that I supported Representative Abercrombie's motion to pad the budget. However, it is with no reservation whatsoever that I urge the members of this body to repeal those sections of the budget dealing with West Oahu College.

The only thing I would like to point out is that when we add money to the budget we have very little assurance that that money will ever be spent; and when we take it out, we know it won't be. So, I would really hope that we would all get behind this because we know it will not fail if we just give it our support.

Thank you, Mr. Speaker."

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

"The only regret I have voting for this amendment is that it doesn't include the Medical School and the Law School and half the University administration."

Speaking against the amendment, Representative Ushijima stated:

"Mr. Speaker, the Committee on Higher Education had deliberated this question during the discussion of the budgetary request of the University of Hawaii and it was felt then that the present two-year operations at the West Oahu College is what we can live with at the present time. Further expansion of the West Oahu College question is to be discussed when future campus development needs are presented to the Legislature.

Consequently, this is why we had recommended that the West Oahu College be provided with these sums of money as expressed in the budget before us. It reflects, Mr.

Speaker, fifteen personnel for the West Oahu College. That is the present total number of personnel assigned to West Oahu College. It reflects, Mr. Speaker, a budget of \$1.2 million for a two-year period (FY 77-79) and which expresses our intent of holding West Oahu College without any growth to the present level and provide the services as a two-year campus to the students attending West Oahu College.

It is true, Mr. Speaker, that the enrollment is not as that anticipated. Consequently, this is why the Higher Education Committee and the Finance Committee have taken it upon themselves to keep the level of spending to this particular budgetary limit of \$1.2 million rather than adding on additional sums of money for more personnel.

It should be noted, Mr. Speaker, because of the fact that there is a lot of misconception about West Oahu College, that it is a two-year campus for the upper students, the juniors and seniors, in this State, attending the University of Hawaii. To enroll at West Oahu College, you must have at least 55 credits. Perhaps this is one of the reasons why the University is having some problems in increasing the enrollment.

Testimonies presented to the Committee on Higher Education, Mr. Speaker, were highly in favor of the retention of the West Oahu College as it is presently. And for that matter, also, there were a lot of supporters who had encouraged the full development of a four-year West Oahu College. We have deliberated on this particular issue time and time again and this is why the Committee had taken this particular position of holding West Oahu College as it is.

I urge all of my colleagues of this honorable body to vote against the amendment.

Thank you."

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

"Mr. Speaker, the question of West Oahu College has been before this body for many years. There were those among us who fought against the West Oahu College coming into being in the first place, and many of us who did it, did it with the idea in mind that somewhere down the road, we would be extended beyond the fiscal capabilities of this State. And as they say in the College of Agriculture, 'our chickens have come

home to roost'. We're faced with that now.

We're faced with trading off what amounts to a wish or a desire of some of the members of this legislative body against the academic excellence of the existing University and the University programs. I think that this is one area where it is not too late to make a significant cut. It's an area where we can move into without really doing any harm and the money that is saved there can be put into the University where it rightfully belongs in the first place.

And it is very rare that I ever rise to speak in favor of a Democrat amendment. In fact, this is the first time in seven years, and I would urge that all members vote for this amendment.

Thank you."

Speaking in favor of the amendment, Representative Abercrombie stated:

"Mr. Speaker, if you will recall, the amendment which just failed did not touch West Oahu College. It did not touch its budget \$1.00.

Everyone in this room knows that I opposed West Oahu College in a four-year configuration, but I did not touch that budget. I didn't try to make some trick move to try and cut the funds or anything of that kind to cloud the issue. The funds that were included there in the budget were left there, and I pointed out, in the course of my commentary, what inequities I thought existed in the kind of spending that's going on in West Oahu College. But, again, I did not dispute it because I thought it was unfair, at that point in the instructional budget argument I was making, to raise that issue.

You may recall also, Mr. Speaker, I spoke about the average age of the people in West Oahu College as being 34; indicated that those of us who had opposed the school in a four-year configuration had stated more than two years ago that we believed the average age of the student at West Oahu College would be in the late 20's or early 30's because it was the adult learner who needed the work, who needed the opportunity.

I think those of us who have opposed West Oahu College in the past have

never opposed the people in the area; never opposed the program delivery. As a matter of fact, Mr. Speaker, those of us who have opposed the four-year configuration have offered time and time again to sit down and talk about program delivery; to talk about bringing upper division education to the people where they are; offering the kinds of courses that West Oahu College now offers in a traditional college setting, in a combination of the University Without Walls, which now sits without a dollar figure, and other kinds of conceptions of modern educational delivery systems which could utilize most effectively the resources, intellectual and otherwise, that we have in the State.

You may recall that I have indicated that we could utilize the facilities at Leeward Community College in terms of land for this, if necessary; perhaps even buildings, but emphasize programs and not the creation of academic empires.

It may be an upper division college today, competing for the attention of the public to enter it, but we need not look any further than the last Regents' meeting to find that suddenly appearing is Chancellor Miwa with his dormitory idea. Now, this school is supposed to be for the people in the Leeward area. Now, those of us who pay some attention to constitutional principles know that that's illegal; that you cannot build a college and restrict it in some kind of boundary. This is not the beginning of the Franco-Prussian War, I trust. I don't believe that I need a tourist visa to go into the Leeward area. I didn't need one when I taught at Leeward Community College. They were happy to have me out there. They even paid me on time - after I complained. I was delighted to go there and teach. And I would be delighted to be able to deliver a course, should it be presented to people in the West Oahu College system, an upper division system, a Hawaii State college system, a degree granting institution. They would go, not just to West Oahu College, but would go to Molokai, go to the Kona Coast, go to Hanapepe, go all over the State where people are who need the delivery system of higher education, who need and desire the capacity to improve themselves educationally and move away from the traditional empire building that Chancellor Miwa now proposes.

I would point out to you that at the present time, excluding those people who have dropped out of West Oahu College, that is to say, just taking

the figures of original registration, that there are only 56 students with twelve hours or above. There are 21 students with 15 hours or above. That's all. That's all that can be expected at this time.

Given the circumstances in the Leeward area and given the make-up of the population desiring that education, we should be going out to the people in Leeward and offering them the education that best suits the needs of the people in that area, not the elite and not the few with sufficient money to go and pay the high tuition.

West Oahu College will now accept AA degrees from the community colleges - 55 credits. Yet, the University is doing its best to keep these people from being able to transfer from community colleges into Manoa. Does that tell you anything? They are trying to force people into West Oahu College. They are trying to keep them out of Manoa and down at West Oahu College because they won't be able to get into Manoa while they will be able to get into West Oahu College and, therefore, they are limiting the kinds of course offerings that people can get in the Leeward area because West Oahu College is incapable of delivering the courses that are now available up at Manoa - engineering, teaching degree, public health, medicine, law, all the graduate areas, geophysics, genetics, all the spin-offs in the undergraduate areas. There will never be a duplication of the Hamilton Library situation. Never. There's no way that we can duplicate these facilities. No way to duplicate these course offerings.

So, if we pass the amendment, I will vote for it now. As I indicated, I was willing before to say let's just bring up the instructional levels for everybody else up to even - up to the Governor's budget - and leave West Oahu College alone. It's all right with me. I'll fight my fight as best I can, trying to make my points loudly in the area, speak what I know to be the facts and hope for the best. But, under these circumstances, when we can't offer the rest of the State, not Oahu, the rest of the State, we cannot even offer them the already cut Governor's budget; under those circumstances, I have no choice but to ask for the elimination now of those funds for West Oahu College.

Thank you."

Representative Blair, upon being recognized, stated:

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

Mr. Speaker, I am not a member of the Higher Education Committee. I didn't have the benefit of the hearings this year. That's primarily due to the fact that I've switched to Judiciary inasmuch as I couldn't bear to listen to Representative Abercrombie berate poor Dr. Matsuda until 2:30 every morning for two more years.

But, a lot of the arguments that we hear today are the same arguments that I heard two years ago when I first joined the Higher Education Committee, and those arguments are that we need the source of educational opportunities in Leeward, Oahu.

I would like just bring up one more point that Representative Abercrombie touched upon and that is that now we are hearing about the student housing at West Oahu College. If that doesn't put this nonsense to the lie, Mr. Speaker, I don't know what ever will.

I would urge my colleagues that we nip this in the bud. The million dollars that we save today is going to mushroom into God knows how many millions of dollars somewhere down the road, and I would rather not have to try and tackle it then, and I urge their support.

Thank you."

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

"West Oahu College has been the scapegoat through all these years. In the Higher Education Committee, in this past year, we have addressed this problem throughout the committee hearings, and there was, at no time, in the hearings that we have talked about cutting the particular budget at West Oahu College.

We can talk about the enrollment versus the cost factor. And I think we can always talk about the law school and the medical school as far as cost factor versus enrollment. I think we have to go back and look a little bit as to what has happened to Leeward Community College.

Leeward Community College, in the initial stage, started at Pearl City Kai. It had an enrollment of

approximately 73. And I think we have to look at the situation today as to what Leeward Community College is today.

The educational facilities at West Oahu College does not deny anybody in Oahu or in the State. It is an open enrollment situation and I don't think we can use this kind of situation to say that it is only for Leeward.

The population of Leeward, Oahu, is comparable to the Honolulu population. Sure, the people in the Leeward, Oahu, area are taxpayers also. We are addressing the educational needs, the educational needs of the Leeward people, and we're not saying that we want to expand the program at present. We are undergoing an environmental impact statement at this point. The question of the expansion shall be addressed when the environmental impact statement comes forth. And these are some of the questions.

The dormitory situation the previous speaker addressed to is not something new. It was already incorporated in the plan in 1969, and this was surfaced out and it was in the plan all this time. And I think there is a lot of misconception because the college is not even built and we're talking about this dormitory, and I don't think it is worth even considering.

We are saying, at this point, that West Oahu College exists. What about the students who are participating in this program now? Do we leave them stranded also? We say, let the program live.

I ask all my colleagues to vote this amendment down."

Speaking against the amendment, Representative Lunasco stated:

"Mr. Speaker, as one who represents the rural community, we've tackled this problem many times. We passed it several years ago, and attempts throughout the years have been to eliminate the West Oahu campus.

As my colleague who spoke previously said, West Oahu campus has been used as a scapegoat so that the Manoa campus could be funded properly.

Mr. Speaker, in the future, or even presently, with the population growth in the central and leeward area, I see no reason why we shouldn't

have another campus there.

We talk about learning options, Mr. Speaker. When will our youngsters have an option when they have to travel a distance from Kahuku or Sunset Beach to Honolulu? Mr. Speaker, I must say I spend an hour every day on the congested highways when Manoa campus starts once again. In fact, when the session started, I was really amazed how I breezed through, not knowing that Manoa was on its semester break. And when they went back to school, believe me, Mr. Speaker, I spent an hour waiting in line to get to work, where normally it would take me twenty minutes from Wahiawa.

But I must say, Mr. Speaker, members of the House are always talking about options. And here again, we are saying we are going to eliminate West Oahu College to take care of Manoa. Members of the House, think about us who live in the rural community and at least give our youngsters a choice too."

Representative Cayetano, rising to speak in favor of the amendment, stated:

"Mr. Speaker, two previous speakers have mentioned that they represent the leeward area. I, too, represent a district in the leeward area.

When I was elected in 1974, I campaigned against West Oahu College. I was told it was a foolish thing to do by the people who were supposedly in the know - the political experts. The voters elected me to office. They re-elected me in 1976. And I think they did so because they expect me to use my head and my judgment and to vote on matters which will benefit the interest of the State as a whole.

Prior to the session, I took a survey of the wishes of the members of my district. And let me say to the rest of my leeward colleagues that sentiment for the college, in the 19th District anyway, is beginning to turn around. If my survey is accurate, I would say that the majority of the people in my district now favor some other alternative than West Oahu College. And, I would say that that would entail beefing up Leeward Community College and improving the quality of education at Manoa.

Some mention was made as to West Oahu College alleviating traffic, alleviating our transportation problems. Let me say that I think we should put this matter to rest. It is a fallacy

which has been banded about by proponents of the college. West Oahu College may offer an alternative in education, but the leeward residents who want to become an engineer will still have to go to Manoa. The same for the leeward resident who wants to become a doctor, and many, many other programs.

It would be nice to have West Oahu College, Mr. Speaker, if we could afford it. I have come to the conclusion that we cannot.

I suppose I have a conflict in this matter. Maybe I should declare this conflict. I have a son who is a freshman at the University of Hawaii, Manoa, and he came home to me one day and he mentioned something about the University wanting to cut ethnic studies, and he asked me, 'Dad, can you do something about it in the Legislature?' And, my answer to him was, 'I'm trying, son'. And, this is one way.

West Oahu College is at the bottom of the totem pole, as far as I'm concerned. If this amendment can nip the problem in the bud right now, then I'm for it.

Recent information regarding the dorms put to lie the argument that West Oahu College will be primarily for the residents of Leeward, Oahu. As the previous speaker mentioned, those of us who are somewhat familiar with the document called the United States Constitution know that there is no way we are going to prevent people from without the leeward district to enroll in West Oahu College.

We have other priorities in our education. We saw evidence of that when we had four or five thousand University students come parading down and urging us not to cut programs.

For these reasons, I urge my colleagues to vote for this amendment."

Upon being recognized, Representative Abercrombie stated:

"Mr. Speaker, I rise to rebut previous statements.

I think we ought to keep in mind when we consider this issue that it is a disservice to higher education, and certainly a disservice to the taxpayers to try to separate communities.

And I think we should also keep in mind that when it comes to the community college systems, it is

well known that you must go to Honolulu Community College for certain courses in the industrial trades no matter where you live on this island, no matter where you live in the rest of the State. It is well known that you must attend Kapiolani Community College if you wish to take certain courses and pursue certain AA and AS degrees no matter where you live on this island, no matter where you live in this State.

It is only rare fortune on the neighbor islands, for example, that you are able to combine all of the course offerings that are available at the community colleges on the island of Oahu and at the University of Hawaii itself at Manoa. Hilo is now struggling to do this in some form or fashion right now. And I applaud these efforts.

It has been a struggle to keep the nursing program, for example, on Kauai. We had to recognize that there was a need there and there were the people there and we met it. But, it's also very clear that Kauai Community College or Maui Community College or Hawaii Community College, for that matter, may not be able to deliver all of the services that some of these specialized colleges now deliver on the island of Oahu. And the same with the undergraduate situation at Manoa. There is simply no way to do it.

Yet, I don't hear any human cry in the entire time that I have been in the Legislature, and in the entire time that I fought on the West Oahu College issue, which was from 1969 when it was going to be a second Manoa. In the entire time, I have never heard one single word about the community college student who has to travel a great deal of distance in order to attend one of the community colleges where the specialized trades are. He and she, they exist too. They are taxpayers. They're citizens.

The question is not, then, whether or not there is a great deal of travel involved, because if you come from one of the neighbor islands, then you're up at the dorm at the UH. Why are we spending all the money for dormitories at UH, then pray tell? Why are we bringing the people in from the neighbor islands up to the UH? Because that's where the majority of the courses are, and that's where we got to build it, and we put up with that.

If you think it is some kind of pleasure to have 25,000 people rolling into

Manoa Valley every day, you've got quite another guess coming. If you think it's a pleasure to have eight to ten thousand automobiles parked all over the lawns, including the president's, in Manoa Valley, you've got another thing coming. The Chairman of Higher Education, myself and Mr. Fong, I'm sure, can give you a long treatise on how delightful it is to have to deal with your constituents with parked cars in the driveways. So, that isn't the question. It is people recognizing that we are on an island, that we have certain financial circumstances, and that we have certain historical circumstances that have come about to bring the University of Hawaii to it's main campus in Manoa, and that the community colleges were funded for an entirely different function.

When we are talking about Leeward Community College, my friends, we are talking about the foresight of Governor Burns in bringing to the forefront of our attention in higher education in the community college systems - one of the most advanced in the United States - right here. If it is any monument to Governor Burns, it is not the medical school, even though it is named for him - it is the community college system in this State.

And he recognized, and the Legislature subsequently recognized, that the community college serves a different function than the University of Hawaii. Yet, at the same time, we also recognize that no one should be penalized for going to a community college should they wish to attend a four-year baccalaureate degree institution; so that we can have a transfer ability of courses; so that someone became inspired as a result of their community college experience to want to take a degree in some field offered in the University system four-year degree that they would be able to do so.

So, when we talk about the funding of Leeward Community College and the funding of West Oahu College, we are talking about two entirely different animals; we are talking about two entirely different series of premises. West Oahu College is not to serve either the people of leeward nor the people as a whole in this State. If we were to take leeward as an entity for the moment, for purposes of discussion as to the nearness of the campus; that is to say, that it is nearby to someone,

what are we dealing with? We are dealing with an area of high unemployment. At the same time, we are building West Oahu College, we are cutting the budget for the vocational/technical courses at Leeward. We are hoping to address it in a separate bill. Not on the University bill, mind you. We had to do this by separate bill in the Higher Education Committee. Look in your supplementary reports, my friends, and you will see it as a separate item entirely.

The Leeward students were down here. The Leeward student body has gone on record against West Oahu College. And, yet, they are the ones that are ostensibly served by West Oahu College. Isn't it strange that the students who are supposed to benefit by it are the first ones down here who are against it? And for good reason, because they see the budget at Leeward Community College being mutilated and destroyed while West Oahu College rises like a phoenix year in and year out from the ashes of all the insights that we've had, that it does not serve the interest either of the people of Leeward or the people of the State as a whole.

Now, given this information, is it possible still to vote for it? To want it to continue in its present configuration? I do not think, and I will repeat my final remark: I do not believe that there is a simple individual in this House who opposes West Oahu College in the four-year configuration, who does not favor some form of higher education delivery system, including the possibility for discussion of campus locations, of faculty presentation, of accommodation of students in some fashion other than out in the canefields in Ewa, under the traditional four-year academic empire that Dr. Miwa wishes to build, and is well on his way to doing.

I think my analysis of the budget indicates that the kinds of money that is being spent at West Oahu College, in the proportion that it is being spent, has one purpose only - to bring faculty, to bring equipment, to bring the circumstances together for West Oahu that would make it virtually impossible to stop. Too many of the people will have an interest in it, at that point, whether it is good for higher education or not. And, I repeat, that the people who oppose West Oahu College do not oppose the students there and it is the vilest of distortions to try to indicate to anyone in the leeward area that those of us who oppose West Oahu College are opposed to them in

any fashion. Rather, we stand in support of a higher education system which benefits the people of West Oahu and the people of the State as a whole."

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

"Mr. Speaker, previous speakers have spoken about a survey that was made in their district, and that the survey showed that they were against West Oahu College.

Mr. Speaker, I would like to mention also that a survey was made back in 1969 in my district, and the people in my district was in favor of a four-year campus in the leeward area.

Mr. Speaker, it's probably so that in the district that the survey was made, that these people were against it were much more affluent than the people in my district. The people in the 20th, 21st and the 22nd districts of the leeward area are not as affluent as the people in the 19th District. I would like to mention that I represent the plantation community and that any way a student can learn and earn a higher education in the cheapest manner, by not travelling, by not boarding in downtown Honolulu, by going to school and earning their degree right in their own backyard, Mr. Speaker, I think we should afford them this kind of opportunity also. It is discouraging to see some of my House colleagues, Mr. Speaker, relentless drive to prevent the establishment of West Oahu College.

What is our most important and precious resource of this State? It is the people of Hawaii. Most of our higher educational offerings are in Honolulu - the main University campus in Manoa, two public community colleges, two private colleges, and numerous other post-secondary institutions.

What we must do now is probably shift our emphasis. It was in order to provide higher educational opportunities for the people of Hawaii that the Board of Regents planned for the establishment of a four-year college to be located where it would be most, I feel, accessible to the greatest number of people. That location was and still is West Oahu as the area with the second largest population concentration and with the largest number of graduating high school seniors.

West Oahu's post-secondary educational needs are being poorly met with only a single community college. Just merely expanding Leeward Community College into a four-year campus, as one of the previous speakers have spoken, will not solve the problem. It will merely deprive the people of an alternative in West Oahu, between what a community college offers and what a four-year college can offer. Analysis has shown no significant increase in cost in the establishment of West Oahu College. The per capita cost of serving undergraduate students will not vary between the Manoa campus and West Oahu.

I need not go any further. Higher education is needed in West Oahu. The people desire higher education. Presently, they cannot. But more distressing is that they will not have the avenue leading to higher education that should be available to the people. I urge my colleagues to keep that avenue open in West Oahu, and recommend that we maintain our stand on the establishment of West Oahu College.

For this reason, Mr. Speaker, I urge my colleagues to vote this amendment down."

Representative Cayetano then rose to speak in "rebuttal to the previous speaker", stating:

"Some mention has been made that West Oahu College will serve the residents of the leeward area. If anyone in this House today, tonight, can convince me that leeward residents will have first priority, I will change my stand on the college.

That is a cruel deception. It is illegal. But, yet, the idea is still banded about. If the college is to serve predominantly the residents of the leeward area, why are we building dorms, or why are dorms planned?

Some mention was made of the plantation community; that West Oahu will benefit people from the plantation community. Let's put that idea to rest. West Oahu College will be a college for the affluent. The selective admissions standards that serve will cut out many students from scenarios in the leeward district.

It is true the 19th District, the district that I represent, is a fairly affluent district. It is a district whose people are pretty well educated. We have nearly a thousand teachers in our district. It is an upper middle class district. I concede that. But these are the people whose children will

benefit, if at all, from a college like West Oahu College. And these are the people who, in my survey taken in 1976, just prior to this legislative session, that we have just compiled the results, and I will be glad to give members of this House who want to take a look at it, who have told me loud and clear, we think you're right on West Oahu College. We would like to see Manoa upgraded, and we would like to see Leeward Community College upgraded.

I close with this previous remark: we have only so much money; we have priorities - West Oahu College is not one of mine. It is, in my view, an idea whose time has come and passed.

Thank you."

Representative Lunasco then rose in rebuttal, stating:

"Mr. Speaker, while I do agree that students who will attend our present college system will have to travel, what I am saying, Mr. Speaker, is that at least give our population an option of what college they want to attend.

Mr. Speaker, they've been talking about turning Leeward Community College into a four-year campus, and we've wrestled with that problem time and time again. Mr. Speaker, one of the success of the junior college program is to keep the enrollment down and keep the class sizes down. I have heard time and time again by youngsters who attend the Manoa campus that it is really frustrating to start your first year in college and to get lost in the shuffle. In fact, the majority of the students are lost within the first two years because they just can't cope and learn with the class sizes they have. Although I must contend, Mr. Speaker, if that student was energetic, he probably could.

But yet, Mr. Speaker, we as policymakers, always tend to leave doors open and options open for our general population. And here we are seeing an attempt to delete one option.

And, Mr. Speaker, I just must say that while I do agree with some of the comments made by my colleague from the 20th District, I, too, face the same problem in my area. Many of my students, because of financial constraints, are content to go to Leeward, and maybe later on, when they can afford

it, can transfer to the Manoa campus.

So, again, members of the House, I just say, at least give our youngsters an option."

Representative Blair, upon being recognized, stated:

"Being the movant gives you a very pleasant experience - you get to have the last word,

I rise to speak in favor of the amendment, Mr. Speaker, and I would like to, first of all, thank the members for their forbearance. I don't believe I've spoken twice on an issue before, and this makes the third time. Next thing you know, I'll be growing a beard and mustache."

The Chair then remarked: "Heavens forbid."

Representative Blair continued, stating:

"The point I would like to make in my closing remarks is that I am not insensitive to the Leeward Community College students. As a matter of fact, when I attended the University of Hawaii at Manoa, I resided in Wahiawa. And for the first two years of my undergraduate education, I worked in a garage during the day and I attended night courses from the Continuing Education Program, which I mention only in that it is an indication that there are alternative education delivery systems which I found quite adequate.

We didn't even have Leeward Community College back then. And then finally when the time came that the credits were no longer available, I took the bus to Manoa. At that time, it took two buses because we didn't have a unified transit system. So, I'm perfectly aware of how difficult it is sometimes to get an education.

But in this case, notwithstanding having gone through the experience myself, I feel that students of Leeward, Oahu, would be just as well served if we put this money into the community colleges, as Representative Abercrombie's amendment earlier suggested, or if we would perhaps just put it into Manoa, where I suspect most of them will be going, inasmuch as it is my contention that West Oahu College will serve the students throughout the islands rather than any geographic area.

Thank you, Mr. Speaker."

Representative Peters then rose

and stated:

"Mr. Speaker, I just want to go on record as opposing this amendment. I urge that my colleagues do likewise. Thank you."

Representative Abercrombie then requested for a "roll call vote, Mr. Speaker."

The motion to adopt the amendment was put by the Chair and failed to carry by a Roll Call vote of 13 ayes to 37 noes, with Representatives Abercrombie, Ajifu, Blair, Carroll, Cayetano, Cobb, Evans, Garcia, Ikeda, Kamalii, Narvaes, Say and Uwaine voting aye, and Representative Takamura being excused.

Representative Segawa, speaking in favor of H.B. No. 892, HD 1, stated:

"As Chairman of the House Health Committee, I strongly believe that the needs in the health area are serious and numerous - emergency care, preventive care, hospital care, VD, alcoholism, drug abuse, mental retardation, mental health, etc. These are but a few of the demands in health.

Mr. Speaker, the health budget attempts to maintain current services in all areas, and your Committee spent many hours listening to testimony to determine priority needs.

Mr. Speaker a previous speaker attempted to increase the budget. I believe all the subject area chairmen would like to see their budget increased. I would like to have more money to wipe out VD, reduce problems in mental illness and mental retardation, and to provide more and better health care.

Mr. Speaker, it is said that 'beauty is in the eye of the beholder'. And, likewise, the urgency of a need is dependent so often in where a person happens to be. If you are involved with school, this becomes an urgent need. If you need a job, employment opportunities become important. If any of these people become suddenly ill, medical care becomes most urgent.

A previous speaker referred to the health aid program which should be expanded to all schools. No one denies that this is what we would want to do, but we are not going to do it now because we want to fund some other programs besides - hearing and vision screening, for

one thing.

Mr. Speaker, every subject committee has taken half a loaf instead of none at all in many good programs. The health area is no exception. And who is to deny that one's health is the most important thing.

Mr. Speaker, yes, there is much to be desired in this budget, but there is only so much money. I urge all members to vote 'aye' on this bill."

Rising in rebuttal to "previous speakers before the amendments were introduced", Representative Evans stated:

"I would like to make it very clear to the members of this body that when remarks were made thanking the members for formulating the lower education budget, that I was not involved in hearings to formulate that budget.

The night of the hearing, the first knowledge I had of school by school budgeting was when I entered the room and saw it on the blackboard. There was nothing in writing. I received nothing in writing until much later.

I feel if we are really sincere in talking about grassroots involvement, a public hearing should have been held to discuss the pros and cons of school by school budgeting.

I feel that this does not account for new schools, which generally require more funds for equipment and supplies in the first several years of its existence, than an established school. Nor does it account for the curriculum of the high school which is more varied and therefore more expensive to operate than the curriculum of the elementary school.

Still another issue is the rigidities that school by school appropriations will create in the critical area of teacher assignments. Position ceilings have been established for each school in the budget proposed by the House Education Committee. This means that positions cannot be readily transferred from one school to another, from one district to another district when enrollment patterns, which are unstable to begin with, begin to shift from those predicted eighteen months before the start of each school year.

Another issue relates to enabling services. Program plans, evaluation reports, as well as budgets must be created in a unified way under the State's planning-programming-budgeting system. Where will the

resources come from to mount such a massive effort? Where will the clerical and computer support services which are essential to the success of school by school budgeting come from?

Also, Mr. Speaker, when we begin to appropriate funds directly to the schools, we will have in effect 225 school systems. That quickly opens the way for mainland-type problems of inequities in funding and in the opportunities of students to receive quality education."

Representative Cobb, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of the State budget with some reservations and perhaps a few observations.

Mr. Speaker, during the caucus, it was pointed out to us that another step has been taken towards legislative control of the budget once it's passed and we go home. That language reads: 'And unless otherwise provided by this act, the Governor is authorized to transfer funds between appropriations within an expending agency for research and development and operating purposes provided that prior to effecting any transfer the Governor shall obtain approval of the President of the Senate and the Speaker of the House of Representatives. And provided further that any transfers shall not be made to implement any collective bargaining contracts signed after this Legislature adjourns sine die.'

Mr. Speaker, two years ago, we took the step of requiring the Governor to notify us in writing any time a budget transfer was made. Since that time, almost on a weekly basis, sometimes two or three times each week, we've received notices through your office of another budget transfer in dollar amounts ranging from \$3,100 to over a million dollars. This will add another step. And yet, it seems to be such a long, slow process.

I began discussing the concerns of budgetary withholdings or what amounted to impounding of funds five years ago. It has taken us that long to come this far. Yet, I wonder, with the margin of votes required to pass this budget, including the CIP, which is not technically before us, except in short form, but with a margin of votes being two-thirds and the margin of votes necessary for

a constitutional amendment being also two-thirds, that perhaps, some day, we should consider taking the ultimate step and that is to impose actual controls as to what the Governor may spend - how much - because, let's face it, without those kind of controls, this document, for all its hard work, for all the priorities, for all of the tremendous input from the members of this House, is but a guide for a discretionary spending of the Governor.

On page 137, in section 121, it states that in releasing funds for projects, the Governor shall consider the legislative intent and objectives of the user agency. But 'consider' is not a requirement that he shall follow. And, therein lies the crucial difference that he may consider and choose to disagree or disregard the legislative intent.

True, we would have been notified in the past. And if this language on page 126 survives intact through the other house and the conference committee, then your concurrence and the concurrence of the Senate President would be required.

Perhaps, Mr. Speaker, this is an issue which should be dealt with in the forthcoming constitutional convention. But I think it goes to the heart of all of the budget problems that we've had. One session, virtually one-third of the legislative priorities were ignored or not spent. Time and again, we hear various members of our community complain, with justification in many cases, that their project which is contained in the budget, has not had its funds released.

I think, Mr. Speaker, this goes to the heart of the accountability system that we talk about. If we are going to appropriate a budget, we should not only do so in terms of dollar figures that are within the spending projections, but we should do so on a basis that what we appropriate is in fact going to be spent.

I am personally glad to see the chairman and the members of the Finance Committee moving in this direction. Yet, I think we all recognize that a journey of a thousand miles begins with a single step, and we have a few more miles to go.

Thank you."

Representative Kamalii, speaking

against the bill, stated:

"For two and one-half hours, we have discussed the educational portion of H.B. No. 892, HD 1. May I point out, Mr. Speaker, that unless you sit on that committee, you do not receive the full impact of citizen concern. So let me say, I have enjoyed the debate this evening. But, may I point out some of my concerns regarding the budget.

This budget document should be, in addition to the many individual items, broken down by various functions, a statement or direction, or a philosophy of action, if you will, understandable by and to ordinary folks.

Mr. Speaker, the committee report that accompanies the budget does, indeed, state that our number one priority is the creation of jobs, and cites examples of what the committee members have done to further this objective. In each of the broad categories into which the budget is divided, the same approach is visible. However, Mr. Speaker, I defy any member of this House, including the members of the Finance Committee, to analyze this budget in an intelligent, overall basis. Essentially, it is a compilation of figures brightly clothed in broad philosophical terms, and nothing more.

Mr. Speaker, the members of this House are being asked to sign a check for upwards of two and a half billion dollars without giving us a chance to understand what the component parts and costs consist of.

Mr. Speaker, I realize that this budget was compiled from, and is the result of, many sources, including the committees of this House. But let me point out that this bill also mentions, in the committee report, that it is \$5 million less than the Governor's budget. But let me also point out that in the many nights that we have worked, we have passed special appropriation budget bills that have amounted to \$40 million, and that amount, fellow colleagues, will be inserted in the final document when it comes out of the conference committee. So, in essence, we haven't saved anything. We'll be adding \$35 million, which is hidden because nobody can understand the budget.

Mr. Speaker, proper analysis

of this budget, or any budget, requires that the information be presented in such fashion that it is possible to see how the parts integrate into the whole. For example, Mr. Speaker, it would be helpful to know, if our number one priority is the creation of jobs, exactly how much money is being spent for this purpose, and how this amount compares with previous amounts spent for the same purpose, and how this amount compares with the Governor's figure. We should also be able to compare the relative amounts of money being spent for each category, so that we would have an overall picture of how our funds are being allocated.

Mr. Speaker, I am sure that I speak for all the members of this House when I say that the kind of information I allude to would be most helpful in our understanding of this budget. Let me illustrate with just one example: On pages 59 and 60, the budget presents the projected costs for the public safety category. Within that category are the costs for the items listed under 'Safety From Criminal Actions'. This includes the program areas of confinement of inmates, parole supervision and counseling, criminal injuries compensation, and general support costs.

The total cost for this broad category of programs is nowhere to be found. But by totalling all of the sub-items, I arrive at a total of \$29,607,603 for FY 1977-79. Now, these figures, Mr. Speaker, are for operating costs only, and they constitute, according to my figures, approximately 1.15% of the total projected State budget for FY 1977-79, as submitted by the House Finance Committee.

Now, Mr. Speaker, I am sure that it is rather significant that this State is asked to spend almost \$30 million for two years to pay for the costs arising from crime, yet the State cannot find the money to fund crime prevention measures, nor money to create a citizens crime commission that would undertake a massive study of the causes of crime and an analysis of the effectiveness of our total criminal justice system, as viewed by the citizenry of Hawaii.

Mr. Speaker, the budget process has become, over the years, the province of a handful of legislators, who, perhaps unconsciously, have made both the process and creation of the budget a mysterious and technical methodology. Certainly, there is very little time now to devote sufficient time to its digestion, to say nothing of its analysis.

Mr. Speaker, I believe it is in order

for this House to seriously consider, during the next session that a full-time legislative analyst be appointed to assist the House members in their budget deliberations. Considering the fact that we are now dealing in the billions of dollars, Mr. Speaker, we all need all the help we can get.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 892, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET", having been read through-out, passed Third Reading by a Roll Call vote of 44 ayes, which was not less than two-thirds of all the members to which the House is entitled, to 6 noes, with Representatives Abercrombie, Ajifu, Carroll, Evans, Kamalii and Uwaine voting no, and Representative Takamura

being excused.

The Chair directed the Clerk to note that H.B. No. 892, HD 1, had passed Third Reading at 10:51 o'clock p.m.

The Chair then made the following announcement:

"The Chair would like to advise all of you that tomorrow's session will convene at 10:00 o'clock a.m."

ADJOURNMENT

At 10:52 o'clock p.m., on motion by Representative Ushijima, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 10:00 o'clock a.m. tomorrow, Friday, March 18, 1977.

FORTY-SECOND DAY

Friday, March 18, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 10:00 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Mr. Raymond Duvauchelle, after which the Roll was called showing all members present with the exception of Representatives Ajifu, Caldito, Evans, Garcia, Kawakami, Naito, Say, Suwa, Toguchi, Wakatsuki, D. Yamada and K. Yamada, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-First Day.

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

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 198) transmitting Senate Bill No. 184, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL CRIMES", which passed Third Reading in the Senate on March 16, 1977, was read by the Clerk and was placed on file.

Representative Yuen moved that S.B. No. 184, SD 1, pass First Reading by title and further action be deferred until later in the calendar, seconded by Representative Kamalii.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I would urge everyone to vote down the passage of this bill on First Reading. Mr. Bill, no. . . excuse me--I'm so anxious about this bill, Mr. Speaker, that I have advanced the bill before I advanced your name.

Mr. Speaker, this is an infamous bill. This bill prescribes murder by death by the State of Hawaii. It is an outrage to the sensibilities of the people of this State. It comes at a time, Mr. Speaker, when we have genuine and serious problems in the State of Hawaii. It comes at a time when the Speaker himself--when the Vice Speaker, as well--

has indicated that we have serious problems with jobs in the State, serious problems with unemployment. It comes at a time when our own majority package, as well as the minority members of this House, have indicated that this, too, is the most important problem that we face and, yet, Mr. Speaker, how we spend our time, as one of the Representatives in the room right now indicated to me one day, the House seems to be talking about killing chickens, and the Senate is talking about killing people. As you know, Mr. Speaker, the House has not moved very far in the killing chickens one, but the killing people one is moving right along. Considerable debate has taken place on Senate Bill No. 184 in the Senate. A very unusual methodology was utilized to bring this bill forward--one that I, myself, had attempted, in the past, in relation to the tourist tax and, again, I would like to point out that we cannot bring in a hotel room tax, but we can bring forward a bill, apparently by yanking from Committee, murder by the State.

I think this would be an ideal opportunity for us to lay to rest, once and for all, right here, right now--don't pass this bill on First Reading. Let's get rid of it right now. Let's get on the record; let's do it; let's end it. I do not want to see the circus of murder begin in this State. I think we should put forward, for the population as a whole, that the House, at least, is not going to divert attention from the real problems of this State by getting itself involved in an endless discussion of savagery and murder and bring back to this State something which any civilized society would have long since ended. There is no difference between the calculated and deliberate murder by the State after the exertion and assertion of certain procedures prescribed by law, and the kind of murder that is going on by the state in other countries in the world right now which makes the headlines.

It is a question of political power. It is a question of where you stand. Mahatma Ghandi, many years ago, when asked to summarize his philosophy said, 'My life is my philosophy. The way I live is my philosophy', and he stated that the second credo in his life in everything that he did was this--how does what I do affect the poorest man? How does what I do affect the poorest person?

It is the poor who are murdered

by the State. We need look no further than the statistics of those who were murdered by the State, in previous times, to see who it is that dies. We need look no further than the economic background of the people who were murdered by the State, in previous times, to see who it is that dies. Mr. Speaker, believe me, with all the testimony that has gone on over the years and in recent times--in recent days in the Senate--statistics can be cited; moral propositions can be cited; philosophical positions can be cited, but in the end, Mr. Speaker, what it comes down to is, where is the conscience of the State? There is a situation which exists and it is this. There is no way for us to rectify the mistake of murder by the State. We can sit in this chamber; we can try to rectify wrongs such as it occurred when people are wrongfully deprived of employment. We can argue with one another, as we did last night, in good faith over whether or not the budget of this State is adequate to the task before us; whether each of us holding our own positions about various aspects of that budget can prevail one against the other, but no one pretends, for a moment, that that is a life and death struggle. No one pretends, for a moment, that if we should find ourselves on the short end of a vote, that a revenge should be taken on the other person by depriving him of his life.

Most murder takes place in passion, in the heat of the moment among people who know one another. Most murder takes place in social and economic circumstances which are such that they create a situation in which the deterrence factor, to the extent it exists at all, of murder by the State, does not come into play. Most murder exists in a situation in which a hired killer is already sociopathic, or psychopathically inclined, and will, therefore, not be amenable to any appeals by deterrence. These are the circumstances that are addressed.

One of the categories, Mr. Speaker, in the bill before us, is probation officers. I was a probation officer. I don't know whether many in the room have actually experienced being in places like San Quentin, as I have; doing probation reports on murderers, as I have; appearing before judges and making recommendations as to what should be done in murder cases, as I had; going into circumstances in which one

had to fear for his own life, as I had. I cite these things, not that it gives me any particular insight, but that as a part of my professional life, I indeed had to deal with these things. I had a responsibility as an officer of the court to deal with these things and it never occurred to me, for a moment, that the institution of murder by the State would have, in any way, in any form, enabled me to do my job better; enabled me to be protected. These were circumstances highly charged with emotion. They involved people who were defective emotionally, mentally, and this is the circumstance we find ourselves in.

Increased savagery by the State will not end our problems with crime. There was mentioned on this floor last night of a crime commission. There has been mentioned on this floor, over and over again, on what we can do in that area. Let us address that; let us not divert the population from dealing with murder by the State; from the real problems that we have before us.

Therefore, Mr. Speaker, I would ask that we do not pass this bill on First Reading and I would like a roll call vote."

Representative Cayetano then rose and stated:

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

Mr. Speaker, I am opposed to capital punishment. I've gone on record as saying that and this bill proposes to reinstitute capital punishment in the State. However, I believe this particular bill should follow its course through our normal legislative process. I say that because I think it should go to the Committee. The Committee should hear testimony and the Committee should make a decision as to whether this bill should come out to the floor or not.

The Representative from Manoa has made up his mind on this, but there are many here, I think, who are really undecided on this question, and I think out of courtesy to them, and out of doing justice to the entire legislative process, that this bill should be allowed to follow its normal course."

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

"Mr. Speaker, the House rules provide very clearly that a bill on First Reading

shall be passed by its title only and that the definition of a capital crime may include either death or life imprisonment without parole, and it is properly a matter of the subject matter committee to decide on any modification of a bill, but we are not being asked to examine the merits or demerits contained within this bill, but only to pass on First Reading by its title only and, therefore, debate relative to the contents of the bill would be out of order until such time as a Committee has made its deliberations, made a decision, and made a report for this House to consider."

The Chair responded, stating:

"Thank you, Representative Cobb, for the clarification of the rule. You are correct."

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

"Mr. Speaker, have you ruled then that it is automatic that a bill will pass by title on First Reading, that there is no opportunity for this House to reject a bill passing by title only?"

The Chair replied:

"That is correct."

At 10:20 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:36 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Ajifu, Kunimura, Naito, Say, Suwa, Wakatsuki and D. Yamada.

The Speaker then assumed the rostrum and stated:

"Can we take this in an orderly fashion. The motion before the House is for the passage of Senate Bill No. 184, Senate Draft 1, on First Reading by title and then to be referred to committee."

Representative Kunimura then rose and stated:

"Mr. Speaker, I rise to speak for the motion.

First of all, Mr. Speaker, I would like to recognize a person that I had questions for a long time--about his subscription to a process here--and I disagreed quite often with

him and, at times, was sort of violent. Today, Mr. Speaker, all my questions about this man's character. . . I would say that he stands tall amongst us about his fair play--our colleague, our very young colleague, and Chairman of the Transportation Committee. If anyone tried to call the conscience of this Committee. . . I mean, this House here, I don't think anybody could have matched him this morning. I would like to say, 'thank you, Mr. Cayetano.'

Mr. Speaker, this House is structured with a sense of openness, fair play, with a sense to open the avenues for public input, and if we are going to allow bills to be killed on this floor without even giving the Committee an opportunity to hear and call for a public hearing if the Chairman of the Committee so desires, then we are going 180 degrees to the right, and this is going to be dangerous.

Mr. Speaker, I publicly stated that I am for this bill but, maybe, through the public hearing, and through the opportunity given to my constituents to let me know how they feel, maybe, I may change my position, but if we are going to act on the advice given to us on this floor that, maybe, this bill should be killed right here and now is not, and I emphasize, is not, democracy in action, and there are so many who have cried so loud about sunshine and public input and advise us to do what he wanted us to do here. I say, let that person, or people, open their conscience and look themselves in the mirror.

Mr. Speaker, as long as I sit in this House, I'm going to abide by the rules of this House, and not only the written rules of this House, but the intent of how 51 of us agree to operate this House for public benefit and public input.

Thank you."

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

"Mr. Speaker, as a member of the Judiciary Committee, am I to assume that due process means that we're going to have a public hearing on this bill?"

The Chair replied:

"I think the question is premature at this time, Representative Uwaine."

Representative Cobb then rose on a point of parliamentary privilege

and stated:

"Mr. Speaker, I rise to make an observation relative to the conduct of operations within this House and that is, that the vote in the affirmative on First Reading, as far as I can observe the process, is not a vote in favor of the merits of the bill but, rather, as a Representative from the 27th district indicated, a vote in favor of referring the bill to Committee where it may be subsequently heard, or not heard, and if heard, amended to whatever desires the subject matter committee sees fit; that in voting to refer this bill on First Reading, we are, in effect, upholding the process and rules of this House that say the decisions are made in Committee and then brought before the floor of the House for a vote rather than the other way around."

The motion was put to a vote by the Chair and Senate Bill No. 184, Senate Draft 1, passed First Reading by title and further action (referral) was deferred until later in the calendar.

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

Representative Sutton introduced a couple from Vancouver, British Columbia (Canada), Mr. and Mrs. Hamish McDonald.

Representative Lunasco introduced 44 third grade students from King School. They were accompanied by their teachers, Mrs. Lily Sugimoto and Mrs. Lana Oishi.

At 10:42 o'clock a.m., on request by Representative Cayetano, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:43 o'clock a.m., Representative Cayetano introduced a group of fourth grade students from Pearl City Elementary School and their teacher, Mrs. Elizabeth Nishimura. They were also accompanied by parents, Mrs. Mitsuyoshi, Mrs. Irene Brunn and Mrs. Betty Vierra.

Representative Segawa introduced 4 members of Kiwanis International from Hilo, as follows: Mr. Azevido, Mr. Arruga, Mr. Ikeda and Mr. Takeda.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
11	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Culture and the Arts, then to the Committee on Finance
22	Jointly to the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations, then to the Committee on Finance
24	Committee on Consumer Protection and Commerce, then to the Committee on Finance
47	Committee on Higher Education, then to the Committee on Finance
60	Committee on Finance
62	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Tourism, then to the Committee on Finance
74	Committee on Housing, then to the Committee on Finance
108	Committee on Public Employment and Government Operations, then to the Committee on Finance
110	Committee on Public Employment and Government Operations, then to the Committee on Finance
111	Committee on Public Employment and Government Operations, then to the Committee on Finance
113	Committee on Education, then to the Committee on Finance
115	Committee on Education, then to the Committee on Public Employment and Government Operations, then to the Committee on Finance
124	Committee on Health
140	Committee on Public Employment and Government Operations, then to the Committee on Finance
152	Committee on Finance
184	Committee on Judiciary, then

	to the Committee on Finance		ment and Hawaiian Homes and Ecology and Environment, then to the Committee on Finance
185	Committee on Energy and Transportation, then to the Committee on Finance	355	Committee on Judiciary
221	Committee on Housing, then to the Committee on Finance	380	Committee on Public Employment and Government Operations, then to the Committee on Finance
243	Committee on Judiciary	391	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance
244	Committee on Energy and Transportation, then to the Committee on Judiciary	449	Committee on Finance
246	Committee on Energy and Transportation, then to the Committee on Finance	450	Committee on Finance
247	Committee on Energy and Transportation, then to the Committee on Finance	451	Committee on Finance
251	Committee on Consumer Protection and Commerce, then to the Committee on Finance	452	Committee on Finance
254	Committee on Judiciary	453	Committee on Finance
258	Committee on Judiciary	454	Committee on Consumer Protection and Commerce
271	Committee on Health, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance	460	Committee on Consumer Protection and Commerce, then to the Committee on Public Employment and Government Operations, then to the Committee on Finance
320	Committee on Ecology and Environment	462	Committee on Health
321	Committee on Consumer Protection and Commerce	475	Committee on Health, then to the Committee on Judiciary
323	Committee on Public Employment and Government Operations, then to the Committee on Finance	491	Committee on Consumer Protection and Commerce, then to the Committee on Tourism, then to the Committee on Finance
324	Committee on Consumer Protection and Commerce	496	Jointly to the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations
330	Committee on Consumer Protection and Commerce	517	Committee on Consumer Protection and Commerce, then to the Committee on Finance
331	Committee on Judiciary	518	Jointly to the Committees on Consumer Protection and Commerce and Judiciary
336	Committee on Finance	530	Committee on Finance
346	Committee on Youth and Elderly Affairs, then to the Committee on Judiciary	532	Committee on Energy and Transportation, then to the Committee on Finance
347	Committee on Judiciary, then to the Committee on Youth and Elderly Affairs	533	Committee on Energy and Transportation, then to the Committee on Judiciary
348	Committee on Judiciary	560	Jointly to the Committees on Consumer Protection and Commerce and Judiciary
350	Jointly to the Committees on Water, Land Use, Develop-		

569	Committee on Public Employment and Government Operations, then to the Committee on Finance	794	Committee on Public Employment and Government Operations, then to the Committee on Finance
570	Committee on Public Employment and Government Operations, then to the Committee on Finance	795	Committee on Public Employment and Government Operations, then to the Committee on Finance
572	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance	799	Committee on Consumer Protection and Commerce
577	Committee on Ecology and Environment	804	Committee on Consumer Protection and Commerce
591	Committee on Public Employment and Government Operations, then to the Committee on Finance	836	Committee on Consumer Protection and Commerce
594	Committee on Public Employment and Government Operations, then to the Committee on Finance	854	Committee on Consumer Protection and Commerce
595	Committee on Public Employment and Government Operations	855	Committee on Water, Land Use, Development and Hawaiian Homes
599	Committee on Public Employment and Government Operations, then to the Committee on Finance	856	Committee on Culture and the Arts, then to the Committee on Finance
631	Committee on Finance	867	Committee on Consumer Protection and Commerce
647	Committee on Consumer Protection and Commerce, then to the Committee on Finance	869	Committee on Consumer Protection and Commerce
677	Committee on Consumer Protection and Commerce	891	Committee on Energy and Transportation, then to the Committee on Finance
731	Committee on Consumer Protection and Commerce	893	Committee on Consumer Protection and Commerce, then to the Committee on Energy and Transportation, then to the Committee on Finance
733	Committee on State General Planning	991	Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Finance
735	Committee on Energy and Transportation, then to the Committee on Finance	995	Committee on Energy and Transportation, then to the Committee on Consumer Protection and Commerce
750	Committee on Education, then to the Committee on Judiciary	1047	Committee on Judiciary
752	Committee on Employment Opportunities and Labor Relations	1055	Committee on Culture and the Arts, then to the Committee on Finance
761	Committee on Judiciary	1059	Committee on Consumer Protection and Commerce
779	Committee on Housing, then to the Committee on Finance	1074	Committee on Judiciary
783	Committee on Housing, then to the Committee on Finance	1100	Committee on Agriculture, then to the Committee on Finance
790	Committee on Finance	1120	Committee on Consumer Protection

	and Commerce		Protection and Commerce
1129	Committee on Agriculture, then to the Committee on Public Employment and Government Operations	1342	Committee on Ecology and Environment, then to the Committee on Finance
1139	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance	1344	Committee on Public Employment and Government Operations, then to the Committee on Finance
1155	Committee on Employment Opportunities and Labor Relations	1348	Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
1193	Committee on Tourism, then to the Committee on Finance	1350	Committee on Public Employment and Government Operations, then to the Committee on Judiciary
1194	Committee on Water, Land Use, Development and Hawaiian Homes	1355	Committee on Public Assistance and Human Services
1202	Jointly to the Committees on Ecology and Environment and Water, Land Use, Development and Hawaiian Homes	1356	Committee on Public Assistance and Human Services
1203	Committee on Consumer Protection and Commerce	1359	Committee on Public Assistance and Human Services
1222	Committee on Consumer Protection and Commerce	1366	Committee on Energy and Transportation, then to the Committee on Finance
1226	Committee on State General Planning	1367	Committee on Judiciary
1251	Jointly to the Committees on Consumer Protection and Commerce and Judiciary	1368	Committee on Consumer Protection and Commerce
1266	Committee on State General Planning, then to the Committee on Finance	1369	Committee on Water, Land Use, Development and Hawaiian Homes
1279	Committee on Water, Land Use, Development and Hawaiian Homes	1370	Committee on Judiciary
1280	Committee on Judiciary	1371	Committee on Judiciary
1281	Committee on Consumer Protection and Commerce	1407	Committee on Energy and Transportation, then to the Committee on Finance
1297	Committee on Finance	1408	Committee on Youth and Elderly Affairs, then to the Committee on Judiciary
1299	Committee on Public Employment and Government Operations, then to the Committee on Finance	1409	Jointly to the Committees on Employment Opportunities and Labor Relations, then to the Committee on Health
1304	Committee on Consumer Protection and Commerce	1443	Committee on Finance
1305	Committee on Finance	1452	Committee on Judiciary
1308	Committee on Judiciary, then to the Committee on Finance	1460	Committee on Judiciary
1312	Committee on Consumer	1464	Committee on Ecology and Environment, then to the Committee on Consumer Protection and Commerce, then to the Committee on Finance
		1465	Committee on Water, Land Use, Development and Hawaiian

Homes, then to the
Committee on Finance

- 1466 Committee on Public Assistance
and Human Services
- 1469 Committee on Public Assistance
and Human Services, then
to the Committee on Finance
- 1472 Committee on Higher Education,
then to the Committee on
Public Employment and
Government Operations, then
to the Committee on Finance
- 1479 Committee on Consumer
Protection and Commerce
- 1489 Committee on Ecology and
Environment, then to the
Committee on Judiciary

DEFERRED RESOLUTIONS

The following resolutions (H.R.
Nos. 520 to 522) and concurrent
resolutions S.C.R. Nos. 86 and
90) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
520	Committee on Health
521	Committee on Finance
522	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Culture and the Arts

S.C.R. Nos.

- 86 Committee on Energy and
Transportation, then to
the Committee on Finance
- 90 Committee on Energy and
Transportation

STANDING COMMITTEE REPORT

Representative Kunimura, for the
Committee on Legislative Management,
presented a report (Stand. Com. Rep.
No. 756) informing the House that
House Resolution No. 519, House
Concurrent Resolution No. 98, and
Standing Committee Report Nos. 741 to
755, have been printed and distributed.

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R.
Nos. 526 to 528 and 534) were read
by the Clerk and were disposed of
as follows:

A resolution (H.R. No. 526) commend-
ing Ralph Sing Chow for his untiring
dedication to the youths of East Honolulu
was jointly offered by Representatives
Dods, Abercrombie, Ajifu, Aki, Baker,
Blair, Caldito, Campbell, Carroll,
Cayetano, Cobb, Evans, Fong, Garcia,
Ikeda, Inaba, Kamalii, Kawakami,
Kihano, Kiyabu, Kondo, Kunimura,
Larsen, Lunasco, Machida, Medeiros,
Mina, Mizuguchi, Morioka, Naito,
Nakamura, Narvaes, Peters, Poepoe,
Say, Segawa, Shito, Stanley, Sutton,
Suwa, Takamine, Takamura, Toguchi,
Uechi, Ueoka, Ushijima, Uwaine,
D. Yamada, K. Yamada, Yuen and
Wakatsuki.

On motion by Representative Dods,
seconded by Representative Abercrombie
and carried, H.R. No. 526 was adopted.

At this time, Representative Dods
introduced the family of Mr. and Mrs.
Ralph Sing Chow who were seated
in the gallery.

Representative Dods then introduced
Mr. Dennis K. Goto, President of
the Kalaniana'ole Athletic Club; Mrs.
Audrey Sing Chow, wife of Mr. Sing
Chow and "the favorite and most enthusi-
astic volunteer for Mr. Sing Chow";
and the honoree, Mr. Ralph Sing Chow.

Red carnation leis were presented
to Mr. and Mrs. Ralph Sing Chow
by Representatives Ikeda and Abercrombie,
respectively.

Representative Abercrombie then
rose and stated:

"May I indicate to the members and
to the audience what a particular pleasure
it is for me to have Mr. and Mrs. Sing
Chow here today because their son,
Ralph, who just stood in the gallery
moments ago, is co-manager of my
campaign, and a very able person,
as you know, because I'm here."

A resolution (H.R. No. 527) congratu-
lating Edward A. Novak, Jr., M.D.
for the service he provides the State
of Hawaii as the Governor of the California-
Nevada-Hawaii District of Kiwanis
International was jointly offered by
Representatives Ikeda, Abercrombie,
Ajifu, Aki, Baker, Blair, Caldito,
Campbell, Carroll, Cayetano, Cobb,
Dods, Evans, Fong, Garcia, Inaba,
Kamalii, Kawakami, Kihano, Kiyabu,

Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Ikeda, seconded by Representative Medeiros and carried, H.R. No. 527 was adopted.

A resolution (H.R. No. 528) commending the Hawaii Division of the Kiwanis International for this service they have provided our State over the years was jointly offered by Representatives Ikeda, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Ikeda, seconded by Representative Medeiros and carried, H.R. No. 528 was adopted.

At this time, Representative Ikeda introduced the officers of the Kiwanis International, as follows: Dr. Edward A. Novak, Jr., District Governor of California-Nevada-Hawaii District; Mr. Ernest Korte, Governor-elect; Dr. George Oshiro, Lieutenant Governor of the Kiwanis, Division 22, State of Hawaii; and Mr. J. Leland Embrey, past Lieutenant Governor. Seated in the gallery were 20 members of the Kiwanis International, California-Nevada-Hawaii District.

Leis were then presented to the honorees by Representatives Kamalii, Naito and Stanley, and Representative Ikeda presented the certified copies of the resolution.

Dr. George Oshiro then presented whistles to all of the female Representatives to "blow the whistle on crime", the theme for this year's "Safeguard Against Crime Week."

At 10:58 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of extending personal greetings to the honored guests.

The House of Representatives reconvened at 11:02 o'clock a.m.

A resolution (H.R. No. 534) commending Raymond Victor for his devoted service to the organization of Youth Baseball in East Honolulu was jointly offered by Representatives Dods, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Dods, seconded by Representative Ikeda and carried, H.R. No. 534 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 529 to 533 and 535) and concurrent resolutions (H.C.R. Nos. 99 and 100) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 21, 1977:

A resolution (H.R. No. 529) requesting a study of the sunset principle in relation to business-related administrative rules was jointly offered by Representatives Cobb, Ajifu, Baker, Blair, Campbell, Cayetano, Evans, Fong, Inaba, Kihano, Larsen, Machida, Medeiros, Mizuguchi, Morioka, Narvaes, Peters, Say, Shito, Suwa, Takamine, Toguchi, Uechi, Ushijima, D. Yamada, K. Yamada and Wakatsuki.

A resolution (H.R. No. 530) requesting a study of cooperatively owned apartment dwelling units was jointly offered by Representatives Cobb, Ajifu, Baker, Blair, Campbell, Cayetano, Evans, Fong, Inaba, Kihano, Larsen, Machida, Medeiros, Mizuguchi, Morioka, Narvaes, Peters, Say, Shito, Suwa, Takamine, Toguchi, Uechi, Ushijima, D. Yamada, K. Yamada and Wakatsuki.

A resolution (H.R. No. 531) requesting measurement of traffic conditions on Kalaniana'ole Highway was jointly offered by Representatives Cobb, Dods, Larsen and Ikeda.

A resolution (H.R. No. 532) requesting the Governor and the Director of Transportation to give high priority for the capital improvements of the bridges of Hawaii, Maui, and Kauai was jointly offered by Representatives Takamine, Inaba, Segawa, Suwa, D. Yamada

and K. Yamada.

A resolution (H.R. No. 533) requesting a study on the use of van pools was jointly offered by Representatives Ikeda, Abercrombie, Ajifu, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada and Yuen.

A resolution (H.R. No. 535) requesting a study on the need to provide comprehensive health care to gap group people who are not otherwise covered by prepaid health plans was jointly offered by Representatives Segawa, Cobb, Nakamura, Toguchi and Ueoka.

A concurrent resolution (H.C.R. No. 99) requesting measurement of traffic conditions on Kalaniana'ole Highway was jointly offered by Representatives Cobb, Dods, Larsen and Ikeda.

A concurrent resolution (H.C.R. No. 100) requesting the Governor and the Director of Transportation to give high priority for the capital improvements of the bridges of Hawaii, Maui, and Kauai was jointly offered by Representatives Takamine, Inaba, Segawa, Suwa, D. Yamada and K. Yamada.

The Chair then made the following announcements:

"The Chair, at this time, waives the necessary 48-hour rule on the hearing to be held by your Committee on Public Employment and Government Operations.

The Chair, at this time, makes a blanket ruling regarding notices of the committee meetings on Senate

bills. The Chair waives the necessary required hours for all committee hearings and notices."

At 11:05 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:06 o'clock a.m., the Chair stated:

"The announcement that the Chair made regarding the waiver of the necessary hours is conditioned upon each committee attempting to meet the requirement whenever possible."

The Chair then stated:

"It has been the policy of the House that Senate bills referred to committees, the subject matter of which the House committee did have public hearings on, need not have to have a public hearing again. Is that clear?"

COMMITTEE REASSIGNMENTS

The following Senate bills were re-referred as follows:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
271	Committee on Consumer Protection and Commerce, then to the Committee on Finance
475	Committee on Judiciary
485	Committee on Energy and Transportation
758	Committee on Energy and Transportation

ADJOURNMENT

At 11:10 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:00 o'clock a.m. on Monday, March 21, 1977.

FORTY-THIRD DAY

Monday, March 21, 1977

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

The Divine Blessing was invoked by the Reverend Bob Griggs of the Aloha Baptist Church, after which the Roll was called showing all members present with the exception of Representative Suwa, who was excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 199 to 201) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 199) transmitting Senate Concurrent Resolution No. 129 congratulating the Honolulu Theatre for Youth which was adopted by the Senate on March 18, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 129 was adopted.

A communication from the Senate (Sen. Com. No. 200) transmitting Senate Concurrent Resolution No. 44, SD 1, endorsing the recommendations of the Intergovernmental Relations Committee of the National Conference of State Legislatures for strengthening our nation's electric utility industry which was adopted by the Senate on March 18, 1977, was placed on file.

By unanimous consent, action on S.C.R. No. 44, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 201) transmitting Senate Bill No. 3, SD 1, entitled: "A BILL FOR AN ACT RELATING

TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS", which passed Third Reading in the Senate on March 18, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.B. No. 3, SD 1, passed First Reading by title and further action was deferred until later in the calendar.

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

Upon reconvening at 11:09 o'clock a.m., the following introductions were made to the members of the House:

Representative Sutton introduced Mr. and Mrs. Lloyd Omdahl and their daughter, Nancy, from Grand Forks, North Dakota. Mr. Omdahl is the State Budget Officer of North Dakota.

Representative Peters introduced Mr. Hugh Taufasau, Athletic Director and basketball coach of Nanakuli High School.

Mr. James Hall of the Trust Territory was introduced by Representative Kamalii.

Representative Toguchi introduced Mr. Mike Hare who is the lawyer for the Waiahole-Waikane group.

ORDER OF THE DAY

COMMITTEE REFERRAL

Senate Bill No. 3 was referred to the Committee on Finance.

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 529 to 533 and 535) and concurrent resolutions (H.C.R. Nos. 99 and 100 and S.C.R. No. 44) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
529	Committee on Consumer Protection and Commerce, then to the Committee on Finance
530	Committee on Consumer Protection and Commerce, then to the Committee on Finance

- 531 Committee on Energy and Transportation, then to the Committee on Finance
- 532 Committee on Energy and Transportation, then to the Committee on Finance
- 533 Committee on Energy and Transportation
- 535 Committee on Health, then to the Committee on Finance

Representatives Shito and Uechi, for the Committees on Housing and Agriculture, presented a joint report (Stand. Com. Rep. No. 760) recommending that H.R. No. 477, as amended in HD 1, be adopted.

On motion by Representative Shito, seconded by Representative Uechi and carried, the report of the Committees was adopted and H.R. No. 477, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A FARMERS HOME ADMINISTRATION STATE OFFICE IN HAWAII", was adopted.

H.C.R. Nos.

- 99 Committee on Energy and Transportation, then to the Committee on Finance
- 100 Committee on Energy and Transportation, then to the Committee on Finance

Representatives Shito and Uechi, for the Committees on Housing and Agriculture, presented a joint report (Stand. Com. Rep. No. 761) recommending that H.C.R. No. 85, as amended in HD 1, be adopted.

On motion by Representative Shito, seconded by Representative Uechi and carried, the report of the Committees was adopted and H.C.R. No. 85, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A FARMERS HOME ADMINISTRATION STATE OFFICE IN HAWAII", was adopted.

S.C.R. No.

- 44 Committee on Consumer Protection and Commerce

At 11:12 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

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

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 757) informing the House that House Resolution Nos. 526 to 532, House Concurrent Resolution Nos. 99 and 100, and Standing Committee Report Nos. 758 to 762 have been printed and distributed.

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

Representative Toguchi, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 758) pursuant to House Resolution No. 129, adopted by the Regular Session of 1977, which was received and filed.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 759) recommending that H.R. No. 490 be adopted.

On motion by Representative Shito, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.R. No. 490, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY TO PRESENT PLANS FOR THE REDEVELOPMENT AND REHABILITATION OF THE KALAKAUA HOMES", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 762) recommending that H.R. No. 451, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 451, HD 1, entitled: "HOUSE RESOLUTION REQUESTING DEVELOPMENT OF A MILOLII-HONOMALINO WATER SYSTEM", 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. 763) recommending that H.R. No. 166 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 763 and H.R. No. 166 was deferred for one day.

Representative Kawakami, for the Committee on Water, Land Use, Develop-

ment and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 764) recommending that H.R. No. 257 be adopted.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 257, entitled: "HOUSE RESOLUTION RECOMMENDING EXPANSION OF LAPAKAHI STATE HISTORICAL PARK, TO INCLUDE THE KOHALA MOUNTAIN TRAIL", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 765) recommending that H.R. No. 278, as amended in HD 1, be adopted.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 278, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN INVENTORY OF PUBLIC LANDS AVAILABLE FOR EXCHANGE WITH THE DEPARTMENT OF HAWAIIAN HOME LANDS", was adopted.

Representatives Blair and Kawakami, for the Committees on Ecology and Environment and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 766) recommending that H.R. No. 372, as amended in HD 1, be adopted.

On motion by Representative Blair, seconded by Representative Kawakami and carried, the report of the Committees was adopted and H.R. No. 372, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUBMIT A PROGRESS REPORT ON ITS '208' WATER QUALITY PLANNING PROGRAM", was adopted.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 536 to 538) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 536) extending congratulations to General Arthur U. Ishimoto on his promotion to the rank of Brigadier General was jointly offered by Representatives Carroll, Kiyabu, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kunimura, Lunasco, Machida, Medeiros,

Mizuguchi, Morioka, Naito, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Carroll, seconded by Representative Kiyabu and carried, H.R. No. 536 was adopted.

A resolution (H.R. No. 537) congratulating General Thomas S. Ito on his promotion to Brigadier General was jointly offered by Representatives Carroll, Shito, Abercrombie, Ajifu, Aki, Baker, Caldito, Campbell, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Stanley, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Carroll, seconded by Representative Shito and carried, H.R. No. 537 was adopted.

A resolution (H.R. No. 538) commending Brigadier General Edward M. Yoshimasu on his retirement from military service was jointly offered by Representatives Carroll, Shito, Abercrombie, Aki, Baker, Kiyabu, Kunimura, Larsen, Lunasco, Mizuguchi, Naito, Nakamura, Say, Segawa, Sutton, Uwaine and K. Yamada.

On motion by Representative Carroll, seconded by Representative Shito and carried, H.R. No. 538 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 539 to 541) and concurrent resolutions (H.C.R. Nos. 101 to 103) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 22, 1977:

A resolution (H.R. No. 539) requesting a study concerning State of Hawaii employees who are retirees of other (non-State of Hawaii) retirement systems was offered by Representative Stanley.

A resolution (H.R. No. 540) requesting a study of deferred compensation plans was offered by Representative Stanley.

A resolution (H.R. No. 541) requesting an interim committee on horizontal property regimes was jointly offered by Representatives Blair, Shito, D. Yamada, Caldito, Cayetano, Dods, Kunimura, Lunasco, Machida, Mizuguchi, Naito, Say, Segawa, Takamura,

Toguchi and Ueoka.

A concurrent resolution (H.C.R. No. 101) requesting a study concerning State of Hawaii employees who are retirees of other (non-State of Hawaii) retirement systems was offered by Representative Stanley.

A concurrent resolution (H.C.R. No. 102) requesting a study of deferred compensation plans was offered by Representative Stanley.

A concurrent resolution (H.C.R. No. 103) requesting an interim committee on horizontal property regimes was jointly offered by Representatives Blair, Shito, D. Yamada, Caldito, Cayetano, Dods, Kunimura, Lunasco, Machida, Mizuguchi, Naito, Say, Segawa, Takamura, Toguchi and Ueoka.

A resolution (H.R. No. 542) expressing gratitude to Alyce Doyle, principal of Pohukaina School was jointly offered by Representatives Stanley, Blair, Abercrombie, Aki, Campbell, Cayetano, Cobb, Evans, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Medeiros, Mina, Naito, Poepeo, Say, Shito, Takamine, Toguchi, Ueoka, K. Yamada and Yuen and was read by the Clerk.

On motion by Representative Stanley, seconded by Representative Blair and carried, H.R. No. 542 was adopted.

At this time, Representative Stanley made the following introduction:

"Mr. Speaker, it gives me a great deal of pleasure to introduce to this body Ms. Alyce Doyle and Randy Sodetani."

Randy Sodetani then presented Ms. Doyle with a pikake lei and corsage; Representative Blair presented her with a red carnation lei; and Representative Stanley presented her with certified copies of the resolution.

Representative Stanley went on to introduce the following, who were seated in the gallery observing the proceedings on the floor:

Students from Pohukaina School and their teachers, Mrs. Lorene Tam Sing, Mr. John Norris, Mr. Stephen Motokawa, Ms. Charlene Fong, Ms. Katherine Matecki, Mr. Herman Ventura, Mrs. Thelma Lum, Mr. Dennis Man, Mrs. Mabel Sakado, Mrs. Amy Kwock and Mrs. Sachiko

Ishihara; counselor, Mrs. Kathleen Mau; librarian, Ms. Laurianne Chun; occupational therapist, Ms. Faun Pablo; and educational assistants, Ms. Amy Brown, Ms. Mary Day, Ms. Alberta Nakaima, Ms. Kiyoe Oishi, Ms. Nancy Sugihara, Ms. Ethel Thom, Mr. Patrick McGrath and Ms. Nancy Kang.

At 11:23 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, to meet the honored guest.

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

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

"The Chair would like to request all chairmen to check your time schedule to meet the deadlines and get your communication going with your Senate counterparts."

At 11:32 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:34 o'clock a.m.

COMMITTEE REASSIGNMENT

The Chair re-referred the following Senate Bills:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
1472	Committee on Public Employment and Government Operations, then to the Committee on Finance
460	Committee on Consumer Protection and Commerce, then to the Committee on Public Employment and Government Operations
1464	Jointly to the Committees on Ecology and Environment and Consumer Protection, and Commerce, then to the Committee on Finance

ADJOURNMENT

At 11:37 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Tuesday, March 22, 1977.

FORTY-FOURTH DAY

Tuesday, March 22, 1977

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

The Divine Blessing was invoked by the Reverend Richard DuFresne of the Community Church of Honolulu, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Blair, Caldito, Dods, Fong, Inaba, Kawakami, Larsen, Machida, Morioka, Poepoe, Toguchi, Uechi, Wakatsuki and K. Yamada, who were excused.

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

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

DEPARTMENTAL COMMUNICATION

A communication from Steven Tom, Chairman, State Student Conference, Department of Education (Dept. Com. No. 8) transmitting copies of the proceedings of the 1977 State Student Conference to the House of Representatives of the Ninth Hawaii State Legislature, was read by the Clerk and was placed on file.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 202) transmitting Senate Concurrent Resolution No. 130, commending Henry A. Walker, Jr. and AMFAC, Inc. for restoring the Ahuena Heiau of Kamehameha the Great at Kailua-Kona, Hawaii, which was adopted by the Senate on March 21, 1977, was read by the Clerk and was placed on file.

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

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 12 to 16) were read by the Clerk and were disposed

of as follows:

A communication from Mrs. Beatrice Burns (Misc. Com. No. 12) acknowledging receipt of a copy of House Resolution No. 395, was placed on file.

A communication from the Honorable Cec Heftel, Member of Congress (Misc. Com. No. 13) acknowledging receipt of a copy of House Resolution No. 134, requesting expansion of the Federal Comprehensive Employment and Training Act, was placed on file.

A communication from the Honorable Thomas P. O'Neill, Jr., Speaker, U.S. House of Representatives (Misc. Com. No. 14) acknowledging receipt of a copy of House Resolution No. 95, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 15) acknowledging receipt of a copy of House Resolution No. 321, was placed on file.

A communication from Shigeto Murayama, Managing Director, County of Maui (Misc. Com. No. 16) acknowledging receipt of House Resolution No. 102, was placed on file.

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

Representative Sutton introduced Mr. and Mrs. Erin L. Teed from New Brunswick, Canada. Mr. Teed is an attorney by profession.

Representative Cobb introduced 84 fifth grade students from Kahala Elementary School. They were accompanied by their teachers, Mrs. Iwamoto, Mrs. Chang, Mrs. Campbell and Mrs. Ueoka.

Representative Mizuguchi introduced 84 students from Waimalu Elementary School. They were accompanied by their teacher, Miss Sakai.

Representative Kiyabu introduced "two concerned citizens on vacation", Mrs. Clara Ginoza and Mrs. May Ogomori.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 539 to 541) and concurrent resolutions (H.C.R. Nos. 101 to 103) were disposed

of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
539	Committee on Public Employment and Government Operations, then to the Committee on Finance
540	Committee on Public Employment and Government Operations, then to the Committee on Finance
541	Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management

H.C.R. Nos.

101	Committee on Public Employment and Government Operations, then to the Committee on Finance
102	Committee on Public Employment and Government Operations, then to the Committee on Finance
103	Committee on Consumer Protection and Commerce, then to the Committee on Finance

UNFINISHED BUSINESS

Stand. Com. Rep. No. 763 on H.R. No. 166 (Deferred from March 21, 1977):

Representative Kawakami requested that action be deferred one day, and the Chair, noting that there were no objections, so ordered.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 767) informing the House that House Resolution Nos. 536 to 542, House Concurrent Resolution Nos. 101 to 103, and Standing Committee Report Nos. 763 to 766 and 768 to 778, have been printed and distributed.

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

Representative Ushijima, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 768) recommending that H.R. No. 405 be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Mizuguchi and carried, the report of the majority of the Committee was adopted and H.R. No. 405, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO CONDUCT A FEASIBILITY STUDY ON THE CONCEPT OF JOB SHARING", was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 769) recommending that H.R. No. 350, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 350, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY ON THE LICENSING AND REGULATION OF RETIREMENT HOMES", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 770) recommending that H.R. No. 335 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 335, entitled: "HOUSE RESOLUTION URGING EXTENSION OF THE COMMUNITY PHYSICIAN PROGRAM TO NORTH KOHALA, HAWAII", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 771) recommending that H.C.R. No. 46 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION URGING EXTENSION OF THE COMMUNITY PHYSICIAN PROGRAM TO NORTH KOHALA, HAWAII", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 772) recommending that H.R. No. 311, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Yuen and carried, the report of the Committee

was adopted and H.R. No. 311, HD 1, entitled: "HOUSE RESOLUTION REQUESTING EXPEDITIOUS UPGRADING OF HONOKAA HOSPITAL", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 773) recommending that H.R. No. 450 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 450, entitled: "HOUSE RESOLUTION REQUESTING STAFF DEVELOPMENT PROGRAMS FOR NURSES", was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 774) recommending that H.R. No. 165, as amended in HD 1, be adopted.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 165, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES DIVISION TO INVESTIGATE ALTERNATIVE METHODS OF RATEMAKING", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 775) recommending that H.R. No. 62, as amended in HD 1, be adopted.

On motion by Representative Ushijima, seconded by Representative Mizuguchi and carried, the report of the Committee was adopted and H.R. No. 62, HD 1, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT AND COMMITMENT TO UNDERGRADUATE PROGRAMS OF THE UNIVERSITY OF HAWAII", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 776) recommending that H.R. No. 61, as amended in HD 1, be adopted.

On motion by Representative Ushijima, seconded by Representative Mizuguchi and carried, the report of the Committee was adopted and H.R. No. 61, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AFFIRMATIVE EXPANSION OF EDUCATION OPTIONS AVAILABLE IN

HIGHER EDUCATION AND A REVIEW THEREOF", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 777) recommending that H.R. No. 520, as amended in HD 1, be adopted.

On motion by Representative Shito, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 520, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF COST FACTOR IN EXTENDED TERM CARE", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 778) recommending that H.R. No. 503, as amended in HD 1, be adopted.

On motion by Representative Shito, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 503, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF THE ACCOMPLISHMENTS AND ACTIVITIES OF COMMUNITY BASED SERVICES FOR THE MENTALLY RETARDED", was adopted.

At 11:12 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:17 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Blair, Dods and Poepoe.

INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 543) congratulating Sandra Lai Quon Mew, Miss Chinatown U.S.A. was jointly offered by Representatives Say, Abercrombie, Ajifu, Aki, Baker, Caldito, Campbell, Carroll, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Morioka, Naito, Nakamura, Narvaes, Poepoe, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Say, seconded by Representative Abercrombie and carried, H.R. No. 543 was adopted.

At this time, Representative Say introduced to the members of the House the honoree, Miss Sandra Lai Quon Mew, stating:

"Mr. Speaker, it is a great honor

for me to introduce Miss Sandra Lai Quon Mew, Miss Chinatown U.S.A.

Sandra is from Hawaii and the first local girl to be crowned Miss Chinatown U.S.A., making this occasion especially memorable for all of us here this morning."

Representative Say then introduced Mr. Anthony Ching who accompanied Miss Mew.

Representative Uwayne presented a red carnation lei to the honoree, and Representative Takamura presented her with a certified copy of the resolution.

At 11:20 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting and extending congratulations to the honoree.

The House of Representatives reconvened at 11:32 o'clock a.m.

By unanimous consent, the following resolutions (H.R. Nos. 544 to 554) and concurrent resolution (H.C.R. No. 104) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 23, 1977:

A resolution (H.R. No. 544) requesting a review of the Hawaii Foundation on History and the Humanities was offered by Representative Say.

A resolution (H.R. No. 545) requesting a review of the audit on the Hawaii Foundation on Culture and the Arts was offered by Representative Say.

A resolution (H.R. No. 546) supporting the construction of the handball/racquetball courts on the Manoa Campus of the University of Hawaii was jointly offered by Representatives Ushijima, Abercrombie, Aki, Campbell, Carroll, Cayetano, Evans, Kawakami, Kiyabu, Machida, Poepoe, Say, Segawa, Shito, Stanley, Takamine and Toguchi.

A resolution (H.R. No. 547) requesting identification cards for all security personnel at the University of Hawaii, Manoa Campus was jointly offered by Representatives Ushijima, Abercrombie, Aki, Campbell, Carroll, Cayetano, Evans, Kawakami, Kiyabu, Machida, Mizuguchi, Poepoe, Say, Segawa, Shito, Stanley, Takamine and Toguchi.

A resolution (H.R. No. 548) requesting a review of compensation plans

for the State security personnel was jointly offered by Representatives Ushijima, Abercrombie, Aki, Campbell, Carroll, Cayetano, Evans, Kawakami, Kiyabu, Machida, Mizuguchi, Poepoe, Say, Segawa, Shito, Stanley, Takamine and Toguchi.

A resolution (H.R. No. 549) requesting the establishment of an Advisory Committee for Career Education at the University of Hawaii was offered by Representative Ushijima.

A resolution (H.R. No. 550) relating to public parking facilities was jointly offered by Representatives Cayetano, Abercrombie, Aki, Campbell, Carroll, Dods, Evans, Fong, Ikeda, Inaba, Kamalii, Kiyabu, Kunimura, Larsen, Machida, Medeiros, Mina, Mizuguchi, Morioka, Peters, Say, Segawa, Stanley, Suwa, Takamine, Takamura and Uwayne.

A resolution (H.R. No. 551) requesting that the State of Hawaii preserve the residential nature of Diamond Head and Waialae-Kahala beachfront was jointly offered by Representatives Carroll and Larsen.

A resolution (H.R. No. 552) requesting more effective coordination of training and economic activities was jointly offered by Representatives Machida, Caldito, Dods, Evans, Kawakami, Kunimura, Narvaes, Shito, Stanley, Takamura, Ueoka and Uwayne.

A resolution (H.R. No. 553) relating to continuing group inclusive tour fares by the airlines was jointly offered by Representatives Machida, Aki, Blair, Caldito, Dods, Evans, Fong, Inaba, Kawakami, Kunimura, Larsen, Mina, Narvaes, Shito, Stanley, Uechi, Ueoka and Uwayne.

A resolution (H.R. No. 554) requesting a report on alternatives for attracting capital investment was jointly offered by Representatives Machida, Aki, Caldito, Dods, Evans, Fong, Kamalii, Kawakami, Larsen, Narvaes, Shito, Stanley, Uechi, Ueoka and Uwayne.

A concurrent resolution (H.C.R. No. 104) requesting a report on alternatives for attracting capital investment was jointly offered by Representatives Machida, Aki, Caldito, Dods, Evans, Fong, Kamalii, Kawakami, Larsen, Narvaes, Shito, Stanley, Uechi, Ueoka and Uwayne.

At this time, Representative Medeiros introduced to the members of the House Kurt Sueichi Carroll, son of Representative Carroll, who was seated in the gallery.

The Chair then made the following announcement:

"I would like all the Committee members to notify your Committee Chairmen as to your whereabouts. Leave your phone numbers, if necessary, for Committee Report signatures and Committee Reports that will be circulating this afternoon and this evening, so please make your whereabouts available

to your Committee Chairmen."

ADJOURNMENT

At 11:35 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Wednesday, March 23, 1977.

FORTY-FIFTH DAY

Thursday, March 23, 1977

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

The Divine Blessing was invoked by the Reverend Douglas Olson of the Calvary Lutheran Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie and Wakatsuki.

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

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

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

Representative Sutton introduced sixty-five 6th grade students from Maemae School and their teachers, Ms. Karen Moriyama, Mr. Irvin Sasaki and Ms. Michi Akutagawa; and Mr. and Mrs. Harold Rufenacht of Monroe, Wisconsin.

Representative Cobb introduced Ms. Wilma Wong, a political science major at Stanford University, home for the Easter recess.

Representative Machida introduced sixty-three 7th graders from Lihikai School on Maui. "They are here with their Hawaiian class to further their study in Hawaiian culture and will be visiting places such as the Bishop Museum and the Polynesian Cultural Center." Accompanying them on this trip are Mrs. Judith Matoi, Mrs. Ellen Walton, Mr. Roy Nakasone, Mrs. Michiko Toyama, Mrs. Sharon Yanagida, Ms. Judy Chong, Mr. Masao Ansai and Mrs. Nina Sajolan.

Representative Shito, on behalf of Representative Kihano, introduced two of their constituents who were seated in the gallery, Diana Kau and Gerry Young.

Representative Toguchi introduced eight students from Project Kaena Trio from Castle High School, which is

funded under the Emergency School Aid Act. They were accompanied by their advisors, Mr. Dexter Soares and Ms. Marla Kawamoto.

Representative Segawa introduced Mrs. Jean Graham; her son and family, Dr. and Mrs. Gary Graham from Great Lakes Naval Hospital; and her daughter, Nancy Hunt.

Representative Ueoka introduced forty-eight 6th grade students from Lanai School. They were accompanied by their teachers, Ms. Paula Pang, Ms. Martha Heia and Mr. Bob Sasaki; parent chaperones, Mr. and Mrs. John Gabriel and Mrs. Haru Atari; and escort, Mr. Dennis Hokama, a teacher at Lanai High School who is on leave and doing work for the Hawaii Federation of Teachers at the present time.

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

Upon reconvening at 11:20 o'clock a.m., the Speaker assumed the rostrum.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 544 to 554) and concurrent resolution (H.C.R. No. 104) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
544	Committee on Culture and the Arts, then to the Committee on Legislative Management
545	Committee on Culture and the Arts, then to the Committee on Legislative Management
546	Committee on Higher Education, then to the Committee on Finance
547	Committee on Higher Education
548	Committee on Public Employment and Government Operations
549	Committee on Higher Education
550	Committee on Energy and Transportation
551	Committee on State General Planning, then to the Committee on Tourism

- 552 Jointly to the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations
- 553 Committee on Tourism
- 554 Jointly to the Committees on Tourism and Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance, then to the Committee on Legislative Management

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 781) recommending that H.R. No. 236, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 236, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO PROMOTE EMPLOYMENT IN THE PRIVATE SECTOR THROUGH TAX INCENTIVES", was referred to the Committee on Finance.

H.C.R. No.

- 104 Jointly to the Committees on Tourism and Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 782) recommending that S.B. No. 779, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 763 on H.R. No. 166 (Deferred from March 22, 1977):

By unanimous consent, action was deferred for one day.

On motion by Representative Shito, seconded by Representative Ueoka and carried, the report of the Committee was adopted and S.B. No. 779, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT", passed Second Reading and was referred to the Committee on Finance.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 779) informing the House that House Resolution Nos. 543 to 554, House Concurrent Resolution Nos. 104, and Standing Committee Report Nos. 780 to 787 have been printed and distributed.

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

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 780) recommending that H.R. No. 427 be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 427, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF INSTALLING SOLAR ENERGY DEVICES IN PUBLIC BUILDINGS", was referred to the Committee on Finance.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 783) recommending that S.B. No. 74, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Ueoka and carried, the report of the Committee was adopted and S.B. No. 74, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF THE SALE OF RESIDENTIAL LEASEHOLDS", 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. 784) recommending that S.B. No. 572, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and S.B. No. 572, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND DEVELOPMENT OF KAUAI", 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. 785) recommending that S.B. No. 391, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and S.B. No. 391, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNING AND ECONOMIC DEVELOPMENT", passed Second Reading and was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 786) recommending that S.B. No. 47, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Machida and carried, the report of the Committee was adopted and S.B. No. 47, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE POSTSECONDARY EDUCATION COMMISSION", passed Second Reading and was referred to the Committee on Finance.

Representative Blair, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 787) recommending that S.B. No. 1489, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and S.B. No. 1489, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTERING", passed Second Reading and was referred to the Committee on Judiciary.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 555 and 556) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 555) congratulating George Chaplin, President of the American Society of Newspaper Editors, was jointly offered by Representatives Campbell, Abercrombie, Aki, Baker, Caldito, Carroll, Cayetano,

Evans, Garcia, Ikeda, Inaba, Kiyabu, Lunasco, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Takamura, Toguchi, Uechi, Ueoka, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Campbell, seconded by Representative Garcia and carried, H.R. No. 555 was adopted.

Representative Campbell then rose and stated:

"Mr. Speaker and members of this honorable body, many years ago, when I first came to Hawaii, second to the Inouyes, it was George Chaplin who became my friend. But, may I hasten to point out that he never let our friendship affect his journalistic point of view; that is the reason why it is difficult, even today, for me to ever get my name into the ADVERTISER.

Representatives in the Convention of the American Society of Newspaper Editors will be the New York Times, the Chicago Tribune, the Los Angeles Times, the New York Daily News, the Washington Post and many other outstanding newspapers, and presiding at this historic meeting will be Hawaii's George Chaplin.

Because he has brought this honor to our State, I am proud to present to this honorable body an excellent journalist and civic leader, George Chaplin."

At this time, Representative Kamalii presented the honoree with a red and white carnation lei and Representative Campbell presented him with certified copies of the resolution.

A resolution (H.R. No. 556) congratulating Louise Akeo Silva for receiving the 1976 Hawaii Aloha Award was jointly offered by Representatives Kamalii, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Kamalii, seconded by Representative Caldito and carried, H.R. No. 556 was adopted.

Representative Kamalii then rose and stated:

"Mr. Speaker, it is a great privilege for me today to introduce to the members of this honorable body, a lady who saw the light of day 83 years ago on the slopes of Haleakala, Maui.

She is 75% Hawaiian and has dedicated her years in preserving her culture, music and, most of all, the aloha spirit.

May I present to you, ladies and gentlemen, Auntie Lou Silva."

At this time, Representative Caldito presented her with a red carnation lei and Representative Kamalii presented Auntie Lou with certified copies of the resolution.

Representative Kamalii then went on, stating:

"Mr. Speaker, Auntie Lou has asked that I present you with a gift. May I preface this by saying that for the past two years Auntie Lou has longed to produce a record, and it is now in an album.

The songs in this album had been chosen to bring to you not only a link with the past, but a challenge to the youth who are fortunate to have Hawaiian blood in their veins and to keep alive the true spirit of Hawaiian music."

Representative Kamalii then presented the Speaker with the record album and continued with the following introduction:

"Mr. Speaker, the family of Auntie Lou is here with us in the gallery: her husband, William Silva; sister, Cecilia Gaspe; good friend, Libby Marshall; and nephews, Fred and Sam Kamaka of Kamaka Ukuleles."

The Chair then made the following acknowledgement, stating:

"The Chair would like to acknowledge this beautiful record, Auntie Lou. I shall always remember this day and cherish this momento. Thank you."

At 11:39 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, to meet our honored guests.

The House of Representatives reconvened at 11:43 o'clock a.m.

By unanimous consent, the following resolutions (H.R. Nos. 557 and

558) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 24, 1977:

A resolution (H.R. No. 557) requesting action to adapt U.S. Farmers' Home Administration Housing Loan Programs to local conditions in Hawaii was jointly offered by Representatives Takamine, Blair, Inaba, Kawakami, Morioka, Segawa, Suwa and K. Yamada.

A resolution (H.R. No. 558) relating to officiating of athletic events for high schools and the University of Hawaii system was jointly offered by Representative Peters and Ushijima.

A resolution (H.R. No. 559) honoring Arthur D. Woolaway for his many years of dedicated public service was jointly offered by Representatives Wakatsuki, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen and was read by the Clerk.

Representative Kihano moved that H.R. No. 559 be adopted, seconded by Representative Kamalii.

Representative Kunimura then rose and stated:

"I'm not gonna rise and speak against this resolution. As a matter of fact, I'm gonna support this resolution. Everything that is said in the resolution is the gospel's truth, except there seems to be a slight omission.

I remember when I entered politics, the name Arthur D. Woolaway was a forbidden name in our party. We used to look at him and his name like it was a great big monster.

But after I was elected to office, and several years later, coming to the Legislature and getting to know Art, I found this man to be different from what was described and painted of him.

He is a true Republican and I respect him for that, but above that, he is a true American and he believes in a good government rather than a good party; he believes in a good man rather than a good partisan; and I would

like to speak for the record that this man, although in the resolution paints another picture like he's only a Republican, he's an American first and a good man first, so I would like to have that inserted into the record, and let us all vote with a loud 'aye'."

Representative Ueoka then rose and stated:

"I have known the honoree for many, many years. As a matter of fact, I played on his barefoot football team in Paia some years back; of course, I always sat on the bench.

I would like to ask the members of this body here to give him a rising vote."

Representative Kamalii then rose and stated:

"I, too, am very privileged to have had the opportunity to learn politics under Art Woolaway. He was certainly instrumental in getting me where I am today, here in the House of Representatives.

We, in the minority party, miss him as a leader and will always look to him as a leader of the Republican Party in Hawaii."

Representative Kunimura then asked:

"Will the honorable Minority Leader yield to a question?"

Representative Kamalii replied in the affirmative and Representative Kunimura asked:

"Did I hear you say you played football under Mr. Woolaway?"

Representative Kamalii answered, stating:

"Mr. Speaker, I didn't play football under Mr. Woolaway. I played with him."

The Chair then remarked:

"What you really meant was political football."

The motion was put by the Chair and carried, and H.R. No. 559 was adopted by a rising vote.

Representative Kihano then rose and stated:

"Mr. Speaker, I think enough has been said about this man who had a colorful career and now I would like to introduce the colorful man himself, Mr. Art Woolaway. With him, Mr. Speaker and members of the House, is Mrs. Woolaway."

At this time, Representative Kunimura presented Mrs. Woolaway with a white carnation lei and Representative Stanley presented the honoree with a red carnation lei, while Representatives Kondo and Kamalii presented them with certified copies of the resolution.

At 11:51 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:01 o'clock p.m.

By unanimous consent, the following resolutions (H.R. Nos. 560 to 563) and concurrent resolutions (H.C.R. Nos. 105 to 107) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 24, 1977:

A resolution (H.R. No. 560) relating to the East-West Center was offered by Representative Ushijima (By request).

A resolution (H.R. No. 561) requesting the University of Hawaii Manoa to continue accepting the grade point averages of students transferring from other campuses within the U. H. system was offered by Representative Abercrombie.

A resolution (H.R. No. 562) requesting the Department of Transportation to promulgate regulations to permit Hawaiian canoe paddlers to use the Ala Moana Beach Park shore waters and to provide for the safety and welfare of swimmers, fishermen, and other persons using the shore waters of Ala Moana Beach Park was jointly offered by Representatives Kawakami and Cayetano.

A resolution (H.R. No. 563) requesting the Governor to disband the Kohala Task Force and commending the Task Force on a job well done was jointly offered by Representatives Takamine, Ajifu, Aki, Baker, Blair, Campbell, Cayetano, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kiyabu, Kunimura, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Say, Segawa, Shito, Stanley, Suwa, Takamura, Uechi, Ueoka, Ushijima and K. Yamada.

A concurrent resolution (H.C.R. No. 105) relating to officiating of athletic events for high schools and

the University of Hawaii system was jointly offered by Representatives Peters and Ushijima.

A concurrent resolution (H.C.R. No. 106) requesting the Department of Transportation to promulgate regulations to permit Hawaiian canoe paddlers to use the Ala Moana Beach Park shore waters and to provide for the safety and welfare of swimmers, fishermen, and other persons using the shore waters of Ala Moana Beach Park was jointly offered by Representatives Kawakami and Cayetano.

A concurrent resolution (H.C.R. No. 107) requesting the Governor to disband the Kohala Task Force and commending the Task Force on a job well done was jointly offered by Representatives Takamine, Ajifu, Aki, Baker, Blair, Cayetano, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kiyabu, Kunimura, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Say, Segawa, Shito, Stanley, Suwa, Takamura, Uechi, Ushijima and K. Yamada.

A resolution (H.R. No. 564) honoring Mark Matsunaga, Hawaii's Sportswriter of the Year, was jointly offered by Representatives Wakatsuki, Uechi, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen and was read by the Clerk.

On motion by Representative Uechi, seconded by Representative Kihano and carried, H.R. No. 564 was adopted.

At this time, Representative Kihano introduced his "#3 offspring, daughter Gwen".

At 12:03 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 5:30 o'clock this evening.

EVENING SESSION

The House of Representatives

reconvened at 5:47 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 203 and 204) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 203) transmitting Senate Concurrent Resolution No. 81 requesting that native Hawaiians and other minority groups in Hawaii be designated as special target groups for federal comprehensive employment and training programs which was adopted in the Senate on March 23, 1977, was placed on file.

By unanimous consent, action on S.C.R. No. 81 was deferred until tomorrow, March 24, 1977.

A communication from the Senate (Sen. Com. No. 204) returning House Bill No. 230, HD 2, which passed Third Reading in the Senate on March 23, 1977, was placed on file.

STANDING COMMITTEE REPORTS

Representatives Blair and D. Yamada, for the Committees on Ecology and Environment and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 788) recommending that S.B. No. 1464, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committees was adopted and S.B. No. 1464, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY AND LITTER CONTROL", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 789) recommending that S.B. No. 517, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 517, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISE", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 790) recommending that S.B. No. 647, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 647, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION OF PUBLIC UTILITIES", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 791) recommending that S.B. No. 251, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 251, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 792) recommending that S.B. No. 856, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and S.B. No. 856, SD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A 75TH ANNIVERSARY COMMISSION ON FILIPINOS COMING TO HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 793) recommending that S.B. No. 589 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and S.B. No. 589, entitled: "A BILL FOR AN ACT RELATING TO ETHNIC STUDIES", passed Second Reading and was referred

to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 794) recommending that S.B. No. 1408, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and S.B. No. 1408, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH AND MORALS, OFFENSES RELATED TO OBSCENITY", passed Second Reading and was referred to the Committee on Judiciary.

Representatives Takamine and Stanley, for the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 795) recommending that S.B. No. 22, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Stanley and carried, the report of the Committees was adopted and S.B. No. 22, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EMPLOYMENT PROGRAM", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the majority of the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 796) recommending that S.B. No. 1350, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the majority of the Committee was adopted and S.B. No. 1350, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY REQUIREMENTS FOR PUBLIC EMPLOYMENT", passed Second Reading and was referred to the Committee on Judiciary, with Representatives Baker, Carroll, Cayetano, Cobb, Dods, Mina, Sutton, Takamura and K. Yamada voting no.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 797) recommending that S.B. No. 1472, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and S.B. No. 1472, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN POSITIONS IN THE UNIVERSITY OF HAWAII", passed Second Reading and was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 798) recommending that H.R. No. 535 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.R. No. 535, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE NEED TO PROVIDE COMPREHENSIVE HEALTH CARE TO GAP GROUP PEOPLE WHO ARE NOT OTHERWISE COVERED BY PREPAID HEALTH PLANS", was referred to the Committee on Finance.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 799) recommending that S.B. No. 246, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

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

Representative D. Yamada, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 800) recommending that S.B. No. 563, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy and Transportation.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the majority of the Committee was adopted and S.B. No. 563, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHT", passed Second Reading and was referred to the Committee on Energy and Transportation, with Representatives Baker and Uwaine voting no.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 801) recommending that S.B. No. 460, SD 1, pass Second Reading and be referred to the Committee on Public Employment and Government

Operations.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 460, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY BOARDS AND COMMISSIONS", passed Second Reading and was referred to the Committee on Public Employment and Government Operations.

Representatives Stanley and Garcia, for the majority of the Committees on Public Employment and Government Operations and Judiciary, presented a joint report (Stand. Com. Rep. No. 802) recommending that S.B. No. 991, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Stanley moved that the report of the majority of the Committees be adopted and that S.B. No. 991, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative K. Yamada.

Representative Uwaine then rose and stated:

"Mr. Speaker, I would like to say something against this bill - very short. I would just like to say that this is a very bad bill and I advise my colleagues to read between the lines. Thank you."

The Chair then stated:

"Representative Uwaine, will you please be recognized before speaking on the floor the next time."

Representative Cobb, upon being recognized, stated:

"Mr. Speaker, just one item, very briefly, that the Judiciary budget has gone up three times, or will have gone up three times, in the period 1973 to 1981.

I hope the Finance Committee looks at this. Please record a 'no' vote for me."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and S.B. No. 991, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL OF THE JUDICIAL BRANCH", passed Second Reading and was referred to the Committee on Finance, with Representatives Baker, Cobb, Nakamura, Say, Sutton and Uwaine voting no.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 803) recommending that S.B. No. 574 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 574, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 804) recommending that S.B. No. 140, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and S.B. No. 140, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 805) recommending that S.B. No. 237, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and S.B. No. 237, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 806) recommending that S.B. No. 1299 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and S.B. No. 1299, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES",

passed Second Reading and was referred to the Committee on Finance.

Representative Aki, for the majority of the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 807) recommending that S.B. No. 346, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the majority of the Committee was adopted and S.B. No. 346, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", passed Second Reading and was referred to the Committee on Judiciary, with Representatives Sutton and Ueoka voting no.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 808) recommending that S.B. No. 1193, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Machida moved that the report of the Committee be adopted and that S.B. No. 1193, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Dods.

Representative Abercrombie, speaking against the bill, stated:

"Here we've got Waikiki being treated special again; special for everybody but the people of the State of Hawaii. Your Committee finds that Waikiki is a special district, deserving limited extension appropriation because of its importance to tourism.

If it's so important to tourism, why don't we have a hotel room tax? It reflects upon the economy of the State as a whole. In other words, the people of the State are gonna be asked, once again, to foot the bill for Waikiki so all lobbyists can run down here, come in here and take over this Legislature and run it just as if they were running their own little bailiwicks for all the foreign companies, for all the mainland companies.

We all sit down here with smug looks on our faces, and I tell you there's going to be a time of reckoning in this State over what the hotel association is doing, and it's gonna be people in here that are gonna pay the price for it because we don't have the guts to stand up to these people and tell them where they ought to get off - they're running our State; they're

running our lives - and I'll tell you what I think - you can sit there and smirk all you want - I'll tell you what I think; I think the voters of this State are going to be looking mighty close as to what contributions come to who when the 1978 elections come up; whether these clowns are really running this State or not; we're going to find that out.

I'm against these people running our lives, taking over the State and running it like a feudal kingdom and us acquiescing to it. The whole thing stinks."

Representative Sutton then rose and asked:

"I am one of the clowns. I own a hotel. I have a conflict. Will you rule?"

The Chair ruled "no conflict".

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

"Mr. Speaker, the good representative from Manoa isn't aware that this money was appropriated for the residents of Waikiki for the dilapidated conditions of our streets and sewers; for the same reasons these monies were appropriated for the residents for the representative himself.

Just as we use the roads into Manoa, they also enjoy the roads into Waikiki. This bill is not just for the tourist industry. This bill is also for the residents of Waikiki and the citizens of this State.

It's been a hassle between the State administration and the City government, and the residents of Waikiki have suffered because of this political battle, or these funds would never be in the position that it's now in - this lapsing position.

I think we owe it to the people of this State who have suffered under this kind of political game; therefore, I ask my colleagues to vote 'aye'."

Representative Abercrombie then rose in rebuttal, stating:

"Mr. Speaker, my point could not have been made more clearly - the streets and sewers for the residents of Waikiki; streets for the residents of Manoa. In other words, the services that we need in this State, for our own people, we put it in and the tourist industry takes advantage of it, and we pay for it. That's

exactly what I'm driving at.

I'm so happy that this is being recorded into the Journal so that I can quote it at length every time I go out to speak to various groups and individuals; to point out how these people in the tourist industry are running our lives.

You bet it's for the streets and sewers; you bet it's for the streets in Manoa, for the buses going up and busting the streets on Nehoa Street where I am, breaking it up on Oahu Avenue and Manoa, where we have to replace it; you bet, that's why we want this hotel room tax, so these people can help share the burden of providing the services and streets, sewers and other activities that take place in this State; that's all that's ever being asked for.

The hotel industry doesn't pay for that; it's gonna come from the tourists; they'll be happy to share the burden and the cost with us because they are sharing these same services with us.

This is just a gimmick from these people in the hotel industry. They have been able to ride roughshod over this Legislature for years and years and, I repeat, there is a day of reckoning coming because the people, the citizens of this State, the taxpayers of this State see the equity of the hotel room tax and they see how these people are ripping it off; ripping us off and laughing in our faces and we continue to pay for all the services while they continue to reap the benefits."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 1193, SD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS AT WAIKIKI, OAHU", passed Second Reading and was referred to the Committee on Finance, with Representatives Abercrombie and Baker voting no.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 809) recommending that S.B. No. 1139, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and S.B. No. 1139, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE AND AQUACULTURE LOANS", 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. 810) recommending that S.B. No. 735 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 735, entitled: "A BILL FOR AN ACT RELATING TO A STAGGERED SYSTEM OF MOTOR VEHICLE REGISTRATION", 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. 811) recommending that S.B. No. 995, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection and Commerce.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 995, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UTILIZATION OF ELECTRICITY GENERATED FROM NON-FOSSIL FUELS", passed Second Reading and was referred to the Committee on Consumer Protection and Commerce.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 812) recommending that S.B. No. 891, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 891, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE SPECIAL FACILITY REVENUE BONDS", passed Second Reading and was referred to the Committee on Finance.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 813) recommending that S.B. No. 1407, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura

and carried, the report of the majority of the Committee was adopted and S.B. No. 1407, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS", 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. 814) recommending that S.B. No. 533, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 533, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-DRIVEN BICYCLES", passed Second Reading and was referred to the Committee on Judiciary.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 815) recommending that S.B. No. 247, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 247, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VESSELS", 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. 816) recommending that S.B. No. 185, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 185, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", passed Second Reading and was referred to the Committee on Finance.

COMMITTEE REASSIGNMENTS

The following Senate Bills were re-referred as follows:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
244	Committee on Energy and Transportation

- 893 Committee on Finance
- 1209 Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture, then to the Committee on Finance

At 6:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:17 o'clock p.m.

STANDING COMMITTEE REPORT

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 817) recommending that S.B. No. 1209, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the Committees was adopted and S.B. No. 1209, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE", passed Second Reading and was referred to the Committee on Finance.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 799 (S.B. No. 246, SD 1, HD 1):

Representative Cayetano moved that the report of the majority of the Committee be adopted and that S.B. No. 246, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Takamura.

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

"Mr. Speaker, this bill, at this stage, is only on Second Reading and is going to be referred to Finance - I assume it's going to pass - but this bill is of such magnitude and importance that I think it's incumbent upon me to make some remarks.

The importance of the fuel tax, Mr. Speaker, cannot be understated. If the fuel tax doesn't pass, it will affect the debt ceiling of our State. And what this means, in effect, is

that there will be no CIP for the various representative districts.

What I would hate to see, Mr. Speaker, is that we have the kind of game-playing that we had last session when we passed the gas tax, where we had certain members of this House hide behind those who were willing to stand tall and support this very important measure, while they voted no and went back to their constituents and bragged about the parks and CIP they brought home to the district and how they voted against the gas tax, while some of their colleagues here took the time and courage to support this measure. I would hope that this doesn't happen when this bill comes out of Finance, as I assume it will; if it does, there's going to be some hot debate on the floor."

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

"One of the provisions of the bill, Mr. Speaker, as the previous speaker pointed out, makes permanent the present 3½¢ temporary increase in the State gasoline tax.

Mr. Speaker and members of this body, my impression was that this Legislature had promised the people who drive automobiles that this tax would not become permanent. If this is the case, I think that the action that we are taking by sending this to Finance, hoping that it will come out of Finance and be passed, in my judgment is not keeping faith with those people.

It is my feeling that it is this kind of action that erodes the confidence of the people in what we do.

Thank you."

Representative Abercrombie, speaking against the bill, stated:

"Mr. Speaker, I understand completely the feelings of the Chairman of the Committee on Energy and Transportation. I feel that I have been consistent in my approach on this. I have written in the committee report that 'I do not concur'. I have voted against this measure; that is to say, in terms of the temporary State fuel tax, every time that it has come up.

I have, in my approach to the capital improvement program in my district, indicated to my colleagues that I think we should come in under the figure. In fact, as far as I'm concerned, if you want to toss the whole thing out,

it's all right with me. I'm checking now, and our State, at the time the CIP comes before us, how much money is on the books in my district to be funded already; I could care less if there isn't a single dime of CIP money put into the district, in addition to what is already there, if not passing the State fuel tax forces this body to address the problem of revenues so that we can no longer avoid coming before the people with the real condition of our tax revenue situation. That's just fine with me.

I would be delighted to see the State transportation situation go into the hole where you would have to start tapping general revenue funds. Then maybe we can get some sensible discussion going as to what the real priorities of this State are.

Now, unfortunately, the fuel tax situation is tied in with some of the other circumstances here concerning automobiles which I think the Energy and Transportation Committee has made great strides on. I understand the premises that the Chairman is operating on. I've understood them for, I guess, three years now; I have discussed it with him; and, as I say, I feel that he's entirely correct - it's hypocritical to vote no against this bill and then come running in with a big CIP deal if you know that the revenues are not going to be there.

As for me, I want to vote against this State fuel tax because right now I know that the airlines are running out of this State with \$4 to \$5 million a year in the fuel tax that we pay which is kicked back to them out at the airport. I know that this has gone on for years. I want to see that money stay here in the State; or just give it to them in the first place; let's stop being

hypocrites; let's not call a tax a tax when you're kicking it back.

Now, why should we be taxed 3½¢ on every gallon of gas we have and the airlines are taxed 1¢ and get every single penny back in the millions of dollars that they distribute into their corporate profits. I don't think it's fair for the people of this State to bear a tax burden, in that respect, for their transportation, while the great monopoly interests in the tourist industry, in this instance, the airlines, are able to come in and steal us blind.

Now, if the result of not passing this bill is that the CIP has to suffer, that's terrific. I couldn't be happier. So let's vote it down and start being honest."

The motion was put by the Chair and carried and the report of the majority of the Committee was adopted and S.B. No. 246, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", passed Second Reading and was referred to the Committee on Finance, with Representatives Abercrombie, Baker, Blair, Campbell, Carroll, Kiyabu, Narvaes, Peters, Say and Sutton voting no.

At 6:26 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:27 o'clock p.m.

ADJOURNMENT

At 6:27 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 10:00 o'clock a.m. tomorrow, Thursday, March 24, 1977.

FORTY-SIXTH DAY

Thursday, March 24, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 10:00 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by the Reverend Ryosho Kawai of the Jodo Mission, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Cobb, Machida, Nakamura, Peters, Uwaine and Wakatsuki, who were excused.

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

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

MISCELLANEOUS COMMUNICATION

A communication from Clinton T. Tanimura, Legislative Auditor (Misc. Com. No. 17) transmitting copies of a report entitled, "A Study of the Utilization of Faculty Resources in the College of Business Administration of the University of Hawaii", was read by the Clerk and was placed on file.

The Chair directed the Clerk to note the presence of Representative Peters.

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

Representative Sutton introduced Albert and Fanny Stine from Sun City, Phoenix, Arizona, "the largest senior citizens' city in the world."

Representative Campbell introduced Mrs. Barbara Burch and a group of women from the CINPAC J6 Officers' Wives Club.

Representative Ikeda introduced Mrs. Marjorie Alseth and her guest, Senor Guerrido, from Mexico City.

Representative Kiyabu introduced Mr. James Okamura and Mr. Kiyoshi

Shintaku, members of the Kaimuki Senior Citizen Club, and Ms. Mary Ray Michaels, who accompanied them.

Representative Peters introduced 47 fifth grade students from Nanaikapono Elementary School. They were accompanied by their teachers, Mr. Henry Lee and Mr. Howard Humphries.

Representative Ueoka introduced a group of eighth grade students from Saint Joseph's School on Maui. They were accompanied by Sister Mary Mathias, Principal; Sister Mary Aurelia, Mr. and Mrs. Ben Aganos, Mr. and Mrs. Patrick Tavares, Mrs. Whitby, Mrs. Irene Barut and Mrs. Evelyn Fernandez.

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

Upon reconvening at 10:16 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie and Uwaine.

SUSPENSION OF RULES

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 565 and 566) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 565) observing Vietnamese Women's Day was jointly offered by Representatives Abercrombie, Aki, Baker, Caldito, Cayetano, Cobb, Dods, Fong, Kamalii, Kihano, Kiyabu, Kondo, Larsen, Medeiros, Naito, Narvaes, Poepoe, Say, Segawa, Sutton, Takamura, Toguchi, Ueoka, Ushijima and Yuen.

On motion by Representative Abercrombie, seconded by Representative Say and carried, H.R. No. 565 was adopted.

At this time, Representative Abercrombie rose to introduce the honored guests, stating:

"Mr. Speaker, I think, as the members assembled here and the audience heard, the resolution speaks to Vietnamese

Women's Day. As we all know, we've come through a tragic period of time, both in our history and in the history of Vietnam, and with the ending of the hostilities in Vietnam, and with the initiative taken by President Carter in trying to normalize relations with Vietnam, it seems to me particularly appropriate that we honor these people today; that we recognize the struggle that they have made, not only as women, but as citizens of the world, and that we find ourselves today, joining together, in the hopes that this reconciliation and initiative that is underway now, can be strengthened, and that we can find that our new citizens and residents in the State of Hawaii will be able to find the fortune, and be able to find the happiness that so many of us have found, as we have immigrated; our parents have immigrated; as our grandparents and others immigrated; right back into early Polynesian times to these islands.

Therefore, Mr. Speaker, I would like to introduce, if I might, some of the people on the floor, and also some of the people in the gallery right now, to the assembled body prior to presenting them with the resolution."

Directed by the Chair to "proceed", Representative Abercrombie introduced the following: Ngo Da My, Le Thi Dhuong, Tran Thi Tam, Nguyen Thi Thiet, Le Thi Sanh, Tran Thi Hue, Trinh Thi Loi, Mrs. Jill N.H. Miller, President of the Vietnamese American Association of Hawaii; Ms. Nguyen Thi Ngoc, Ms. Bay T. Thomas, and Mr. Nguyen Duc Thong.

Representative Abercrombie then presented a certified copy of the resolution to Mrs. Le Thi Dhuong.

At 10:22 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

Upon reconvening at 10:25 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Cobb.

A resolution (H.R. No. 566) honoring David Pinkham Kaiana Eldredge, Jr. for his many contributions to Hawaii's youth was jointly offered by Representatives Mizuguchi, Abercrombie, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Kamalii, Kihano,

Kiyabu, Kondo, Larsen, Medeiros, Mina, Naito, Narvaes, Say, Segawa, Shito, Takamine, Takamura, Toguchi, Ueoka, Ushijima and Yuen.

On motion by Representative Mizuguchi, seconded by Representative Ushijima and carried, H.R. No. 566 was adopted.

At this time, Representative Sutton rose and stated:

"Mr. Speaker, I would just like to add that as head of the American Legion, I was very much indebted to David Eldredge for the magnificent work he did for baseball. We went to the Nationals and nearly won. He was on our Board and we've had six people drafted to the big leagues because of American Legion baseball of which Mr. Eldredge was the movant and great spirit.

Thank you."

Representative Mizuguchi then introduced the honoree, Mr. David Eldredge, Jr. and his wife, stating:

"Mr. Speaker, our honoree has been associated with Hawaii sports for many years; first, as a fine athlete at Punahou and, secondly, as a coach of his alma mater, Punahou School.

I believe that his leadership is exemplified in the number of fine athletes that have been produced, not only at Punahou, but within the community sports program that he has been associated with, and one of these fine athletes is a member of my legislative staff, Arnold Morgado."

Red carnation leis were presented to Mr. Eldredge by Representative Stanley and to Mrs. Eldredge by Representative Ushijima.

Representative Mizuguchi presented the honoree with a certified copy of the resolution.

At 10:32 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honoree.

Upon reconvening at 10:39 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Wakatsuki.

The Speaker then assumed the rostrum.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R.

Nos. 557 and 558, 560 to 563) and concurrent resolutions (H.C.R. Nos. 105 to 107 and S.C.R. No. 81) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
557	Jointly to the Committees on Housing and Health
558	Jointly to the Committees on Education and Higher Education, then to the Committee on Legislative Management
560	Committee on Higher Education, then to the Committee on Legislative Management
561	Committee on Higher Education
562	Committee on Youth and Elderly Affairs, then jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Energy and Transportation
563	Jointly to the Committees on Agriculture and Employment Opportunities and Labor Relations

H.C.R. Nos.

105	Jointly to the Committees on Education and Higher Education, then to the Committee on Legislative Management
106	Committee on Youth and Elderly Affairs, then jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Energy and Transportation
107	Jointly to the Committees on Agriculture and Employment Opportunities and Labor Relations

S.C.R. No.

81	Committee on Employment Opportunities and Labor Relations
----	---

COMMITTEE REASSIGNMENTS

The following Senate bills were re-referred as follows:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
108	Placed on Clerk's desk
110	Placed on Clerk's desk
111	Placed on Clerk's desk
115	Placed on Clerk's desk
124	Placed on Clerk's desk
152	Placed on Clerk's desk
453	Placed on Clerk's desk
591	Placed on Clerk's desk
595	Placed on Clerk's desk
599	Placed on Clerk's desk
1222	Placed on Clerk's desk
1366	Placed on Clerk's desk

UNFINISHED BUSINESS

Stand. Com. Rep. No. 763 on H.R. No. 166 (Deferred from March 23, 1977):

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 166, entitled: "HOUSE RESOLUTION REQUESTING THE GENERAL SERVICES ADMINISTRATION OF THE UNITED STATES GOVERNMENT TO DONATE THE FEDERAL BUILDING AND RETURN THE LAND TO THE STATE OF HAWAII", was adopted.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 818) informing the House that House Resolution Nos. 555 to 564, House Concurrent Resolution Nos. 105 to 107, and Standing Committee Report Nos. 788 to 817 and 819 to 842, have been printed and distributed.

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

Representative Ushijima, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 819) recommending that H.R. No. 351, as amended in HD 1, be adopted.

On motion by Representative Ushijima,

seconded by Representative Abercrombie and carried, the report of the majority of the Committee was adopted and H.R. No. 351, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO INVESTIGATE THE POSSIBILITY OF USING THE FEDERAL BUILDING TO HOUSE THE LAW SCHOOL", was adopted.

Representative Ushijima, for the majority of the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 820) recommending that H.C.R. No. 49, as amended in HD 1, be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the majority of the Committee was adopted and H.C.R. No. 49, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO INVESTIGATE THE POSSIBILITY OF USING THE FEDERAL BUILDING TO HOUSE THE LAW SCHOOL", was adopted.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 821) recommending that H.C.R. No. 90 be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A HAWAII SPORTS HALL OF FAME", was referred to the Committee on Finance.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture, presented a joint report (Stand. Com. Rep. No. 822) recommending that H.C.R. No. 91 be referred to the Committee on Higher Education.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the joint report of the Committees was adopted and H.C.R. No. 91, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR OF HAWAII AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE PROCESSING OF A LONG TERM RENEWAL LEASE FOR THE WAIMANALO EXPERIMENT STATION", was referred to the Committee on Higher Education.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture, presented a joint report (Stand. Com. Rep. No. 823) recommending that H.R. No. 501 be referred to the Committee on Higher Education.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the joint report of the Committees was adopted and H.R. No. 501, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR OF HAWAII AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE PROCESSING OF A LONG TERM RENEWAL LEASE FOR THE WAIMANALO EXPERIMENT STATION", was referred to the Committee on Higher Education.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 824) recommending that H.C.R. No. 84 be adopted.

Representative Takamine moved that the report of the Committee be adopted and H.C.R. No. 84 be adopted, seconded by Representative Peters.

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

"Mr. Speaker, I believe that you have read Joseph Conrad, and anybody south of the equator is a 'South Sea bum'. Sir, I was a judge there for six years--below the equator--so you can equate me to whatever Joseph Conrad. . .but I do know the subject.

First of all, Mr. Speaker, this is out of our jurisdiction. We go just as far as the Pearl and Hermes Reef; we do not include anything below the equator, and for us to address a resolution of this nature out of our jurisdiction is inappropriate.

Secondly, there are many, many contingencies. It is very difficult to ever get anybody to go into those areas. The sun is very, very hot; it comes down with x-ray that is unbelievable. You play golf for an hour and you get a sunburn. It is an area where you can't eat the fish although they are the best fish in the world, but because of the fact that they have been contaminated, you cannot eat the fish. It's not an area, sir, that you go for pleasure, or to an area that you go to get a job.

In the hiring, they've had to utilize foreign labor and for us to try and

tell them in these areas that they can't use foreign labor is very presumptive, so I would urge my colleagues to vote against it."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION URGING PROHIBITION OF USE OF FOREIGN LABOR ON FEDERALLY FUNDED PROJECTS IN THE SOUTH AND WESTERN PACIFIC AREAS UNLESS SUCH QUALIFIED PERSONNEL ARE NOT READILY AVAILABLE FIRST FROM HAWAII AND SUBSEQUENTLY, THE MAINLAND UNITED STATES", was adopted, with Representative Sutton voting no.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 825) recommending that H.C.R. No. 83 be adopted.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION URGING THAT STATE OF HAWAII DETERMINATIONS OF PREVAILING WAGES BE ACCEPTED AS THE MINIMUM WAGES THAT MUST BE PAID ON FEDERAL PROJECTS FOR PURPOSES OF THE DAVIS-BACON ACT", was adopted.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 826) recommending that H.C.R. No. 89 be adopted.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO CANCEL THE INDEBTEDNESS OF THE STATES TO THE FEDERAL ACCOUNT IN THE UNEMPLOYMENT COMPENSATION TRUST FUND FOR ADVANCES TO PAY UNEMPLOYMENT BENEFITS", was adopted.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 827) recommending that H.R. No. 381 be adopted.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 381, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO INITIATE DIALOGUE WITH THE PRIVATE SECTOR TO INSTITUTE A STAGGERED WORK-HOUR SCHEME", was adopted.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 828) recommending that H.R. No. 234 be adopted.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 234, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO CANCEL THE INDEBTEDNESS OF THE STATES TO THE FEDERAL ACCOUNT IN THE UNEMPLOYMENT COMPENSATION TRUST FUND FOR ADVANCES TO PAY UNEMPLOYMENT BENEFITS", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 829) recommending that H.R. No. 187 be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 187, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REINVESTIGATE THE NEED FOR A BYPASS ROUTE AROUND HALEIWA TOWN", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 830) recommending that H.R. No. 245 be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 245, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE WIDENING, REALIGNMENT, AND IMPROVEMENTS TO FORT WEAVER ROAD", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 831) recommending that H.R. No. 258 be adopted.

On motion by Representative Cayetano,

seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 258, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO PLAN AND CONSTRUCT TURNOFF LANES IN PAPAIIKOU, HAWAII", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 832) recommending that H.R. No. 217, as amended in HD 1, be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 217, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY ON IMPLEMENTING THE TELECOMMUNICATION SYSTEM IN HAWAII", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 833) recommending that H.R. No. 188 be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 188, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY TO DETERMINE IMPROVEMENTS ON SAFETY AND TRAFFIC FLOW ON KAMEHAMEHA HIGHWAY TRAVERSING THROUGH THE 22ND DISTRICT", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 834) recommending that H.R. No. 326 be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 326, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO IMPLEMENT AN EXPRESS BUS SERVICE SYSTEM BETWEEN WINDWARD OAHU AND THE PEARL HARBOR/ HICKAM AREA", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 835) recommending that H.C.R. No. 52 be adopted.

On motion by Representative Cayetano,

seconded by Representative Takamura and carried, the report of the Committee was adopted and H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES TO EXPEDITE THE IMPLEMENTATION OF EXPRESS BUS SERVICES FOR THE RESIDENTS OF THE LEEWARD-CENTRAL OAHU AREA TO THE HONOLULU CENTRAL BUSINESS DISTRICT", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 836) recommending that H.R. No. 353 be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 353, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES TO EXPEDITE THE IMPLEMENTATION OF EXPRESS BUS SERVICES FOR THE RESIDENTS OF THE LEEWARD-CENTRAL OAHU AREA TO THE HONOLULU CENTRAL BUSINESS DISTRICT", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 837) recommending that S.B. No. 982 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 982, entitled: "A BILL FOR AN ACT TO AMEND CHAPTER 46, HAWAII REVISED STATUTES, RELATING TO GOVERNMENTAL PROVISIONS COMMON TO ALL COUNTIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1977.

The Chair directed the Clerk to note that printed copies of S.B. No. 982 were made available to the members of the House at 10:00 o'clock a.m.

At 10:45 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:16 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 567 to 570) were read by the

Clerk and were disposed of as follows:

A resolution (H.R. No. 567) congratulating Isidro Pezario, George Ebinger and Albert Wong, winners of the Governor's Fifth Annual Beautification Contest was jointly offered by Representatives Kawakami, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Kawakami, seconded by Representative D. Yamada and carried, H.R. No. 567 was adopted.

A resolution (H.R. No. 568) commending certain individuals for their many years of public service to the Palolo community was jointly offered by Representatives Morioka, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Morioka, seconded by Representative Say and carried, H.R. No. 568 was adopted.

A resolution (H.R. No. 569) congratulating Stan Igawa for receiving the Silver Beaver award was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 569 was adopted.

A resolution (H.R. No. 570) congratulating Miyuki Narimatsu for receiving the Silver Beaver award was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 570 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 571 to 576) and concurrent resolutions (H.C.R. Nos. 108 to 110) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 28, 1977:

A resolution (H.R. No. 571) requesting the Governor to appoint a permanent, full-time Marine Affairs Coordinator was jointly offered by Representatives Toguchi, Aki, Baker, Blair, Caldito, Carroll, Cayetano, Dods, Evans, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Mina, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Sutton, Suwa, Takamine, Takamura, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 572) requesting the various counties to lessen the restrictions on "outdoor advertising devices" along the highways was jointly offered by Representatives Takamine, Dods, Machida, Say, Segawa, Uechi and Yuen.

A resolution (H.R. No. 573) requesting Hawaii's Congressional delegation to work towards legislation lessening the restrictions on signs along the highways was jointly offered by Representatives Takamine, Dods, Garcia, Machida, Mizuguchi, Say, Segawa, Uechi and Yuen.

A resolution (H.R. No. 574) requesting a study of the operations of the Office of the Chancellor of community colleges was offered by Representative Abercrombie.

A resolution (H.R. No. 575) concerning admission and faculty workload policies and procedures in the University of Hawaii system was jointly offered

by Representatives Campbell, Abercrombie, Aki, Baker, Caldito, Dods, Garcia, Inaba, Kawakami, Kiyabu, Larsen, Machida, Mina, Say, Stanley, Suwa, Takamine, Ueoka, Ushijima, Uwayne, D. Yamada and Yuen.

A resolution (H.R. No. 576) requesting affirmative action to assure adequate immunization of all children of the State of Hawaii was offered by Representative Evans.

A concurrent resolution (H.C.R. No. 108) requesting the various counties to lessen the restrictions on "outdoor advertising devices" along the highways was jointly offered by Representatives Takamine, Dods, Machida, Say, Segawa, Uechi and Yuen.

A concurrent resolution (H.C.R. No. 109) requesting Hawaii's Congressional delegation to work towards legislation lessening the restrictions on signs along the highways was jointly offered by Representatives Takamine, Dods, Garcia, Machida, Say, Segawa, Uechi and Yuen.

A concurrent resolution (H.C.R. No. 110) requesting the Governor to appoint a permanent, full-time Marine Affairs Coordinator was jointly offered by Representatives Toguchi, Aki, Baker, Blair, Caldito, Carroll, Cayetano, Dods, Evans, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Mina, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Sutton, Suwa, Takamine, Takamura, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada and K. Yamada.

STANDING COMMITTEE REPORTS

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 838) recommending that S.B. No. 244, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Cayetano moved that the report of the majority of the Committee be adopted and S.B. No. 244, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

At 11:20 o'clock a.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:21 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Machida.

At this time, Representative Sutton rose and stated:

"Mr. Speaker, I rise to speak against this bill, S.B. No. 244, even after the House draft and the Senate draft.

Mr. Speaker, I am going to make my remarks very, very brief. We have neglected the concept of safety and we have looked at the comfort of one man on the motorcycle. Mr. Speaker, our record in safety indicates that you must wear a helmet because a helmet greatly reduces any of the damages done in an accident.

Mr. Speaker, I will speak further on this on Third Reading, but I urge my colleagues to please vote 'no'."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and S.B. No. 244, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE AND MOTOR SCOOTER PROTECTIVE DEVICES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1977, with Representatives Sutton and Uwayne voting no.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 839) recommending that S.B. No. 485, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 485, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1977.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 840) recommending that S.B. No. 462, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 462, SD 1, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO THE RESIDENTS OF KALAUPAPA, MOLOKAI", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1977, with Representative Sutton voting no.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 841) recommending that S.B. No. 1049, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and S.B. No. 1049, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURAL HISTORY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 28, 1977.

The Chair directed the Clerk to note that printed copies of S.B. No. 244, SD 1, HD 1; S.B. No. 485, SD 1, HD 1; S.B. No. 462, SD 1, HD 1; and S.B. No. 1049, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 842) recommending that S.B. No. 1308, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 1308, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", passed Second Reading and was referred to the Committee on Finance.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 843) recommending that S.B. No. 1100, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Uechi moved that the report of the Committee be adopted and S.B. No. 1100, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Inaba.

Representative Sutton then rose and asked the Chair for a conflict ruling, stating that he owned ten

thousand acres of land that is presently being rezoned.

The Chair ruled that there was no conflict.

Representative Abercrombie then rose and remarked:

"Mr. Speaker, I have nothing."

The Chair replied:

"Well, you have your good looks, Representative Abercrombie."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1100, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", passed Second Reading and was referred to the Committee on Finance.

At 11:23 o'clock a.m., on request by Representative Cayetano, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:40 o'clock a.m.

COMMITTEE REASSIGNMENTS

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

S.B. No. 1489 was re-referred to the Committee on Ecology and Environment.

H.R. No. 562 was re-referred jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Energy and Transportation.

H.C.R. No. 106 was re-referred jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Energy and Transportation.

At 11:42 o'clock a.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:44 o'clock a.m., the Chair made the following announcement:

"The Chair would like to announce that although, for others, this weekend is a long one; for House members, it is a working weekend for those who must meet Monday's deadline.

ADJOURNMENT

At 11:47 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 10:00 o'clock a.m. on Monday, March 28, 1977.

FORTY-SEVENTH DAY

Monday, March 28, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 10:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Honorable Ted Mina, after which the Roll was called showing all members present with the exception of Representatives Machida and Nakamura, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 205 to 207) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 205) transmitting Senate Concurrent Resolution No. 26 requesting the Marine Affairs Coordinator to make recommendations to facilitate maritime and fisheries training which was adopted by the Senate on March 24, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 206) transmitting Senate Concurrent Resolution No. 42 respectfully urging the Congress of the United States, the Farm Credit Administration, and the Farmers Home Administration to direct actions designed to strengthen the various federal credit and loan programs for the American farmer which was adopted by the Senate on March 24, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 26 and 42 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 207) returning House Bill No. 211 which passed Third Reading in the Senate on March 24, 1977, was placed on file.

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

Representative Lunasco introduced twenty-two 4th, 5th and 6th graders from Laie Elementary School, who were accompanied by their counselor, Mr. George Kittoe.

Representative Ushijima introduced members of the Tokai University Baseball Team and their coach, Mr. Hara. They are the "all-champion team visiting the State of Hawaii, playing games against the University of Hawaii at Manoa and Hilo." Accompanying the Tokai University Team was Mr. Les Murakami, coach of the University of Hawaii at Manoa baseball team.

Representative Mina introduced 4th grade students from Kalihi Waena School. They were accompanied by their teachers, Mrs. Nowaki and Ms. Ishimoto.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 571 to 576) and concurrent resolutions (H.C.R. Nos. 108 to 110 and S.C.R. Nos. 26 and 42) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
571	Committee on Ocean and Marine Resources, then to the Committee on Finance
572	Committee on Ecology and Environment, then to the Committee on Energy and Transportation
573	Committee on Ecology and Environment, then to the Committee on Energy and Transportation
574	Committee on Higher Education, then to the Committee on Legislative Management
575	Committee on Higher Education
576	Jointly to the Committees on Health and Youth and Elderly Affairs

H.C.R. Nos.

108 Committee on Ecology and

- Environment, then to the Committee on Energy and Transportation
- 109 Committee on Ecology and Environment, then to the Committee on Energy and Transportation
- 110 Committee on Ocean and Marine Resources, then to the Committee on Finance
- S.C.R. Nos.
- 26 Committee on Ocean and Marine Resources
- 42 Committee on Agriculture

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 844) informing the House that House Resolution Nos. 565 to 576, House Concurrent Resolution Nos. 108 to 110 and Standing Committee Report Nos. 845 to 886 have been printed and distributed.

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

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 845) recommending that H.R. No. 493, as amended in HD 1, be referred to the Committee on Culture and the Arts.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 493, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW AND EVALUATION OF THE HAINA, AMAULU, AND NINOLE SUGAR PLANTATION COMMUNITIES ON THE BIG ISLAND OF HAWAII AS POSSIBLE HISTORIC PRESERVATION SITES", was referred to the Committee on Culture and the Arts.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 846) recommending that S.B. No. 3, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters

and carried, the report of the Committee was adopted and S.B. No. 3, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 847) recommending that S.B. No. 1369, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and S.B. No. 1369, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 848) recommending that S.B. No. 122, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 122, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE LICENSE ISSUANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Naito, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 849) recommending that H.R. No. 473 be referred to the Committee on Legislative Management.

On motion by Representative Naito, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.R. No. 473, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE CORRECTIONAL SYSTEM FOR WOMEN", was referred to the Committee on Legislative Management.

Representative Naito, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 850) recommending that H.R. No. 471, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Naito, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.R. No. 471, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE JUVENILE JUSTICE MASTER PLAN", was referred to the Committee on Legislative Management.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 851) recommending that H.R. No. 207 be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 207, entitled: "HOUSE RESOLUTION URGING PROMPT EFFORTS TO CLEAN UP THE ALA WAI CANAL", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 852) recommending that H.R. No. 155 be referred to the Committee on Legislative Management.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.R. No. 155, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF, AND NECESSARY ACTION ON, THE STUDIES AND RECOMMENDATIONS OF THE GOVERNMENT ORGANIZATION COMMISSION", was referred to the Committee on Legislative Management.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 577 to 584) and concurrent resolutions (H.C.R. Nos. 111 to 113) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 29, 1977:

A resolution (H.R. No. 577) requesting a review of the transportation needs of students with special needs was offered by Representative Lunasco.

A resolution (H.R. No. 578) requesting a study on vendors was offered by Representative Yuen.

A resolution (H.R. No. 579) requesting the Departments of Budget and Finance, and Personnel Services and the

University of Hawaii to clearly delineate the in-service training functions, responsibilities, and authorities of the Hawaii Institute for Management and Analysis in Government and the Center for Governmental Development, in relation to the responsibilities of the Department of Personnel Services was offered by Representative Stanley.

A resolution (H.R. No. 580) recognizing the Maui Hawaiian Homestead Beautification Award winners was jointly offered by Representatives Caldito, Machida, Kihano, Kondo and Ueoka.

A resolution (H.R. No. 581) requesting establishment of a high school level class for emotionally disturbed students was offered by Representative Evans.

A resolution (H.R. No. 582) requesting the Committee on Education to report on the results of its school hearings held throughout the State was jointly offered by Representatives Mizuguchi, Abercrombie, Aki, Campbell, Cayetano, Evans, Kiyabu, Segawa, Takamine, Toguchi and Ushijima.

A resolution (H.R. No. 583) requesting the Stadium Authority and the City and County of Honolulu to renew efforts to establish an express bus terminal at Aloha Stadium was jointly offered by Representatives Mizuguchi, Kiyabu and Shito.

A resolution (H.R. No. 584) urging Congress to call for a constitutional convention for the United States for the purpose of considering a right to life amendment to the federal constitution was offered by Representative Sutton.

A concurrent resolution (H.C.R. No. 111) requesting participation of the State of Hawaii in the formation of a joint Iolani Palace celebration committee was jointly offered by Representatives Say, Abercrombie, Ajifu, Aki, Baker, Caldito, Cayetano, Cobb, Dods, Evans, Fong, Inaba, Kamalii, Kawakami, Kiyabu, Kunimura, Lunasco, Machida, Medeiros, Mina, Morioka, Naito, Narvaes, Peters, Poepoe, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 112) requesting the Departments of Budget and Finance, and Personnel Services and the University of Hawaii to clearly delineate the in-service training functions, responsibilities, and authorities of the Hawaii Institute for Management and Analysis in Government and the Center for Governmental

Development, in relation to the responsibilities of the Department of Personnel Services was offered by Representative Stanley.

A concurrent resolution (H.C.R. No. 113) urging Congress to call for a constitutional convention for the United States for the purpose of considering a right to life amendment to the federal constitution was offered by Representative Sutton.

The following resolutions (H.R. Nos. 585 to 588) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 585) congratulating Mr. Kenny Arashiro on being awarded a certificate of appreciation from the Hawaii Judiciary was jointly offered by Representatives Kawakami, D. Yamada, Kunimura, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kondo, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Kawakami, seconded by Representative Kunimura and carried, H.R. No. 585 was adopted.

A resolution (H.R. No. 586) recognizing the observance of National Secretaries Week, April 23 to 30, 1977, was jointly offered by Representatives Poepoe, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Narvaes, Peters, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Poepoe, seconded by Representative Fong and carried, H.R. No. 586 was adopted.

A resolution (H.R. No. 587) congratulating the Mid-Pacific Institute Class A basketball team was jointly offered by Representatives Ajifu, Abercrombie, Aki, Blair, Caldito, Campbell, Carroll, Evans, Garcia, Ikeda, Kihano, Kunimura, Lunasco,

Machida, Mizuguchi, Nakamura, Narvaes, Peters, Poepoe, Say, Sutton, Takamine, Toguchi, Uechi, Ueoka and D. Yamada.

On motion by Representative Ajifu, seconded by Representative Aki, H.R. No. 587 was adopted.

A resolution (H.R. No. 588) recognizing the Hawaiian Association of the Future Farmers of America and extending best wishes on the occasion of their 48th annual convention was jointly offered by Representatives Ajifu, Abercrombie, Blair, Caldito, Campbell, Carroll, Evans, Garcia, Ikeda, Kihano, Kunimura, Lunasco, Machida, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Sutton, Toguchi and Uechi.

On motion by Representative Ajifu, seconded by Representative Uechi and carried, H.R. No. 588 was adopted.

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

Upon reconvening at 10:12 o'clock a.m., Representative Ushijima made the following introduction:

"Mr. Speaker, earlier I introduced the members of the Tokai University baseball team. Accompanying the baseball team is the president of the Tokai University, Dr. Shigeyoshi Matsumai, who is also a member of the Japan Diet.

Dr. Shigeyoshi Matsumai has an illustrious career and, briefly, before introducing Dr. Matsumai to you and to the members of this honorable body, I would like to elaborate a little bit about Dr. Matsumai's accomplishments.

Dr. Matsumai invented a non-loaded cable communication system, has served 26 years in the House of Representatives of the Japanese Diet, was a minister of communications before WWII; he was a founder of Tokai University and today serves as its president.

Tokai University is one of the outstanding universities in the nation of Japan. Dr. Matsumai loves his sports, and consequently, Tokai has been recognized as one of the outstanding universities participating in all intercollegiate sport activities in the nation of Japan. As indicated earlier, the Tokai University team has accomplished, or has secured, the title of the champions of the all-Japan collegiate baseball.

In addition to the numerous achievements of Dr. Matsumai, he serves as president

of the Japan Academic Society, also.

It is certainly an honor for me, Mr. Speaker, to present to you and to the members of this honorable body, Dr. Shigeyoshi Matsumai."

At 10:15 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, to afford members of the House the opportunity to meet and greet Dr. Matsumai.

Upon reconvening at 10:22 o'clock a.m., the following introductions were made to the members of the House:

Representative Toguchi introduced twenty-seven students from the 3rd grade of Ahuimanu Elementary School. They were accompanied by their teacher, Mrs. Higa.

Representative Kamalii introduced the following family members of her administrative assistant: grandmother, Mrs. Blanch Ashby from Illinois; mother, Jean Hall; and sister, Laura Hall.

Representative Kunimura introduced Admiral E. Alvey Wright, Director of the Department of Transportation.

THIRD READING

By unanimous consent, action on all Third Reading bills was deferred until the end of the calendar.

STANDING COMMITTEE REPORTS

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 853) recommending that S.B. No. 1226, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and S.B. No. 1226, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-GOVERNMENTAL PROCEDURES AFFECTING LAND USE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No.

854) recommending that S.B. No. 416, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwayne and carried, the report of the Committee was adopted and S.B. No. 416, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES OF COUNTY LEGISLATIVE BODIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representatives Blair and Kawakami, for the Committees on Ecology and Environment and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 855) recommending that S.B. No. 1202, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Kawakami and carried, the report of the Committees was adopted and S.B. No. 1202, 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 29, 1977.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 856) recommending that S.B. No. 577, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and S.B. No. 577, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE CONTROL", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 857) recommending that S.B. No. 1489, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 857 on S.B. No. 1489, SD 1, HD 1, was deferred until tomorrow, March 29, 1977, and in accordance with Article III, Section 16, of the Constitution of the State

of Hawaii, printed copies of S.B. No. 1489, SD 1, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 858) recommending that S.B. No. 245, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 245, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RIDING ON ROADWAYS AND BICYCLE PATHS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Cayetano, for the majority of the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 859) recommending that S.B. No. 563, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 857 on S.B. No. 563, SD 1, HD 2, was deferred until tomorrow, March 29, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 563, SD 1, HD 2, were made available to the members of the House at 10:00 o'clock a.m.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 860) recommending that S.B. No. 804, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 804, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE NO-FAULT INSURANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 861) recommending that S.B. No. 1059, SD 1,

as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 1059, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND HEALTH CARE PROVIDERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 862) recommending that S.B. No. 1368, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 1368, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN LENDERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 863) recommending that S.B. No. 731, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 731, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 864) recommending that S.B. No. 144, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 144, 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 29, 1977.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 865) recommending that S.B. No. 1350, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 865 on S.B. No. 1350, SD 1, HD 2, was deferred until tomorrow, March 29, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1350, SD 1, HD 2, were made available to the members of the House at 10:00 o'clock a.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 866) recommending that S.B. No. 1460, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 1460, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT OF PROPERTY AND CHOSES IN ACTION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 867) recommending that S.B. No. 1047, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 1047, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 868) recommending that S.B. No. 475, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K.

Yamada and carried, the report of the Committee was adopted and S.B. No. 475, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 869) recommending that S.B. No. 1371, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

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

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 870) recommending that S.B. No. 1074, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 1074, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 871) recommending that S.B. No. 1452, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 1452, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEBTOR EXEMPTIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 872) recommending that S.B. No. 1370, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 1370, HD 1, entitled: "A BILL FOR AN ACT RELAT-

ING TO DIVORCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 873) recommending that S.B. No. 761, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 761, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERIAL NUMBERS AND IDENTIFICATION MARKS ON MERCHANDISE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 874) recommending that S.B. No. 74, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 875) recommending that S.B. No. 1193, SD 1, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 876) recommending that S.B. No. 1308, SD 2, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 877) recommending that S.B. No. 1100, SD 1, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 878) recommending that S.B. No. 47, SD 2, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 879) recommending that S.B. No. 140, SD 1, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 880) recommending that S.B. No. 237, SD 1, as amended in HD 1, pass Third Reading.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 881) recommending that S.B. No. 246,

SD 1, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 882) recommending that S.B. No. 251, SD 1, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 883) recommending that S.B. No. 1464, SD 2, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 884) recommending that S.B. No. 1209, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 874 to 884 on S.B. Nos. 74, HD 1; 1193, SD 1, HD 1; 1308, SD 2, HD 1; 1100, SD 1, HD 1; 47, SD 2, HD 2; 140, SD 1, HD 1; 237, SD 1, HD 1; 246, SD 1, HD 1; 251, SD 1, HD 1; 1464, SD 2, HD 2; and 1209, SD 1, HD 1, was deferred until tomorrow, March 29, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.G. Nos. 74, HD 1; 1193, SD 1, HD 1; 1308, SD 2, HD 1; 1100, SD 1, HD 1; 47, SD 2, HD 2; 140, SD 1, HD 1; 237, SD 1, HD 1; 246, SD 1, HD 1; 251, SD 1, HD 1; 1464, SD 2, HD 2; and 1209, SD 1, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 885) recommending that S.B. No. 1443, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 1443, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 886) recommending that S.B. No. 1407, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 886 on S.B.

No. 1407, SD 2, HD 1, was deferred until tomorrow, March 29, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1407, SD 2, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

The Chair directed the clerk to note that printed copies of S.B. Nos. 3, SD 1, HD 1; 1369, SD 2, HD 1; 122, HD 1; 1226, SD 2, HD 1; 416, HD 1; 1202, HD 1; 577, SD 1, HD 1; 245, SD 1, HD 1; 804, SD 2, HD 1; 1059, SD 1, HD 1; 1368, SD 1, HD 1; 731, SD 1, HD 1; 144, HD 1; 1460, SD 1, HD 1; 1047, SD 1, HD 1; 475, SD 2, HD 1; 1074, SD 1, HD 1; 1452, SD 1, HD 1; 1370, HD 1; 761, SD 2, HD 1; and 1443, SD 1, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

SUSPENSION OF RULES

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

THIRD READING

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

S.B. No. 982:

On motion by Representative Suwa, seconded by Representative Peters, S.B. No. 982, entitled: "A BILL FOR AN ACT TO AMEND CHAPTER 46, HAWAII REVISED STATUTES, RELATING TO GOVERNMENTAL PROVISIONS COMMON TO ALL COUNTIES", passed Third Reading by a vote of 48 ayes, with Representatives Machida, Nakamura and D. Yamada being excused.

S.B. No. 244, SD 1, HD 1:

Representative Cayetano moved that S.B. No. 244, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamura.

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

"Mr. Speaker, the purpose of

the bill was to try to amend the revised statutes to exclude the requirement of wearing a safety helmet on motorcycles and motor scooters and the necessity of furnishing any safety helmet when you're leasing these motorcycles.

Mr. Speaker, in the wisdom of very eloquent people, testimony of very eloquent people like an admiral who is in our presence today, these safety helmets mean safety and it is unfortunate that we eliminate something like this, particularly in the lease and rental of motorcycles; sometimes to people who have never operated motorcycles or motor scooters.

Mr. Speaker, in the name of safety, we might have a little inconvenience in wearing a helmet and maybe in certain parts of the town when you wear a helmet, some of the carbon monoxide from the cars ahead of you may get uncomfortable, but I say to you, Mr. Speaker, that when you consider all the possible hazards involved in vehicle conditions, traffic patterns, these wet roads that we have - there are quite a few storms that you people have in the Moanalua area and your roads are awfully slippery out there - and the man on the motorcycle has nothing to protect him in the front of him.

So, Mr. Speaker, I would urge my colleagues to vote 'no'.

Thank you."

The motion to pass S.B. No. 244, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE AND MOTOR SCOOTER PROTECTIVE DEVICES", on Third Reading was put by the Chair and carried by a vote of 47 ayes to 2 noes, with Representatives Sutton and Uwaine voting no, and Representatives Machida and Nakamura being excused.

S.B. No. 485, SD 1, HD 1:

On motion by Representative Cayetano, seconded by Representative Takamura, S.B. No. 485, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES", passed Third Reading by a vote of 49 ayes, with Representatives Machida and Nakamura being excused.

S.B. No. 462, SD 1, HD 1:

On motion by Representative Segawa, seconded by Representative Shito, S.B. No. 462, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

THE RESIDENTS OF KALAUPAPA, MOLOKAI", passed Third Reading by a vote of 49 ayes, with Representatives Machida and Nakamura being excused.

S.B. No. 1049, SD 1:

On motion by Representative Say, seconded by Representative Stanley, S.B. No. 1049, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CULTURAL HISTORY", passed Third Reading by a vote of 49 ayes, with Representatives Machida and Nakamura being excused.

The Chair directed the Clerk to note that S.B. No. 982 had passed Third Reading at 10:31 o'clock a.m.; S.B. Nos. 244, SD 1, HD 1, and 485, SD 1, HD 1, at 10:34 o'clock a.m.; and S.B. Nos. 462, SD 1, HD 1, and 1049, SD 1, at 10:35 o'clock a.m.

At 10:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:45 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Nakamura.

STANDING COMMITTEE REPORTS

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 887) recommending that S.B. No. 1203, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 1203, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 888) recommending that S.B. No. 454, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 454, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 889) recommending that S.B. No. 1479, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 1479, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 890) recommending that S.B. No. 799, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 799, 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 29, 1977, with Representatives Abercrombie and Sutton voting no.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 1203, SD 1, HD 1; 454, HD 1; 1479, HD 1; and 799, HD 1, were made available to the members of the House at 10:30 o'clock a.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 891) recommending that S.B. No. 533, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 891 on S.B. No. 533, SD 1, HD 2, was deferred until tomorrow, March 29, 1977, and in accordance with Article III, Section 16, of the Constitution of the State

of Hawaii, printed copies of S.B. No. 533, SD 1, HD 2, were made available to the members of the House at 10:30 o'clock a.m.

DEFERRED MATTERS FROM
EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 869 (S.B. No. 1371, HD 1):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and S.B. No. 1371, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 29, 1977.

The Chair directed the Clerk to note that printed copies of S.B. No. 1371, HD 1, were made available to the members of the House at 10:00

o'clock a.m.

At 10:47 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:58 o'clock a.m.

COMMITTEE REASSIGNMENT

The Chair, at this time, re-referred Senate Bill No. 1411, SD 1, to the Committee on Energy and Transportation only.

ADJOURNMENT

At 10:59 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 10:00 o'clock a.m. tomorrow, Tuesday, March 29, 1977.