

FORTY-EIGHTH DAY

Tuesday, March 29, 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 Craig Reynolds of Central Union Church, after which the Roll was called showing all members present with the exception of Representatives Caldito, Cayetano, Garcia, Kawakami, Kunimura, 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-Seventh Day.

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

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

Representative Inaba introduced 85 seventh and eighth grade students from Kealakehe Elementary School in Kona, "who are in Honolulu for a three-day educational tour, two of which will be spent at the State Capitol learning the process of government." They were accompanied by their teachers, Mrs. Karen Nakano, Miss Susan Hayashi, Mr. Ray Otaguro, Mr. Clyde Furumoto and Mr. Wil Murakami.

Representative Lunasco introduced four teachers from Waialua High School, Mrs. Lorna Hiers, Mrs. Florence Ishii, Mr. Paul Kimata and Mrs. Gwen Lavarias.

Representative Campbell introduced the Reverend Earl Kernahan of the Methodist Church, Hawaii District, Pacific and Southeast Conference.

Representative Aki introduced Margaret and Peter Apo from Waianae, who were seated in the gallery.

Representative Mina introduced 80 fifth grade students from Likelike Elementary School. They were accompanied by their teachers, Miss Okamoto, Mrs. Kajikawa and Mrs. Takamori, and parents, Mrs.

Ruth Santos, Mrs. Gladys Takumi, Mrs. Doris Au, and Mrs. Marjorie Nunokawa.

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. 589 and 590) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 589) congratulating Mr. Coates Cobb-Adams on his first one man show of sculpture and wood carvings was jointly offered by Representatives Narvaes, Ajifu, Evans, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Garcia, Ikeda, Kamalii, Kiyabu, Kondo, Kunimura, Larsen, Medeiros, Mina, Mizuguchi, Naito, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Ueoka, Ushijima and Uwaine.

On motion by Representative Narvaes, seconded by Representative Ajifu and carried, H.R. No. 589 was adopted.

Representative Narvaes then proceeded to introduce Mr. Coates Cobb-Adams, stating:

"Mr. Speaker, I have known this man, Coates Cobb-Adams, for many years. Mr. Speaker, this man is a man who is close to the sea and land, and he portrays his love for the sea and land through his art and wood carvings. Mr. Speaker, this man has many works of art on exhibit throughout the island and his art has the flavor, pride, and beauty of his Hawaiian heritage.

Mr. Speaker, recently, after many years of hard work, and hours and hours and hours of carving, this man had his first one-man art show. So, Mr. Speaker, with great honor, I would like to introduce Coates Cobb-Adams."

Representative Evans presented the honoree with a red carnation lei, and a certified copy of the resolution was presented by Representative Ajifu.

Representative Sutton then rose and stated:

"Mr. Speaker, Coates Cobb-Adams has a flair with a knife. Like a skilled surgeon, he wields his blade for a purpose. But, instead of repairing damaged tissue, Mr. Speaker, Coates creates. He creates what he is feeling and thinking. In one respect, Mr. Speaker, he is more fortunate than a surgeon, who is bound to stay within the perimeters of the body. Coates is free to follow the dictates of his imagination.

Coates, 'The Sculpturer of Kaneohe', is a product of our great Windward side. He is the eldest of six children, Mr. Speaker. His twin brother, Frederick, is the musician of the family. Coates was very fortunate, Mr. Speaker, to have been raised on the Cobb-Adams Estate where he had room to roam and investigate the beauties of Kaneohe.

The Cobb-Adams come from a very old kamaaina family, Mr. Speaker, whose grandfather came over from England as a ship's officer in the late 1880's. He saw the beauty of these islands, married a lovely Hawaiian girl, and settled in Kaneohe. It was with this heritage, Mr. Speaker, that Coates grew up. He is currently donating his services to the Department of Parks and Recreation as a wood sculpture instructor for senior citizens.

Not content with wood sculpturing, he attended Honolulu Community College and learned the art of welding with art.

Along with his woodwork, a Chinese junk made of steel will be displayed this Friday at the Neal Blaisdell Memorial Center. The art work will be for sale, but the proceeds will go to Habilitat and the Muscular Dystrophy Foundation. Here is a man who is using his great artistic ability to help those less fortunate than himself.

Coates is proud of his Hawaiian heritage and this is displayed in all of his work. Along with his pride is his wanting to share with others who are less fortunate. We are indeed proud to have him with us today."

A resolution (H.R. No. 590) honoring Charles F. Golden, Bishop of the United Methodist Church of Hawaii, Arizona, Southern California and Southern Nevada was jointly offered

by Representatives Campbell and Ushijima.

On motion by Representative Campbell, seconded by Representative Ushijima and carried, H.R. No. 590 was adopted.

Representative Campbell then introduced Bishop Charles F. Golden, stating:

"Mr. Speaker and members of the House, it is really an honor for me to present to this body an outstanding American church leader whose contribution to Hawaii has been quiet, but very substantial. He is Bishop Charles F. Golden."

A lei was presented by Representative Naito, and Representative Campbell presented the honoree with a certified copy of the resolution.

At 10:23 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:37 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Caldito, Cayetano, Kawakami, Kunimura, Toguchi, Wakatsuki, D. Yamada and K. Yamada.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 892) informing the House that House Resolution Nos. 577 to 588, House Concurrent Resolution Nos. 111 to 113, and Standing Committee Report Nos. 887 to 891 and 893 to 918, have been printed and distributed.

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

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 893) recommending that S.B. No. 330, SD 2, 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. 330, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 894) recommending that S.B. No. 867, SD 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. 867, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 895) recommending that S.B. No. 51, SD 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. 51, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 896) recommending that S.B. No. 758 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. 758, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 897) recommending that S.B. No. 484 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. 484, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE EQUIPMENT",

passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 898) recommending that S.B. No. 1194, SD 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. 1194, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 899) recommending that S.B. No. 159 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. 159, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 330, SD 2; 867, SD 1; 51, SD 1; 758; 484; 1194, SD 1; and 159 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. 900) recommending that S.B. No. 574 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 901) recommending that S.B. No. 391, SD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 902) recommending that S.B. No. 1139, SD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 903) recommending that S.B. No. 1472, SD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 900 on S.B. No. 574; 901 on S.B. No. 391, SD 1; 902 on S.B. No. 1139, SD 1; and 903 on S.B. No. 1472, SD 1, was deferred until tomorrow, March 30, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 574; S.B. No. 391, SD 1; S.B. No. 1139, SD 1; and 1472, SD 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. 904) recommending that S.B. No. 185, SD 2, pass Third Reading.

Representative Suwa moved that the report of the Committee and S.B. No. 185, SD 2, be recommitted to the Committee on Finance "for further Committee deliberations", seconded by Representative Peters.

At 10:40 o'clock a.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:41 o'clock a.m., the motion to recommit was put by the Chair and carried, and the report of the Committee and S.B. No. 185, SD 2, were recommitted to the Committee on Finance.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 905) recommending that S.B. No. 991, SD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 906) recommending that S.B. No. 517, SD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 907) recommending that S.B. No. 247, SD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 908) recommending that S.B. No. 1299 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 909) recommending that S.B. No.

589 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. Nos. 905 on S.B. No. 991, SD 1; 906 on S.B. No. 517, SD 2; 907 on S.B. No. 247, SD 1; 908 on S.B. No. 1299; and 909 on S.B. No. 589 was deferred until tomorrow, March 30, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 991, SD 1; S.B. No. 517, SD 2; 247, SD 1; S.B. No. 1299; and S.B. No. 589, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 910) recommending that S.B. No. 530 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 majority of the Committee was adopted and S.B. No. 530, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR TAX MAP TRACINGS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 911) recommending that S.B. No. 336 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 majority of the Committee was adopted and S.B. No. 336, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE COUNTIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977, with Representative Sutton voting no.

Representative Suwa, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 912) recommending that S.B. No. 1297 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 majority of the Committee was adopted and S.B. No. 1297, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", passed Second Reading and was placed on the calendar for

Third Reading tomorrow, March 30, 1977.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 530, 336 and 1297 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. 913) recommending that S.B. No. 891, SD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 913 on S.B. No. 891, SD 1, was deferred until tomorrow, March 30, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 891, SD 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. 914) recommending that S.B. No. 647, SD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 914 on S.B. No. 647, SD 2, was deferred until tomorrow, March 30, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 647, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 915) recommending that S.B. No. 745 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 745, entitled: "A BILL FOR AN ACT REPEALING CHAPTER 156, HAWAII REVISED STATUTES, RELATING TO THE FARM ADVISORY BOARD", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 916) recommending that S.B. No. 147 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. 147, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 917) recommending that S.B. No. 854, SD 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. 854, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 918) recommending that S.B. No. 1304, SD 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. 1304, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST RATES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 30, 1977.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 745; 147; 854, SD 1; and 1304, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

At 10:44 o'clock a.m., on request by Representative Kondo, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:48 o'clock a.m. and the Speaker assumed the rostrum.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 591 to 597) were referred to the Committee on Legislative Management and further action was deferred until tomorrow,

March 30, 1977:

A resolution (H.R. No. 591) relating to motorcycle safety program was jointly offered by Representatives Takamura, Blair, Caldito, Dods, Inaba, Kihano, Kiyabu, Kunimura, Lunasco, Mina, Mizuguchi, Morioka, Peters, Segawa, Shito, Stanley, Suwa, Takamine and Ueoka.

A resolution (H.R. No. 592) requesting an interim study of the State's alternate energy development program was offered by Representative Cayetano.

A resolution (H.R. No. 593) requesting the Stadium Authority to implement the use of the Aloha Stadium parking area for swap meets was jointly offered by Representatives Cayetano, Abercrombie, Caldito, Cobb, Dods, Kiyabu, Kunimura, Lunasco, Machida, Mina, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 594) requesting interim review of airports was jointly offered by Representatives Cayetano, Abercrombie, Caldito, Dods, Evans, Ikeda, Kiyabu, Kunimura, Lunasco, Machida, Mina, Mizuguchi, Say, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 595) requesting the Department of Transportation to consider recommendations of the Legislature in the forthcoming renegotiation of Exhibit One of the airport-airline leases was jointly offered by Representatives Cayetano, Abercrombie, Caldito, Cobb, Dods, Evans, Ikeda, Kiyabu, Kunimura, Lunasco, Machida, Mina, Mizuguchi, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 596) requesting encouragement of public and private employers to hire bona fide Hawaii residents first was jointly offered by Representatives Kiyabu, Aki, Baker, Blair, Caldito, Inaba, Kawakami, Kunimura, Medeiros, Mizuguchi, Morioka, Peters, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Ushijima, D. Yamada and K. Yamada.

A resolution (H.R. No. 597) requesting the University of Hawaii College of Education and the Department of Education to review the manner in which teachers are trained to teach reading skills was jointly offered by Representatives Kiyabu,

Caldito, Mizuguchi, Segawa, Suwa, Ushijima and K. Yamada.

The following resolutions (H.R. Nos. 598 to 600) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 598) congratulating Mr. and Mrs. Daniel Kaniho on being winners of the Governor's Annual Beautification Contest was jointly offered by Representatives Inaba, Blair, Carroll, Cobb, Evans, Garcia, Kawakami, Kihano, Kiyabu, Larsen, Naito, Narvaes, Peters, Poepoe, Segawa, Sutton, Suwa, Takamine, Takamura, Uwaine, K. Yamada and Yuen.

On motion by Representative Inaba, seconded by Representative K. Yamada and carried, H.R. No. 598 was adopted.

A resolution (H.R. No. 599) congratulating Mr. and Mrs. Samuel Lindsey on being winners of the Governor's Annual Beautification Contest was jointly offered by Representatives Inaba, Blair, Carroll, Cobb, Evans, Garcia, Kawakami, Kihano, Kiyabu, Larsen, Naito, Narvaes, Peters, Poepoe, Segawa, Sutton, Suwa, Takamine, Takamura, Uwaine, K. Yamada and Yuen.

On motion by Representative Inaba, seconded by Representative Takamine and carried, H.R. No. 599 was adopted.

A resolution (H.R. No. 600) congratulating Mr. and Mrs. John Lindsey on being winners of the Governor's Beautification Contest was jointly offered by Representatives Inaba, Blair, Carroll, Cobb, Evans, Garcia, Kawakami, Kihano, Kiyabu, Larsen, Naito, Narvaes, Peters, Poepoe, Segawa, Sutton, Suwa, Takamine, Takamura, Uwaine, K. Yamada and Yuen.

On motion by Representative Inaba, seconded by Representative Segawa and carried, H.R. No. 600 was adopted.

By unanimous consent, the following resolution (H.R. No. 601) and concurrent resolution (H.C.R. No. 114) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 30, 1977:

A resolution (H.R. No. 601) requesting the Department of Education to submit a comprehensive and systematic report on the need for and feasibility of a youth-focused legal education curriculum was jointly offered by Representatives Takamura, Blair, Caldito, Dods, Inaba, Kihano, Kiyabu, Kunimura,

Lunasco, Mina, Mizuguchi, Morioka, Peters, Segawa, Shito, Stanley, Suwa, Takamine and Ueoka.

A concurrent resolution (H.C.R. No. 114) requesting the Department of Transportation to consider recommendations of the Legislature in the forthcoming renegotiation of Exhibit One of the airport-airline leases was jointly offered by Representatives Cayetano, Abercrombie, Caldito, Cobb, Dods, Evans, Ikeda, Kiyabu, Kunimura, Lunasco, Machida, Mina, Mizuguchi, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

The following concurrent resolution (H.C.R. No. 115) was read by the Clerk and was disposed of as follows:

A concurrent resolution (H.C.R. No. 115) saluting the 31st Anniversary of Aloha Week and urging fullest community support for the upcoming Aloha Week Festival was jointly offered by Representatives Machida, Ajifu, Aki, Baker, Blair, Caldito, Carroll, Cayetano, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Medeiros, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Stanley, Suwa, Takamine, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Machida, seconded by Representative Dods and carried, H.C.R. No. 115 was adopted.

At 10:51 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 10:52 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 bills on Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 857 on S.B. No. 1489, SD 1, HD 1 (Deferred from March 28, 1977):

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", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 859 on S.B. No. 563, SD 1, HD 2 (Deferred from March 28, 1977):

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. 563, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHT", having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Baker, Sutton and Uwaine voting no.

Stand. Com. Rep. No. 865 on S.B. No. 1350, SD 1, HD 2 (Deferred from March 28, 1977):

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

Stand. Com. Rep. No. 874 on S.B. No. 74, HD 1 (Deferred from March 28, 1977):

On motion by Representative Suwa, seconded by Representative Peters 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 LEASEHOLD", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 875 on S.B. No. 1193, SD 1, HD 1 (Deferred from March 28, 1977):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 1193, SD 1, HD 1, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, I draw the members' attention to Standing Committee Report No. 846, Senate Bill No. 3, and the various drafts in respect

of capital improvement projects.

On the first part of that Standing Committee Report. . ."

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

"We are on Standing Committee Report No. 875?"

Representative Abercrombie continued, stating:

"Exactly my point, Mr. Speaker. . ."

Representative Kamalii interrupted and asked:

"Are you speaking on 875?"

The Chair replied:

"It is my understanding that he is speaking on Senate Bill No. 1193, SD 1, HD 1."

Representative Abercrombie continued, stating:

"Exactly. Mr. Speaker, I am sure that the members will find that, occasionally, in this House, one bill relates to another. If the members' attention can then be directed to Standing Committee Report No. 846, Senate Bill No. 3, and the various drafts attached to the Committee Report, I will make the connection between that Senate Bill No. 3 and the Senate bill before us for discussion.

I think reference to the Committee Report bears direct relationship to Senate Bill No. 1193, entitled, 'Waikiki Improvements.' I would certainly like to improve Waikiki myself. We can start by getting rid of the hotel association.

If you will look at the last paragraph of 846, 'Your Committee is also aware that over the years, the Legislature has voted a vast array of capital projects and authorized a large volume of bonds to finance them with almost no prioritizing of the many projects', et cetera, et cetera. On the next page, Mr. Speaker, is going on for one, two, three, four paragraphs, the pertinent ones being the first two. There are references to the University and oceanography facilities.

Mr. Speaker, on second reading for third, I spoke against moving it because I indicated that I did not

believe that the Waikiki improvements are any more important than any other improvements to any other part of the State, except that we have the situation of the so-called tourist industry being able to create circumstances in which they receive special treatment in the area of streets, and sewers, and various other kinds of improvements that are needed in other areas, as well, without having to contribute anything in the way of a hotel room tax which would help the people of our State to pay for them."

Representative Kamalii interrupted on a point of order and stated:

"Mr. Speaker, this bill deals strictly with the improvements of Waikiki where almost 20,000 residents are living. It has nothing to do with the tourist tax."

The Chair then said:

"Representative Abercrombie, the Chair would appreciate it if you would confine your remarks to the bill", and directed Representative Abercrombie to "proceed."

Representative Abercrombie continued his remarks, stating:

"Mr. Speaker, if anybody in the House believes that the improvements in Waikiki have nothing to do with the tourist tax, then they are living on another planet. Your Committee finds that Waikiki is a special district deserving limited extension of appropriations because it is important to tourism which reflects in the economy of the State as a whole. I repeat, if anybody believes that tourism doesn't take precedence over them when it comes to improvements; when it comes to the spending of our money, I refer them to the Committee Report itself--the third paragraph.

If anybody seriously wants to stand up again on a point of order and try to maintain to the taxpayers of this State that the hotel room tax has nothing to do with this bill--nobody rises--I take it that I made my point."

Representative Kamalii then rose and stated:

"I didn't rise because I don't want to take up the time of this honorable body. I also don't agree with the Committee Report, but that doesn't mean that this money and this bill doesn't need it, sir."

Representative Abercrombie then

rose and stated:

"Mr. Speaker, I would like to note, for the record, inasmuch as you couldn't see that Representative Kamalii was smiling broadly at me at that point.

Mr. Speaker, I would like to indicate then, inasmuch as I don't expect to be interrupted any more and will thus be able to draw to its conclusion, Mr. Speaker. . ."

Representative Carroll interrupted on a point of order and stated:

"Mr. Speaker, I suggest that we confine our remarks to the bill and not to our personal feelings on the matter."

The Chair then stated:

"May we have some orderly discussions here", and directed Representative Abercrombie to "proceed".

Representative Abercrombie continued his remarks, stating:

"Yes, Mr. Speaker, I am afraid when I vote, my personal feelings come in all the time. Now, if someone can indicate to me that our personal feelings don't come in when they vote on a measure, I would like to indicate that they, too, live on another planet."

The Chair then asked Representative Abercrombie to "proceed with the argument for the passage or in opposition of the bill."

Representative Abercrombie continued, stating:

"I would be delighted."

Representative Carroll interrupted and remarked:

"So would we. Thank you."

Representative Abercrombie continued, stating:

"Mr. Speaker, despite the various commentaries being made, there is no doubt in my mind that the extension of the time; that is to say, extending the lapsing date for State appropriations in Waikiki, is in direct relationship to the desires of the tourist industry utilizing the legitimate needs and desires of the people who live in Waikiki for their own benefit. My argument has been, is now, and will continue

to be consistent until and unless the people in Waikiki, who are benefitting from in there or that are going in there will be shared by the people who are drawing the profits from them and taking them out of the State to place them in other areas competing against Waikiki for the tourist dollar; that that industry is no more deserving of attention than any other area of the State when it comes to improvements. There have been statements made on this floor by various members from various districts that they have been short-changed over the years, in respect of capital improvements, and they would like to see that altered.

There are numerous bills that have come before the various committees that I have been privileged to serve on, and in other committees as well, citing capital improvement projects which the members of this Legislature believe are necessary for the well-being of the citizens in their district. I would submit that those projects are important and the members to vote for them and desire to see them passed are every bit as important to them and to their constituents as it is in Waikiki.

If Waikiki gets this special attention, and possibly this would be all right, if the people who are really benefitting from them at our expense were willing to help share. They are not willing to help share. Therefore, on the basis of principle, I am going to say that everyone of the representative districts on this island, and in the other counties that are requesting capital improvements support, deserve the same kind of equal attention, and that to single out Waikiki when this is obviously an attempt to help the so-called tourist industry at our expense, is against the interest of the State as a whole.

Therefore, I am speaking against the bill, and I hope that other members will vote that their districts are as important as the Waikiki district by voting no."

Representative Carroll then rose and stated:

"Mr. Speaker, I had not intended to, but I must rise to rebut certain remarks that have been made.

First of all, Mr. Speaker, Waikiki is indeed a very special district and we talk about the improvements, and we talk about programs, and we talk about the effects of the tourist industry on the State. I think that we, or at least one

member of this House, vastly underestimates that and is apparently ignorant of the total impact of the tourist industry on this State. There is virtually no job, no business, no program, which is not tied somewhere or another to that tourist industry, and if there have ever been a place, and I say this with some trepidation, having represented the district for running up to seven years now, and have seen year after year go by without any improvements in this very vital part of our State; this portion of our State which produces more revenues than any other single district, and to say that because of a personal vendetta regarding a tourist tax that the improvements which are so long overdue and which are needed for the health and welfare and ease the facility of transportation of the people living in that district is somehow tied to an international scheme - perhaps, to rip off the little guy is simply to misstate the situation that we are facing here.

I think it is time that we recognize the impact and the value of Waikiki and the need to improve Waikiki to take it out of the political arena and to give us the benefit of having this bill passed by allowing the last provision not to be enforced against it. It is the very least that we can ask and I am sure all, or at least 50 members, will vote 'aye' on this bill.

Thank you."

Representative Kamalii was then recognized and she stated:

"Mr. Speaker, I rise in support of S.B. No. 1193, SD 1, HD 1.

Mr. Speaker, the capital improvements under discussion in this bill were originally authorized by the Legislature in 1971. Those improvements, Mr. Speaker, would have been installed in the Waikiki district years ago had it not been for the lengthy disputes between the State administration, the City administration, and the City Council.

Mr. Speaker, the improvements included in Act 197 of 1971 were supported by the residents of Waikiki and constitute badly needed improvements in our vehicular traffic flow, our water lines, street lighting, and related utility needs.

Mr. Speaker, the people tend to forget that Waikiki is home to over 20,000 residents who, as taxpayers, are entitled to water, sewage disposal,

proper street alignment, and other necessary attributes of urban life. These urban necessities, Mr. Speaker, will be needed even if there were no tourists in Waikiki. However, the fact that there may be as many as 65,000 tourists on any given day in Waikiki only adds to the need for the capital improvements voted by the Legislature in 1971.

Mr. Speaker, now that the impasse between the State, the City administration, and the City Council has finally been resolved and some funds have finally been allotted by the Governor for Waikiki improvements, the Waikiki district can reasonably expect improvements in its sewage disposal, water, traffic dispersal, parks, and other amenities. We, who live in Waikiki, are not against the tourists who live in our midst. They add a colorful and delightful dimension to our lives. In fact, Mr. Speaker, because of their presence, our present tax burden is probably a great deal lighter than it would be otherwise. With the millions of dollars which the tourists provide to our tax base, Mr. Speaker, I think that the sum of \$9 million for capital improvements covering six years is a bargain. In fact, \$9 million, spread over six years, amounts to only \$1.5 million per year and that is the allotment permitted to the Waikiki House legislators. Consequently, the \$9 million should be viewed as ordinary CIP authorization by legislative house districts.

Mr. Speaker, I realize how tempting it is to some legislators on this floor to attack any Waikiki improvements as a rip-off by the tourist industry or to attempt to tie the tin can of a tourist tax to any Waikiki improvement bill or, Mr. Speaker, I, for one, do not see the necessity or the validity of declaring Waikiki in that light.

As far as S.B. No. 1193, SD 1, HD 1, is concerned, I see that bill as a legitimate and long overdue recognition that Waikiki residents have been short-changed because of political power struggles between the City of Honolulu and the State of Hawaii.

Mr. Speaker, I conclude by re-emphasizing my earlier point that Waikiki badly needs the improvements contained in the appropriations passed in 1971, and we would need them even if there were no tourists in Waikiki.

I, therefore, call upon the members of this honorable body to extend the lapsing date of the improvements until December 31, 1977.

Thank you, Mr. Speaker."

Representative Abercrombie then rose to "rebut the statements of my two friends from Waikiki", stating:

"And they are my friends. I am sorry that we disagree on this approach.

Mr. Speaker, does anyone seriously mention that the kind of improvements amounting to \$1.5 million per year would be necessary if there were not 65,000 people a day there - more than there are now, more than the 20,000 people who live there? I ask all the representatives in this room right now if 65,000 people additional suddenly appeared in your district right now - wouldn't you find it necessary to ask for an increased capital improvements support? Don't we find it necessary, as I stated in my earlier statement, that some people on this floor have indicated and have indicated in committee that they have been shortchanged also when it comes to capital improvements? Aren't there people just as important as the other people in this State? I think they are. We have 65,000 guests down there. Nobody is denegating the 20,000 people living in Waikiki, least of all, myself. On the contrary, what I am saying is that they have been used, and they are being held up for ransom by the hotel industry - that you have to pay for it. If the 20,000 people want it, why, you're going to have to pay. Of course, the additional 65,000 people will benefit. That is not the way it is brought out. The 20,000 and the rest of us in the State will pay for it what the 65,000 in addition will benefit from it. Not just the 20,000. We are talking about 90,000 people benefitting, but only 20,000 and their compatriots around the State are to pay.

At the same time, we have other districts that have not had their fair share of capital improvement projects. So what are we asking them? We are asking the 65,000 guests to help share with the 20,000 people and the rest of us in the State in the burden of providing those facilities which they enjoy. I believe street lighting, water utility lines - these are the amenities of every day living. That is all that is being asked.

And so I talk about the hotel room tax in relation to the Waikiki improvements. I am not tying any tin can on any tail. What I am doing is making a perfectly logical extension of what is necessary to maintain a fiscal integrity of the

State and, at the same time, welcome our tourist friends in a manner which can maintain the environment for them and for us in a happy fashion; in a fashion that allows them and ourselves to have a relationship, a semiotic relationship which benefits both.

Now, if anybody seriously wants to maintain that the street lights, water utility lines are not used by these 65,000 people - they seriously want to maintain that - I think they are disingenuous at the very least.

Now, the hotel industry wants us to pay for that and what do they do? They are doing nothing but crying crocodile tears for the tourists because they are not going to pay it. The tourist is. The tourist is going to share the cost with us. Now, what the hotel industry does is take the profits - they don't contribute a dime, a nickel, a penny, to these improvements. What they do is they take the profits and take it out of the State. . ."

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

"The speaker is again not speaking to the bill and he is bringing in areas that does not have anything to do. . ."

The Chair interrupted:

"Point is very well taken. Representative Abercrombie, will you move forward to the subject at hand?"

Representative Abercrombie continued his remarks, stating:

"I will. Perhaps, the Speaker's memory was short. I was talking about street lighting, water utility lines. As far as I understand, that is what the bill addresses. I am saying, who pays for it and the previous speaker brought up the points. There are 65,000 people, in addition to the 20,000 there, every day of the year. The bodies may change, but the number stays the same. That is to say, we are talking about an area with some 85,000 people in it, not 20,000 - 85,000. Yet, only 20,000 are paying along with the rest of us. Those other folks escape it completely.

Now, as far as I am concerned, if there has been political power utilized in respect of the Waikiki improvements, it has come, not from the people here, not from the circumstances of political maneuvering, or anything else. It has come from the legitimate discussions in this State and disagreement among various political bodies - legislative and executive - revolving around that tax, and

revolving around the hotel industry. If the hotel industry had gone along on this and contributed their fair share in this sense, of not opposing this tax, we would not have had these arguments and these disagreements. These arguments and these disagreements that have taken place over Waikiki improvements were based on honest differences and judgments as to what was in the interest of the people of this State. They were not capricious and arbitrary.

So I ask that we vote down this and we indicate by voting it down that we are actually on the side of the people in Waikiki and elsewhere in this State and in this area who have been short-changed on improvements because it will be the first step in indicating that we are going to have the hotel industry put up what it should put up in the first place."

Representative Carroll rose and stated:

"Mr. Speaker, I rise to rebut several remarks made by the previous speaker.

Mr. Speaker, first of all, the previous speakers indicated and I think we should address the issue that the so-called powerful hotel association or the Waikiki Improvement Association, or some of these other associations, are so powerful that they have ramrodded through these measures and that they are now before this house, somehow to come into being for the benefit of the tourist industry. Nothing could be further from the truth.

If the hotel association and Waikiki Improvement Association had been effective and if they have been as powerful as indicated, we wouldn't be here. These improvements would already be there and our residents would not be suffering from the problems that they are at the present time.

Additionally, comment has consistently been made that the tourists pays nothing; that the hotel industry pays nothing, and that it was the failure by the legislature to pass a hotel room tax that has caused us to come now to ask for these improvements funds. And that again is very, very far from the truth. If the previous speaker will examine, and I am sure the Chairman of the House Finance Committee can make available for him the huge amount of funds that come in by way of taxes, as well as other funds which come in by way of the tourists' expenditures, you will see that the tourist not only pays

his fair share, but in the minds of some, perhaps far more than his fair share.

I do, for the most part, appreciate that the general thrust of his comments has zeroed in so much on a single issue, being the hotel room tax, which both bodies, in their infinite wisdom, apparently decided not to pass this year has become the single and only issue, and that is not the issue before the house today."

Representative Peters was recognized by the Chair and he stated:

"Mr. Speaker, I had not intended to rise. As a matter of fact, I put a W/R on the committee report. After listening to the remarks made by all of the speakers, I can honestly say that I am in favor of this measure.

The reason for that is because I have stated on this floor so many times that the City administration has moved so very slowly providing for the amenities that the people out in Waianae and the people on the peripheral edges of Oahu should enjoy and should have, in consonance with brothers and sisters here in Honolulu proper.

One of the previous speakers talked about the hotel industry and the Waikiki Improvement Association, keeping or holding our people in bondage, having lots of political clout, and I resent that. Nobody has any clout over me and I want to make that very, very clear. If anybody who has been holding people in ransom, it is the City and County. This bill addresses itself to amenities that are clearly the function and responsibility of the City and County.

Improvements - the City and County has the responsibility for providing the people who live out in Waikiki. Nobody argues about CIP activities that go up in Manoa, to the University of Hawaii system. . ."

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

"That is not true and the truth is the point of order. There's been plenty of argument about that. I can't, Mr. Speaker. . ."

Representative Cobb then rose on a point of order and upon being recognized by the Chair, stated:

"Mr. Speaker, a point of order may not be used to rebut testimony or any kind of statement on the floor of this house."

Representative Abercrombie yelled:

"Not true. You can say any damn thing you want - it's not true."

The Chair then asked Representative Peters to "proceed" and Representative Peters continued his remarks, stating:

"Okay, I will proceed and say any damn thing I want."

The Chair interrupted:

"May we have some order here. Representative Abercrombie, the Chair requests that all members be recognized before taking the floor. You had no right to rebut and continue the discussion. Proceed, Representative Peters."

Representative Peters continued, stating:

"Mr. Speaker, I realize that the truth hurts sometimes, but I can certainly understand my brother across the way responding in such a manner.

Talking about Manoa again, we spent a lot of money on them for a lot of improvements. You don't see people out in Waianae or any other place arguing about it. What's the big thing about Waikiki getting the kinds of improvements that they need.

I will be very honest. We are going to be asking for a hell of a lot out there in Waianae as well - only other place that needs that kind of assistance, that kind of amenity. Let's put everybody up on a par with each and every one of our people in the State. They need it. They should have it. That's it.

Thank you."

Representative Kunimura then rose to speak in favor of S.B. No. 1193, stating:

"I too, came here this morning hoping not to speak on this subject matter, but now I am thoroughly convinced because I feel that the people in the gallery may think this is a partisan issue - Democrats versus Republicans - but it is not. It is what is right is might, regardless if ten Republicans came from that district. It is still right and it is still might.

Mr. Speaker, too often we talk about our guests and even this morning, on the floor of this house, reference was made to about 65,000 - our guests. In Hawaii, we don't call people our guests and kick them in the ass.

Mr. Speaker, if we really want to find

out if they are paying their just load or more than their load without even going to the computer, let us examine. If the tourists did stop coming into Hawaii, would we have a University of Hawaii the size that we have? Would we have a Department of Education that we can be proud of? And look at all the other CIP that is going on within the State of Hawaii - places where a tourist never goes. If we are talking about paying the just share, the tourists never send their children to our schools and yet, they are helping to pay for education and many, many other things.

Mr. Speaker, you know, more than ever now, I thought maybe Waikiki should be for the people from Waikiki to fight it out for themselves, but I think this becomes a State issue and I would like to incorporate in my feelings this beautiful and warm spirit that was spouted here by the Minority Floor Leader. May I be permitted to incorporate her thoughts and words into my support.

Thank you."

Representative Peters was recognized and he stated:

"Mr. Speaker, again I rise to speak in favor of this motion, only by way of indicating that I forgot a few other remarks that I wanted to make.

One of the previous speakers talked about tourists paying more than their share. I disagree and I disagree adamantly. In the spirit of Aloha, so many of my colleagues and people throughout the State, especially commercial enterprises, use the word so loosely. They don't know what the hell it means. I would be very honest with you. It has been abused and misused to such an extent where they are making money out of that kind of attitude. They expect all of us to be programmed and fall in line.

I concur with my brother from Manoa in that instance. I disagree, however, that a measure like this should be used for that purpose. You want the tourist taxed, find another measure for that purpose.

Thank you."

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

"Mr. Speaker, I guess I take a different approach when looking at tourism and also agriculture.

Mr. Speaker, whatever way the Legislature can assist these two

industries, we must do because, Mr. Speaker, we have looked at our budget and we have passed it and, in fact, in many areas, we have had problems in total funding. But what's more important, Mr. Speaker, is that if we hurt these two industries in any way, we won't have the needed facilities that we presently have.

Of course, like my colleague from Manoa said that this is special legislation for Waikiki and the tourist industry. I must contend that it probably is but, Mr. Speaker, not only the visitors utilize Waikiki. You go there on weekends, you will find many of our local residents there. In fact, many of them contribute to the traffic congestion in the Waikiki area. They, too, will enjoy the improvements in Waikiki.

But the underlying fact, Mr. Speaker, is that any way we can assist this industry which is the visitor industry, as well as agriculture, we must do it.

Thank you."

Representative Suwa was recognized and he stated:

"Mr. Speaker, I will make my speech short because I will be talking strictly on the merits.

Mr. Speaker, I do not have to defend the committee report because it is the truth. As long as the State of Hawaii does not have new, clean industry, or any extensive improvements or our agricultural enterprise, we are still going to be depending on tourism so the committee report is true. As long as the committee report makes the Waikiki improvements, so goes the community improvements. They go hand in hand, so I am not defending the committee report, Mr. Speaker.

Primarily, what the Senate did was to give them an extension of one year to June 30, 1978, but in listening to the testimony presented, they thought that they could easily make the term up to June 30, 1977, but there were some 'ifs' that they didn't. For that reason, the Finance Committee extended for six months so they keep on moving to get these improvements, long overdue, a reality. Therefore, I ask the members of this house to support this measure.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1193, SD 1, HD 1, entitled: "A BILL FOR AN ACT

RELATING TO IMPROVEMENTS AT WAIKIKI, OAHU", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Abercrombie voting no, and Representative Sutton being excused.

Stand. Com. Rep. No. 876 on S.B. No. 1308, SD 2, HD 1 (Deferred from March 28, 1977):

Representative Suwa moved that the report of the Committee be adopted and S.B. No. 1308, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, this bill, S.B. No. 1308, and I think this tells a story right here. It is SD 2, HD 1. It means three revisions, sir - Hawaii Commission on Crime. Now, Mr. Speaker, I feel quite at home talking to you about this because you are a distinguished jurist.

Mr. Speaker, I find that crime in its various manifestations, affects virtually every person in the State, in one way or another. I find, Mr. Speaker, that the far-reaching consequences of crime find expression in creating unease and fear among the residents and businesses of the entire State, unknown measures of distrust among our citizens. That includes the area that Mr. Baker and I represent, Mr. Speaker, and these people have a feeling of isolation and helplessness in meeting the very real possibility of being victims of a crime, and a frustration in dealing with a system which may not be meeting the real crisis of crime.

These types of results, Mr. Speaker, are not easily dispelled, nor easily recognized, nor, Mr. Speaker, are they readily quantifiable. Therefore, in the interests of securing public input and opinion to better meet the needs of this State, we formed in the bill, introduced by our own Kinau Boyd Kamalii, a committee of sixty public citizens from all over the State. . ."

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

"Mr. Speaker, a name of a representative is not permitted to be mentioned on the floor nor is the past legislative history directly relates to the bill."

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

"Yes, sir, not all corn is on the cob.

Therefore, in the interest, Mr. Speaker, of securing public input and opinion to better meet the needs of this beautiful State, the last state to come into the Union and, Mr. Speaker, you know that there was a great anguish and a great deliberation before we got statehood. They asked if we could combat all types of criminal activity within this State, or would we be another Phoenix, so there will be an establishment of a broad-based body, representative of the residents of the State, is a matter of compelling interest to you, Mr. Speaker, and to me as attorneys-at-law, and you as a prospective incumbent to hold a judicial seat and me as one who has resigned a judicial seat.

Mr. Speaker, I find that the well-being of our residents depends upon maintaining a level of security of the people in their communities sufficiently high to encourage not only confidence in their communities but sufficient, Mr. Speaker, to facilitate further development of these communities.

We need a mechanism, Mr. Speaker, for citizen's input, but not, Mr. Speaker, eleven people appointed by one man. How great he is - he's fine - he is a brother attorney of yours and ours, but under this bill, he appoints them all. You just appoint marathon runners. That means he appoints my son because my son beat him in the last marathon.

Now, Mr. Speaker, this is cronism at its worst. This is an idea of not getting the citizen input that was in the bill of the beautiful lady from the Waikiki area from whom we heard in the rebuttals with the Manoa man. She conceived of an idea of a true citizens crime committee, not one of cronism. She conceived of these basic things and I have spoken to you about, Mr. Speaker.

Now, Mr. Speaker, let me just show you how this bill is worded. Let's go to the statutes. You know what we always like to do? We always argue a case, but we don't look at the statutes enough. Let's go look at the statutes they want to put on the books.

The commission shall be composed, Mr. Speaker, of eleven members, to be appointed by the Lieutenant Governor, and to serve an eighteen-month term and what is he supposed to do - drop dead? It might be in the middle of this Grant Cooper sort of thing and they got to stop at eighteen months. Whoever heard of such a thing. Look at the famous commissions on crime that they had in the state of New York. They created our great Tom Dewey. You think those

members stopped at the end of eighteen months? No, they didn't. They went for forty-eight months and then they had a continuation. But we say, oh no, no matter what happens, at the end of eighteen months - pau. Did you ever hear of such a thing? Eleven people appointed by one man for eighteen months and then pau.

This is not a crime committee. This is something, Mr. Speaker, that I don't even know how to describe. This is ingenious. Now, Mr. Speaker, the Lieutenant Governor shall serve as chairman of this commission and then he appoints all these guys and then he makes himself chairman and we give him \$150,000 and Blair added on the powers of subpoena. I don't mean Blair; I mean the young gentleman who is going to Stanford Law School next year.

The members of the commission shall not be compensated for their services. They are doing the most important thing in the State. We raise everybody so sky high, but we give them no compensation. They won't be reimbursed except that the travel expenses being necessary for the top guys.

Now, Mr. Speaker, any one of these members can be removed by the Lieutenant Governor or suspended. How could you have an independent person like Abercrombie or Ike Sutton on that commission? You couldn't have them. You couldn't have them because they could be removed right away. They must have a person appointed and a good body for removal. There is no structure here; there is no mechanism; there is no tenure. We have a very tenuous situation where an individual is supposed to be the basic thing.

Now, I feel, Mr. Speaker, that crime adversely affects every person in the State, and that all steps necessary to prevent crime should be taken. I feel that one preventive measure is to secure in our public input and to get that public input in determining the ways in which crime can be controlled. I'm all for the establishment of a crime commission, but make it appropriate, Mr. Speaker. Go back to the sixty people. Have them appointed so they are representatives of the whole State - labor, management, the little fellow in Mr. Baker's and my jurisdiction, people in your district in Moanalua, Kalihi - let's have them in here. Let's have it representative and have something where they have an input of the citizenry and accomplish a mission. There are eight other states that have a commission. None of them has ever done this, Mr. Speaker - none of them.

Now, Mr. Speaker, let me just give you

one brief. . . I think Tony just yielded his time to me. . ."

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

"The Chair must recognize any individual for the purpose of yielding time."

The Chair replied:

"Representative Sutton assured us that he has one more brief comment to make. Proceed, Representative Sutton."

Representative Sutton continued, stating:

"Mr. Speaker, I will make this summation very brief. I know you have other things to do today.

This bill purports to establish a citizens' commission on crime but actually it only establishes an eleven member crony situation who can be removed at the pleasure of the same man who appoints them and who is the chairman thereof.

Then, all of a sudden, it gives this commission subpoena powers. We just had an investigation of Hale Nani. We didn't even have subpoena powers; we didn't use them. In this body, we have never used them. Oh no, we have to delegate our subpoena powers to some other body that is construed this particular way and then, all of a sudden, what have he done? I'll tell you what you have done - the very thing I've heard you say in court - they have a chance to go witch hunting.

Now, this is serious, Mr. Speaker. What we want to get is the tool. We don't want harrassment and this is very important when you grant the subpoena power. It's got to be used with the sense of high judicial restraint that you show in this Chair. You had a problem this morning. You solved it by a stern voice. These are the ways these crime commissions operate.

Now, Mr. Speaker, all I'm going to ask these people to do is just one thing: We commit this back; we commit it and let it come out with something like the original bill that was conceived by the beautiful, lovely lady from Waikiki. Add something with sixty citizens; add something that has a representative body and have something that will attack the problem of these beautiful islands so that in a growth period, they will not become another Phoenix.

Thank you, sir."

Representative Suwa, speaking for the passage of S.B. No. 1308, stated:

"I will make it short. My Finance Committee counsel has eloquently stated the fact in supporting this measure although he spoke against it, but utilizing the statements in the area where they are pertinent to this bill and the pertinent factor he has spoken.

For that reason, I ask the members to vote for this bill.

Thank you."

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

"Mr. Speaker, sometimes, whenever the representative from the Fifteenth District stands up to speak on a bill, I am beginning to think that we should register him as a lobbyist for you.

There is no question in my mind that some of the points that he brought out were brought up in committee. But, I would like to point to the facts of the bill itself. For one thing, if he is concerned that the Lieutenant Governor will be able to, at his whims, remove any particular individual from the commission, I would like to recommend that he read the bill.

For one thing, in order for the Lieutenant Governor to do that, he would have to give due notice, have a public hearing, and all of this will be subject to Chapter 91. It is not the removal of any individual on the commission at his whim that will take place. There are rules established in Chapter 91 and procedures that will have to be followed.

Secondly, Mr. Speaker, the original bill passed by the Senate contains the provision for this commission to work for a period of three years. We felt that three years was too long a period of time for a commission to come up with, and I would like to emphasize this particular point, recommendations, study the problems relating to crime, make recommendations, not only to the Legislature, but to the various departments who are concerned with law enforcement efforts and to the counties themselves.

That is the function of this crime commission - to study and make recommendations; not to go on witch hunts as the representative seem to say, but to make these recommendations to us so that we can act on some of these problems. It is because of this desire to have citizen input that the Judiciary Committee and the Finance Committee worked on this particular piece of legislation.

One of the other things that I would like to bring out is that if he is afraid that his son who is a marathon runner might get appointed to this, I will be sure to talk to the Lieutenant Governor that that appointment doesn't take place.

But, Mr. Speaker, this particular legislation is the product of a lot of work on the part of both Republicans and Democrats. We feel that something like this should be initiated; something like this should come about during the next session in terms of recommendations.

We feel it is a good bill and we would like to urge the House members to vote for it."

Representative Kamalii then rose to speak in favor of S.B. No. 1308, SD 2, HD 1, stating:

"Mr. Speaker, I welcome the appearance of this bill pertaining to the formation of a citizens crime commission. When it entered the doors of the House Judiciary Committee, it was, in my eyes, a fairly complete bill. Its purpose, scope of responsibility, funding, and administration were fairly well specified. About the only specific criticism I had was that the bill called for an eleven-men commission, which I feel is too small a number to adequately represent the public.

However, Mr. Speaker, the bill that has emerged from the House Judiciary Committee is hardly the same bill that the Senate passed. That original Senate bill, Mr. Speaker, called for a citizens crime commission that would be something more than a study commission, of which we have perhaps too many already in this State.

The original bill, Mr. Speaker, called for the Lieutenant Governor to be the head of a citizens crime task force, if you please, which task force would not only undertake a study of the many facets of crime and crime prevention, but a task force that would also implement its work through the active coordination of organizations and individuals engaged in crime prevention.

That provision, Mr. Speaker, was not included among the original bill's provisions as an afterthought. It was basic to the concept of a citizens commission, staffed with professionals, empowered with the subpoena power, undertaking an on-going program of analysis, investigation and, most important, coordination.

After all, Mr. Speaker, it is hardly conceivable that an ad hoc commission, operating for only eighteen months,

could do an effective job on crime analysis, investigation and, particularly, coordination.

Thus, Mr. Speaker, the original thrust of the concept of the citizens crime commission, as spelled out in the original Senate Bill 1308, has now been greatly reduced in scope and effectiveness. The removal of the coordinative powers of the commission has been justified by the House Judiciary Committee on the grounds of greater effectiveness. Mr. Speaker, removal of this coordinating power of the commission severely limits the committee's effectiveness.

The reduction in the life of the commission from three years to eighteen months, and the further reduction of the appropriation of \$150,000 to \$75,000 only underscores the thinking of the House Judiciary Committee.

Mr. Speaker, everyone in this House knows that crime and crime prevention are subject matters that require intensive, exhaustive, and continuous study and effort. We also recognize that crime and crime prevention are prohibitively expensive costs for the State to bear. We have established an entirely new system of corrections facilities to handle only one aspect of crime. We have recently established a full-time Parole Board to handle another. We have approved appropriations of over \$200,000 for victims of crime. We appropriate millions for the criminal justice system. And the annual cost of crime in Hawaii, to property owners, businesses, ordinary citizens, and to the schools and other public agencies runs into many millions of dollars.

Yet, Mr. Speaker, to ensure the active participation of the citizenry in the battle against crime, we are appropriating a scanty \$75,000 for eighteen months' work, which works out to \$4,166.67 a month.

Mr. Speaker, it costs this House at least \$2,000 a month to hire one attorney during the session. Thus, for the citizens crime commission, if one attorney is paid \$2,000 a month, that leaves only \$2,166.67 for other staffers and expenses. Among those expenses, Mr. Speaker, will be the necessary travel and per diem costs for the neighbor island members of the commission. Surely, Mr. Speaker, we do not want to short-change the neighbor island members.

Mr. Speaker, I propose to this House that it restore S.B. No. 1308, SD 2, HD 1, to its original scope, program-wise,

term-wise, and money-wise.

In closing, Mr. Speaker, let me appeal to the members of this House that they not be penny-wise and pound-foolish. If the citizens crime commission is to be a truly democratic, representative, and effective body, let it be given the authority and the funding, and the time, to do its job well.

Thank you, Mr. Speaker."

Representative Garcia then rose to rebut, stating:

"Mr. Speaker, in rebutting some of the points made by the representative from Waikiki, I would like to point out that even though we made several deletions from the original draft of the Senate bill relating to coordination of various activities to be made by the commission, your Committee felt that this particular commission's primary duty is to seek ways in which they can bring together the various organizations, including the various police departments, prosecutors, and come up with recommendations to the Legislature.

The various counties. . ."

Representative Carroll interrupted on a point of order and stated:

"Mr. Speaker, the representative from Waikiki spoke in favor of the measure and I believe the Chairman of Judiciary also spoke in favor of the measure. I don't see what other rebuttal comments he has to the representative from Waikiki's remarks."

The Chair stated:

"The Chair rules that Representative Garcia is in order" and directed Representative Garcia to "proceed".

Representative Garcia continued his remarks, stating:

"Mr. Speaker, the primary purpose, as I mentioned earlier, was to help these various police departments and prosecutors to come up with ideas the legislation.

The citizens crime commission, by itself, will not have the authority that the Police Department has, authority of the prosecutors, for the Attorney General, or anyone along these lines. If that is what the representative wants, then, I think, that is going too far.

The primary purpose of the citizens crime commission is to get input from citizens as to how we can make these various departments more effective,

more efficient, and more responsive to the public need.

I might want to add that the primary weapon that can be used by the citizens crime commission is the power to subpoena under this particular version of the bill. We have kept this particular power to subpoena within the House Draft 1. We feel that if there are others who are reluctant to participate in public hearings, that I am sure the citizens crime commission will undertake, then this power to subpoena is available to the commission. That is its primary role - that's the role it should be.

But even more important, when considering what the role should be, we felt that the period of three years was way too long to come up with recommendations and ideas. We recognize the State is in severe financial straits, and we want to be sure that the money appropriated would be sufficient to cover the time period we felt was necessary to come up with these ideas. The original draft called for the three-year period for the commission and \$150,000. We cut the time period in half and the course that followed it was to cut the appropriation in half. The Committee felt that \$2,000 a month for an attorney and the balance to be used for secretarial services and other resources was sufficient to cover the investigatory scope of this particular commission.

We are not being penny-wise and pound-foolish. What we are trying to do is recognize whatever the needs are financially, provide that money to do the job and do the job.

One of the problems that we have with many commissions is they take too long. We have a proliferation of commissions and I, myself, had some doubts when first looking at the bill as to whether or not wanting to create this particular one even though it was a temporary one. But because of the need, because of the various testimonies that were presented earlier on another bill, we felt that perhaps, we should come up with this particular idea, and that is why the Judiciary Committee and the Finance Committee worked on this bill."

Representative Say then rose and asked whether or not the Chairman of the Judiciary Committee would yield to a question to which Representative Garcia replied in the affirmative.

Representative Say asked:

"Is there any conflict with the police commissioners themselves in their

roles and participation in this decision making?"

Representative Garcia replied:

"No, there isn't."

The motion was put by the Chair and carried, and 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", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Cayetano and Sutton voting no.

At 11:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of welcoming the guests from the Mariannas and Saipan Legislature.

Upon reconvening at 11:55 o'clock a.m., Representative Kihano introduced three members visiting from Saipan and the Mariannas Legislature, as follows: the Honorable Herman Guerrero, Speaker of the Mariannas Legislature, who was formerly a member of the Congress of Micronesia; Senator Peter Guerrero of the Mariannas Legislature; and Mr. Bill Nabors, legal counsel of the Mariannas Legislature.

The Chair then appointed Representatives Kihano, Kondo, Yuen, Ajifu and Kamalii to escort the Honorable Herman Guerrero to the rostrum, whereupon he addressed the members of the House as follows:

"Mr. Speaker, distinguished members of this assembly, ladies and gentlemen, it is indeed a great pleasure for me to be given this opportunity to appear before this august body, especially a great privilege and honor, coming from a very small territory in the Pacific, from a small island group that will soon become part of the United States and we will soon be under the American flag just like the State of Hawaii.

Before I proceed, I would like first to convey to you, in behalf of the people back home, a sincere greetings and happy day.

We are on our way home from a trip to Washington, D.C., where we discussed and urged the Federal government and the U. S. Congress to approve the Constitution of the Northern Mariannas Island which will enable us to become part of the American political family.

This is the last and the most important step that needs to be done now.

On March 24th, last year, we approved the United States government, the United States Congress, and the people of the Mariannas have approved the covenants establishing the commonwealth of the Northern Mariannas. The next step that needs to be done is the ratification of the Constitution developed by the people of the Northern Mariannas. We have done this last month, and we have presented the Constitution to the President of the United States, and it is now up to the President and the government of the United States to approve the Constitution that we have approved back home. Once this is done, we will become part of the American political family as commonwealth of the United States.

I hope, and we look upon Hawaii as our big brother, being the biggest state in the Pacific. We will, hopefully, one day, become a state back home and be united as a state of the Pacific Basin, and there is a need for us to work together closely in order that much of our problems will be heard in the United States government and the United States Congress.

At this stage, I would like to again give you, in behalf of the people back home and members of the Legislature, a serguo-facie, meaning a heartfelt 'thank you' for the opportunity to appear before you.

Thank you very much."

At 12:03 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of extending personal Aloha to the Mariannas delegation.

Upon reconvening at 12:27 o'clock p.m., the Chair stated:

"The Chair would like to remind all members that we have an extensive calendar before us. Proper decorum will be followed, proper parliamentary rules of procedure will be followed, and let us move on as rapidly as possible."

UNFINISHED BUSINESS

Stand. Com. Rep. No. 877 on S.B. No. 1100, SD 1, HD 1 (Deferred from March 28, 1977):

On motion by Representative Uechi, seconded by Representative Peters and

carried, 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", having been read throughout, passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Abercrombie, Ajifu, Baker, Evans and Ikeda voting no.

Stand. Com. Rep. No. 879 on S.B. No. 140, SD 1, HD 1 (Deferred from March 28, 1977):

On motion by Representative Stanley, seconded by Representative Peters 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", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Narvaes and Sutton voting no.

Stand. Com. Rep. No. 880 on S.B. No. 237, SD 1, HD 1 (Deferred from March 28, 1977):

On motion by Representative Stanley, seconded by Representative Peters 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", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 882 on S.B. No. 251, SD 1, HD 1 (Deferred from March 28, 1977):

On motion by Representative Cayetano, seconded by Representative Peters 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", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 883 on S.B. No. 1464, SD 2, HD 2 (Deferred from March 28, 1977):

On motion by Representative Blair, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 1464, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY AND LITTER CONTROL", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 884 on S.B. No. 1209, SD 1, HD 1 (Deferred from March 28, 1977):

On motion by Representative Kawakami, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 1209, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUA-CULTURE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 886 on S.B. No. 1407, SD 2, HD 1 (Deferred from March 28, 1977):

Representative Cayetano moved that the report of the majority of the Committee be adopted and S.B. No. 1407, SD 2, HD 1, pass Third Reading, seconded by Representative Yuen.

Representative Peters then rose to speak against the passage of S.B. No. 1407, SD 2, HD 1, stating:

"Mr. Speaker, this morning, I had a chance to read my Bible, and I turn to the Book of Romans, Chapter 3, Verse 23. It states that the wage of sin is death.

I would like to point out to my colleagues that this is a highly simple bill and I request for its immediate death."

Representative Sutton then rose and stated:

"Mr. Speaker, I, too, read my Bible and I read 'Exodus' and in 'Exodus', I found that you do not take a route which trespasses, so I would go along with my brother Peter and urge everybody to vote 'no'."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and S.B. No. 1407, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS", having been read throughout, passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Abercrombie, Aki, Narvaes, Peters and Sutton voting no.

Stand. Com. Rep. No. 891 on S.B. No. 533, SD 1, HD 2 (Deferred from March 28, 1977):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 533, SD 1,

HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-DRIVEN BICYCLES", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Sutton and Ueoka voting no.

The Chair directed the Clerk to note that S.B. Nos. 1489 and 563 had passed Third Reading at 10:52 o'clock a.m.; 74 at 10:53 o'clock a.m.; 1193 at 11:26 o'clock a.m.; 1308 at 11:50 o'clock a.m.; 1100 at 12:28 o'clock p.m.; 140 and 237 at 12:29 o'clock p.m.; 251 at 12:30 o'clock p.m.; 1464 at 12:31 o'clock p.m.; 1209 at 12:32 o'clock p.m.; 1407 at 12:34 o'clock p.m.; and 533 at 12:35 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:

S.B. No. 3, SD 1, HD 1:

On motion by Representative Suwa, seconded by Representative Peters and carried, 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 Third Reading by a vote of 51 ayes.

S.B. No. 1369, SD 2, HD 1:

On motion by Representative Kawakami, seconded by Representative Caldito and carried, S.B. No. 1369, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES", passed Third Reading by a vote of 51 ayes.

S.B. No. 122, HD 1:

On motion by Representative Segawa, seconded by Representative Shito and carried, S.B. No. 122, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE LICENSE ISSUANCE", passed Third Reading by a vote of 51 ayes.

S.B. No. 1226, SD 2, HD 1:

Representative Kiyabu moved that S.B. No. 1226, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative Mina.

Representative Kiyabu then rose and stated:

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

Every year, laws are passed which require new conditions to be met and more permits to process. New laws are constantly added to the old and result in new layers of red tape to wade through. The time delays caused by the red tape result in higher costs which are passed on to the consumer. Thus, government red tape affects everyone - the small landowner, the big developer, and the prospective homeowner.

Mr. Speaker, I believe this bill to be an initial step toward reducing the time delays caused by existing regulatory requirements.

Under the provisions of this bill, one agency in each County would be designated to compile and maintain information which would assist prospective applicants, and coordinate the processing of applications through the development review process. As much as possible, the designated county agency would coordinate the review processes of the counties with State and federal review requirements.

In hearings we have held on this bill, all county and State agencies testifying were in favor of the bill's intent. Some agencies, however, were concerned about the section on 'non-significant changes.' The bill as sent over by the Senate would have required the counties to have provided for the requirements of this section on non-significant zoning changes. However, we have amended the bill to make administrative processing of non-significant zoning changes optional, not required, for the counties. I feel that with this amendment, all parties will find the bill acceptable.

Because time delays result in increased costs which negatively affect our housing situation, I urge all members of the House to vote in favor of S.B. No. 1226, SD 2, HD 1."

The motion was put by the Chair and carried, and S.B. No. 1226, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL PROCEDURES AFFECTING LAND USE", having been read throughout, passed Third Reading by a vote of 51 ayes.

S.B. No. 416, HD 1:

Representative Stanley moved that S.B. No. 416, HD 1, having been read throughout, pass Third Reading,

seconded by Representative Uwaine.

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

"Mr. Speaker, I signed this bill 'with reservations', and considering it further, I feel I must vote against it because it is not clear to me, nor do I see how it can be resolved in this bill as to who is to pay the bill.

The bill addresses itself to the question of whether or not the County legislative bodies may hire additional personnel. I think, Mr. Speaker, that this possibly came about out of the conflict between the executive and the legislative which is addressed in the committee report in respect of charters and so on. But I do not see it as a service to the communities as a whole, that we address legislation allowing the increase in the number of people that may be appointed to work for the County Council but do not, in the same bill, or in some other section of the law, prescribe as to whether or not these people are going to be paid. I don't see anything that compels the executive to put forth salaries.

This is a situation which I find confusing. I was never able to really get resolved in my own mind as to how this was supposed to work.

I do feel also, Mr. Speaker, that it is kind of odd that we are taking care of hiring or making it possible to hire additional employees for the County Council when we don't seem to be able to get it under way for ourselves. I wish we could do that.

Now, if I could be assured that the employees of these Councils might actually be able to be paid and wouldn't become some kind of a political football, then I think I might see my way more clear to vote for it.

Also, the bill really leaves it completely open-ended. Presumably here, the County Council can hire and hire and hire without any necessary rhyme or reason, but what suits their own political purpose.

I think the original intent of the law was that there should be some limit. Now, whether this limit needs to be re-examined in terms of the number of people - that might be a consideration based on modern circumstances that should be addressed. But to simply leave it wide open, to me, is an indication to play politics in a way that I don't think does service to the

idea of the fiscal restraint that is constantly mentioned on the floor of this House.

Thank you."

Representative Kunimura then rose to speak in favor of S.B. No. 416, HD 1, stating:

"Since 1968, Mr. Speaker, all the counties in the State now enjoy a Constitutional Charter and the Constitutional Charter separates it clearly - the executive branch of the county government from the legislative branch.

I wonder what kind of position we would be in if we had a limitation on what kinds and what types of people that the Legislature could employ.

Right now, because of the ambiguity, the Council is almost at the jeopardy or sometimes at the mercy of being hauled into court by the executive branch of the county government.

Mr. Speaker, this bill clearly spells out the authority granted to the County Council to have employees that would support the efforts of the respective Councils and also, Mr. Speaker, the proof is in the marketplace. If any Council in the State of Hawaii want to act like punch-drunk sailors and hire one thousand people under their jurisdiction, they wouldn't be in office too long. I am pretty sure that there will be enough safeguards in our system of government.

Therefore, I urge all members to vote for this bill."

The motion was put by the Chair and carried, and S.B. No. 416, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES OF COUNTY LEGISLATIVE BODIES", having been read throughout, passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Abercrombie and Larsen voting no.

S.B. No. 1202, HD 1:

Representative Blair moved that S.B. No. 1202, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

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

"Mr. Speaker, the purpose of this bill is to qualify the State of Hawaii to participate in the benefits of Public Law

93-205 which is the Endangered Species Act of 1973, Mr. Speaker. See what we are doing? Letting the tail wag the dog.

The Federal government has a little tiny bit of money - we want to grab it and we try to conform to a great continent. We are just a group of islands. We have very little land, Mr. Speaker.

Now, endangered species is really unbelievable. We have more endangered species in Hawaii than any place in the world. One of these days, they are going to just say you can't even go in your backyard in Moanalua. That is how strict this thing gets. It is unbelievable.

There are 879 endangered species in the area of our distinguished representative from the Hamakua Coast. He is known to be a wild-life specialist. He is in the same wildlife group as myself, and far be it from either of us to ever engage in anything to destroy endangered species that are legitimate.

But let me show you this definition, Mr. Speaker, and look at this language. It is not out of Hawaii - believe me. 'Wildlife' - this is the definition in the book - means 'any member of the animal kingdom, whether reared in captivity or not, including, without exception, any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.' Just touch one of those and you're in trouble. Think of it - you can't touch an egg; you can't touch a dead egg.

Now, Mr. Speaker, this thing goes even further. What are your prohibited acts with respect to any endangered or threatened species of wildlife? It is unlawful, except as provided in subsections of this, in any way, shape or manner to break its life habitat.

Take this gentleman from Hamakua; take this gentleman who represents that area. Think of the machinery he has for his sugar canefields and they come right up by a bunch of bushes. I just happen to knock a couple of those bushes; he sees some endangered species and he is in trouble and his workers are in trouble. This man happens to be a great labor leader too.

Mr. Speaker, we are not in a position to adopt all the stuff that the Federal government has on its books. It is

time we started remembering we have a very unique thing. We don't have any Grand Canyon like Colorado. The only thing we have similar to that is something we have up in Kauai where you shoot goats. But we don't have the vast plains where the American Indians and the buffaloes roamed and all of a sudden, the white men came and killed them both. We don't have this sort of background, and we take something out of the pages to pick up a few Federal dollars and incorporate something that is going to stifle.

You know what the unemployment is in Hilo, Mr. Speaker? Twelve percent, and they won't be able to use 1/5 of their island because of this.

Mr. Speaker, I would urge you and the members of your high body to please vote 'no' on this measure."

Representative Kunimura was recognized and he stated:

"Mr. Speaker, I was not quite clear what the good gentleman from Nuuanu said, but if he will yield to a point of information."

Representative Sutton answered in the affirmative.

Representative Kunimura asked:

"Thank you, Mr. Speaker. I did not hear too well so I wonder if the good gentleman from Nuuanu would explain if he meant species Homosapiens of certain political party also considered endangered species."

Representative Sutton replied:

"Mr. Speaker, we are alive; we are vibrant, and we are led by a beautiful lady who, I think, you heard from this morning."

The motion was put by the Chair and carried, 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", having been read throughout, passed Third Reading by a vote of 50 to 1 no, with Representative Sutton voting no.

S.B. No. 577, SD 1, HD 1:

Representative Blair moved that S.B. No. 577, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Larsen.

Representative Peters then rose and asked whether or not the Chairman would yield to a question to which Representative Blair replied in the negative.

At 12:49 o'clock p.m., on request by Representative Peters, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:50 o'clock p.m., Representative Peters rose to speak against S.B. No. 577, SD 1, HD 1, stating:

"Mr. Speaker, the reason I am speaking against this measure is that it seems to me that we passed a law last year regarding noise pollution and, now, for purposes of developing a measure to allow the Police Department to conveniently administer this provision, or administer that law, would come out with S.B. No. 577.

Mr. Speaker, I would like to read you part of what this bill talks about; an area in which I am quite concerned. It says over here under Section B that 'No person shall operate a motor vehicle upon any public highway with a muffler or exhaust system which has been altered or modified and which increases or amplifies the exhaust noise to a level greater than emitted by such vehicle as originally equipped from the factory.'

It seems to me that if I have a puka in my muffler and decide to change it and in the process of having it changed, as soon as I get it on, I run around in my car. If this muffler is making more noise or the noise is greater than when the car initially had the original muffler, then I can be cited.

Now, I don't know how you determine that kind of noise level or how you go about administering a provision like this. But it seems to me that it would be rather difficult to administer and (2) it will be unfair to the people of this State.

Thank you."

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

"Mr. Speaker, too many times, motor equipment are brought into this State and it is not regulated. In fact, yesterday, I think, the House passed the reconstruction vehicle bill. As one who has worked on modified cars, Mr. Speaker, there are a lot of things that the speed shops sell today that are not controlled

by the State laws.

What this bill will do, Mr. Speaker, as far as the exhaust system, will force this so-called speed shops to bring in things that are regulated in our State of Hawaii and assuring our residents a sound and safe atmosphere for our community.

For that reason, Mr. Speaker, I urge all the members to vote in favor of this bill."

Representative Abercrombie was recognized and he stated:

"I would like to speak against this bill, reluctantly so, but nonetheless, against it.

Mr. Speaker, I think I would be inconsistent if I did not, not so much because I object to what the object is here. I think Representative Peters has made some pertinent points. If we have noise laws and there is a change in the muffler, the noise from the new muffler still within the limits that are allowed, it seems to me inconsistent to then cite a person because the muffler was originally more quiet.

The second thing has to do with the. . . Again, I say, I want to try to be consistent where it is pertinent to be that way and I think that the fine situation here is excessive now. Perhaps there is a misprint, but it says the fine for this violation shall not be less than \$25 nor more than \$2,500 for each separate offense. I was of the opinion that if the laws on the books are to be used and if it says \$2,500 - sooner or later, somebody is going to get hit with \$2,500 and it may be unfair.

It seems to me, what we are talking about - you know, muffler noise on a car - you hit somebody with a \$2,500 fine is a pretty grim retribution that, you know, might even strike some of those cab owners if things go wrong. I have argued in the past and it has been acknowledged by members, especially of the Judiciary Committee, that the excessive fine is not really in the interest of the law that they wish to pass, and they've altered the bill accordingly because we don't want to go off the deep.

In other words, in trying to define what is, in fact, an offense against the public interest that we set up a punishment circumstance that is far and away outside the purview of the offense itself. Therefore, while I

understand the motive here, I think that the question of whether or not the next muffler is still within the noise ordinance, as such, or the noise levels allowed and the \$2,500 make it mandatory that we defeat the bill or recommit it to examine the idea of the \$2,500 fine."

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

"Mr. Speaker, I can only assume, not being a member of the Ecology and Environmental Protection Committee, that the range on the fines covers both the possibility of a private individual as well as that of a business that would be in violation.

We have heard many times in the past, both on the floor of this House and in committee, that to provide a disincentive economically for a business firm or other firm that would refuse to correct a noise problem that a significantly higher level of monetary damages is necessary in terms of a fine.

This schedule or range at least allows for some judicial discretion and I doubt very much if any court would fine a first or second private offender or an individual motorist the maximum amount allowable, but I think the range does give that kind of judicial deterrent in the case of a whole fleet of trucks or others who would be in violation.

Secondly, Mr. Speaker, I think that the changes outlined in this bill, giving enforcement powers to the police are necessary for the proper enforcement of the law that we already have on the books and that it has been the experience in the past that when a law is not enforceable, we either repeal it or we make it enforceable and I think the Committee is quite properly taken the step in this direction.

Third, Mr. Speaker, there has been a problem in some speed shops on the selling of so-called glass packs or mufflers that are designed and manufactured to create a real loud noise, and I think those exceed the specifications of a normal muffler and when they disturb the peace and quiet of the public, they should be effective and, hopefully, they would be.

Accordingly, Mr. Speaker, for the peace and quiet of our constituents, I urge my colleagues to support this bill."

Representative Cayetano then rose

and asked if the Chairman of the Committee would yield to a question to which Representative Blair replied in the negative.

At 12:59 o'clock p.m., on the request of Representative Cayetano, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:05 o'clock p.m., Representative Blair requested that action on S.B. No. 577, SD 1, HD 1, be deferred to the end of the calendar, and the Chair, noting that there were no objections, so ordered.

S.B. No. 245, SD 1, HD 1:

On motion by Representative Cayetano, seconded by Representative Takamura and carried, S.B. No. 245, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RIDING ON ROADWAYS AND BICYCLE PATHS", passed Third Reading by a vote of 51 ayes.

S.B. No. 804, SD 2, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, S.B. No. 804, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE NO-FAULT INSURANCE", passed Third Reading by a vote of 51 ayes.

S.B. No. 1059, SD 1, HD 1:

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

S.B. No. 1368, SD 1, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, S.B. No. 1368, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN LENDERS", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

S.B. No. 731, SD 1, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, S.B. No. 731, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES", passed Third Reading by a vote of 51 ayes.

S.B. No. 144, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, S.B. No. 144, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", passed Third Reading by a vote of 51 ayes.

S.B. No. 1460, SD 1, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, S.B. No. 1460, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF PROPERTY AND CHOSES IN ACTION", passed Third Reading by a vote of 51 ayes.

S.B. No. 1047, SD 1, HD 1:

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

S.B. No. 475, SD 2, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, S.B. No. 475, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", passed Third Reading by a vote of 51 ayes.

S.B. No. 1371, HD 1:

Representative Garcia moved that S.B. No. 1371, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against this because I feel that it is a type of thing that should be in the judicial discretion of a Judge and not something done by statute. I feel that we are usurping the judicial function of discretion.

Any automatic termination can have a very serious situation on an individual who is dependent upon a spouse for their livelihood and when we come in and statutorily do what for years has been done by Judge, I think that we have usurped our function so I would urge both you and all my colleagues to vote 'no'."

The motion was put by the Chair and carried, and S.B. No. 1371, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE", having been read throughout, passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Evans, Ikeda and Sutton voting no.

S.B. No. 1074, SD 1, HD 1:

Representative Garcia moved that S.B. No. 1074, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against S.B. No. 1074, SD 1, HD 1, which is your Standing Committee Report No. 870.

I was the father of the probate bill but was never given credit for it. Usually, it is the reverse in proceedings, but that probate bill has been on the books just a year and you people criticized me for printing 376 pages that cost umpty-ump dollars to do, but it is on the books. It has been very successful and now, all of a sudden, we come along and the former Chief Justice gives them a few idea on changes.

I have checked with the trust companies that handle this bill. None of them feel that any of these amendments are required at this time. What we are doing is piecemeal of something that was done with a cohesive group. I guess you probably remember and certainly the gentleman from Kauai remembers that we had another chairman of the Judiciary Committee that time - the gentleman is now practicing law in Hilo - and, at that time, we put in a cohesive bill, a bill that has now been written up in the American Bar Association and the Federal Bar Association. It is a very excellent bill - the Uniform Probate Code.

Now, all of a sudden, we say, okay, fine, we are going to change the jurisdictional limits from \$10,000 to \$30,000. Why? Because there is no reason in the world for it. Why change the jurisdictional? Then, all of a sudden, we eliminate. . . if you will turn, Mr. Speaker, to page 70 and look at line 16 of your bill - Section 535-1. We have two words that are now deleted: 'When any person, who is bound by a contract . . .' - then in writing, it is deleted - 'to convey any real estate, dies before making the conveyance, the other party may commence an action in a circuit

court to enforce a specific performance. . . .
This, Mr. Speaker, is a violation of the very concept that we have always had unless it falls under part performance because, here, we have a verbal contract and we do not have anything putting a common law concept of part performance in the committee report.

If you are going to do something of this nature, it should be reflected in the committee report, and I wish you would tell the Chairman of our Judiciary Committee to so do because it is very unusual to ever see the word 'in writing' taken out when you are talking about conveyances of real estate. As you well know, the statute of forgery requires it to be in writing and yet, here, we delete the words 'in writing' and do not have a committee report saying this should be part performance - like the old man who is sick and he has a nurse come in. He says, okay, you take care of me and he could, maybe, have a common law relationship with the two. You take care of me for the next ten years and I will give you my fortune and there is your verbal part performance. But we don't have anything in the committee report that reflects this exception of promissory estoppel.

Could you please explain to the Chairman of your Judiciary Committee the doctrine of promissory estoppel; have him write it up so that when we come back and have a judicial interpretation of the deletion of the words 'in writing' that it will not be misconstrued, and I would like, therefore, for you to vote against this and ask your colleagues to do likewise because we are not in a position to make piecemeal amendments to something that is a total and something that has a very much dependence one or the other like the strings of the violin.

Thank you very much, sir."

Representative Cobb then rose to speak in favor of S.B. No. 1074, SD 1, HD 1, stating:

"Mr. Speaker, most of the amendments in here are not the result of hodge-podge, but in fact were recommended by the trust companies and by Judge Kato, the Probate Judge, and it was the Committee's deliberations after their specific recommendations for these changes that the amendments to the bill were made.

Accordingly, Mr. Speaker, I think

that this bill is extremely well thought out. The Committee and its Chairman spent a great deal of time on it. The amendments here are deserving of support, particularly when we consider that the so-called Uniform Probate Code, in the case of Hawaii, is far from uniform already. We have recognized many of the unique situations we have here in Hawaii, both by the former Chairman of the Judiciary Committee as well as by the present Chairman.

Accordingly, Mr. Speaker, I think that these kinds of amendments that have been presented with very substantial background from the trust companies, as well as the Probate Judge, that we should support this bill.

Thank you."

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

"Mr. Speaker, you cannot believe how many of the members who were members of the Judiciary Committee in previous years miss Representative Sutton's tandems in the Committee. However, we have spent quite a bit of time in this area. We had three committee meetings on probate. We had decided to hold the House version of the bill until the Senate bill came over and work on the Senate bill. We made some changes in the Senate bill when it came over and we feel confident that these changes will be reviewed seriously by the Senate.

I would like to make one comment about this particular bill to clarify some questions that were brought up in the caucus and that is, in addition, the provisions of Section 535-1 relating to specific performance of the ceded contract to convey real estate were amended to conform the provisions to Section 3-715 of the Probate Code and by doing so, the Committee did not intend to expand the common law principle relating to part performance of all contracts for the conveyance of real property."

The motion was put by the Chair and carried, and S.B. No. 1074, SD 1, 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 50 ayes to 1 no, with Representative Sutton voting no.

S.B. No. 1452, SD 1, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, S.B. No. 1452, SD 1, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO DEBTOR EXEMPTIONS", having been read throughout, passed Third Reading by a vote of 51 ayes.

S.B. No. 1370, HD 1:

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

S.B. No. 761, SD 2, HD 1:

Representative Garcia moved that S.B. No. 761, SD 2, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against a bill which tries to prohibit alteration of serial numbers and identification marks on merchandise which is Senate Bill No. 76, Mr. Speaker, and has had two Senate drafts and one House draft.

Mr. Speaker, each Sunday afternoon, I think it is in your district, the Kam Drive-In - they have these exchanges. People come and they bring their merchandise and they have a very fine market for people that can't afford the more expensive things. What if you went to that market some Sunday afternoon and you picked up a piece of merchandise that somebody had altered the identification on, and you're an innocent person. In due course, you have made an exchange, or maybe you gave cash, and all of a sudden, you are in possession of something which the mere possession of here - this bill negates all intents. You don't have to have any intent. You bring it home and you have it there and somebody comes and inspects it and all of a sudden, oh, there is an altered identification on this and you're in a very serious situation, Mr. Speaker.

This is not the type of bill that we would like now to see in a democracy. This is the sort of mechanism that is used under dictatorship. It is not due process; it is not equal protection of law; it does not have any concept to the bill of rights, Mr. Speaker, and you will find an innocent purchaser for value saddled with a situation where he had no intent and yet his mere possession of that, having been a purchaser

in due course, puts him in a position where, for all intents and purposes, he is guilty of something that he never had any intention of at all.

Therefore, Mr. Speaker, I would urge you and your colleagues to vote against it."

The motion was put by the Chair and carried, and S.B. No. 761, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERIAL NUMBERS AND IDENTIFICATION MARKS ON MERCHANDISE", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

S.B. No. 1443, SD 1, HD 1:

On motion by Representative Suwa, seconded by Representative Peters and carried, S.B. No. 1443, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS", passed Third Reading by a vote of 51 ayes.

S.B. No. 1203, SD 1, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, S.B. No. 1203, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Ueoka voting no.

S.B. No. 454, HD 1:

Representative D. Yamada moved that S.B. No. 454, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"Mr. Speaker, this bill entitled: 'A Bill for an Act Relating to Banking' has a direct impact on the University of Hawaii at Manoa. I don't see that we will solve anything by this bill; on the contrary, I see that we are going to create a great deal of problems. I want to draw the members' attention to some of the following pertinent facts.

The committee report indicates that a member of the Campus Center Board testified that there is a definite need for banking facilities on the Manoa

Campus. Now, Mr. Speaker, perhaps the facilities talked about was cashing checks. You start talking about banking facilities on the Manoa Campus, you are involved in a very, very serious business proposition.

If you look further in the report, you will find that we have zones for banking institutions; in zones where they must operate. If you will read very closely in the committee report, you will find that three of the eight banks mentioned and reported have reached their limit of four branch banks within a zone. The other five banks have elected not to establish a branch bank on the campus and their report also indicate - if I read it correctly - that what is going to happen is that one of the other banks already having reached their limit is going to establish itself at the University.

Now, Mr. Speaker, I have lived in the area, attended the University on and of since 1959, maintained my own banking account, as a matter of fact, at the same bank that I started with in 1959, and in that time, I have seen three other institutions for savings and banking transactions come up in the area in addition to that one. There are two banks and two savings and loans within five minutes of the campus - five minutes walk. Now, driving, I suppose, is even less. Maybe, it's a minute and a half or two.

Now if we are talking about checking; that is to say, cashing checks, that kind of thing, then possibly, we could work something out. But look what's going to happen here. I really think that this is tremendously important.

We have taken out the five factors that were to be included in the original Senate bill in order to give the Director of Regulatory Agencies even more discretion. You know, the word 'discretion' can be used in a kind of off-handed manner. It is not going to be discretion; it is going to be license.

Now, what were those points and I think they bear upon the reasons that I would like to cite for the members, or perhaps having this bill recommitted: (1) the amount to be committed by each petitioner of the student loans; (2) the number of students each petitioner would employ on a part-time basis; (3) the accounts, plans, and other services offered by each petitioner for the use of land or facility, and such relevant factors

as the Director may prescribe. That's only some of it. We are talking about a banking institution having exclusive rights to a community of 30,000 people. Perhaps the first time some of these people have had any experience with anything from student loans to getting to work, to getting car loans, to become used to dealing with some bank as opposed to another - this is really a precedent setting situation that may actually operate to the detriment of other banking institutions in the immediate area and, most certainly, give the advantage to whichever bank comes in there.

Now, the committee report says that this is the case but they say the unique circumstances require it. I simply don't see it as unique when you can walk five minutes - five minutes, and I mean that literally - to four different institutions where banking activities of various kinds can take place, including checking accounts and savings, which has to be, in my estimation, the principal kind of activity that would take place at the University campus unless and until a bank establishes a branch up there.

Now, where is it going to go? What kind of facilities is it going to occupy? The only thing that the committee report relates itself to, in that respect, is that - this is in the last page, page 3 - 'in this time of economic austerity, the lease rent that will be paid to the Campus Center Board by the bank will be of great use in continuing student-oriented programs. . .'

Let me tell you that the Campus Center Board is an activity apart from the regular necessities of the University program. That comes out of student fees - that Campus Center Board deal. This is not something that comes out of our operating budget here, as such. That comes strictly out of student fees.

Now, if they want to set up a little deal back up there, who is going to control it? The Director? In this bill, the Director is virtually going to have complete control - the Director of Regulatory Agencies - what bank goes in there that has access to 30,000 people.

Now, the reason we are taking out some of the things that I mentioned that are in the Senate bill was, as I said, it would allow the Director greater discretion in making this determination. There are many relevant factors to be considered in making a determination. Since the decision affects not only the University of Hawaii at Manoa, but also the banking community. They may sound

strange for many to stand up here on behalf of the banking community, as such, but that is the case. There will be one bank, whoever it is, but I am not talking about the banking community as such. I am talking about what kind of effect it is going to have on those 30,000 people in there every day.

Now, I, for the life of me, did not understand how it is that there is anything that is unique, and how it is that all of the various points raised in the committee report against having the banking facilities with all the attendant services that a bank can offer. I fail to understand how it is in the interest of either the students or the State to violate the laws that we now have that is granting exception on the zoning when even the committee report says that there is no doubt that only one or two banks are going to be able to compete for that so that the lease rent, in that respect, might not even be that great. But if that is the reason that we are going to put one bank in charge of a community of 30,000 people, because there is going to be some lease rent involved to an activity, which, when you come down to it, you don't even need at the University of Hawaii; which is more a luxury and a convenience than a necessity. I don't understand the reasoning.

I want to quote just a couple more phrases from the committee report in the great number of reports we have had to read if it is not fresh in your mind. 'Also, since only one branch bank can be opened at the Manoa Campus, the bank will be in a position of unusual advantage as it will have sole access to this community of 30,000 people. It should also be noted that a great majority of these people will be students who are just beginning to create relations with the banking world. This should afford the bank an excellent opportunity to convert some of these student customers to long-term customers.' Now, this is from the committee report itself, and then we go to the point that I have mentioned. 'Because of the special position that will be occupied by the bank awarded the certificate, your Committee believes that the Director should give particular attention to the manner in which the bank will meet the unique needs of this community which gave rise to this exemption.' There are no unique needs other than having to cash a check and you can go across

the street and write a check to the Pizza Hut if you are hungry. You can go four minutes to the. . . I don't know if they will take a check or not - the little burger place over there - or if they won't cash a check at these places; if they won't establish credit if it is to go to a restaurant. If that is the only facility in the immediate area kind of situation, all you have to do to get some cash in your pocket is go five minutes. You can walk to another bank that is up in Manoa, in the business district, in the shopping plaza there. There used to be a savings and loan up there too. I am not sure it is still there because of the reorganization. It's definitely a bank branch that is still there. There is a savings and loan, as well as a bank. That gives you six banking facilities within five minutes walk or three minutes drive of the campus. So I don't understand it. I literally don't understand it how one bank can come in and take over, especially when the committee report says that is what is going to happen. So in the end, the only reason that is given for this is that, somehow, there are unique circumstances, none of which I can foresee, and that there is going to be lease rent paid the Campus Center Board, and I want to emphasize, in conclusion, that that doesn't mean the students then are going to be benefiting from it because the committee report does not say that the student fees are going to be lowered as a result of this lease rent. It simply says there is going to be more income to the Campus Center Board and not the slightest guarantee that the lease rent will reduce the cost of the students in their fees of a single penny.

Therefore, I simply cannot understand what is involved in the passage of this bill other than to give advantage, as the committee report says itself, to the one banking institution.

Thank you."

At 1:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:40 o'clock p.m., Representative Ushijima rose and asked the Chair for a ruling on a possible conflict of interest as he is an officer of a bank.

The Chair ruled that there was no conflict and Representative Ushijima was not excused from voting on this measure.

Representative Ajifu then rose and

asked for a ruling on a possible conflict of interest as he is an officer of a bank.

The Chair ruled that there was no conflict and Representative Ajifu was not excused from voting on this measure.

Representative Abercrombie was recognized by the Chair and he stated:

"May I speak once again on the issue?"

Mr. Speaker, I was informed in the recess that part of the reasoning for changing the Senate bill from the points I have mentioned was that in the opinion of some of the members here, the Senate bill was tailor-made to facilitate one bank being able to get the account or whatever we are going to call it up at the University.

Now, if the extent to that is true or to the extent that the members believe it to be true, the Committee altered it presumably to make for some competition up there on this deal. But as I re-read the language here, it gives it to the Director. Nothing says that the Director cannot institute the same five points over again once he is given the power to do so, and I don't think we should be passing laws then that leaves, as I said, this discretion point of view when what the House feared could be done, as a result of the Senate bill, could still be done after the House version is passed inasmuch as taking the language out; that is to say, leaving these five points out, does not alter the possibility of the Director being then right back in. So it seems to me that is even more of a reason to vote against this situation.

Now, for whatever it means to anybody, I don't know what the ins and outs of the deal are that come to this. I have been told also, during the recess, that a great number of students came down and asked that this happen, and I was urged to vote for it because of the vociferousness of the students in demanding this facility. Or if the vociferousness of the students is involved, why didn't we vote back the \$1.6 million instructional cut that came out of the budget? I don't care if the students were for it or against it. I don't make my votes on the basis of whether somebody is for or against it, even if they

have been for me. If they want to turn against me on the basis of this issue, be my guest. I didn't come down here to be a parrot for the students or the banks or anybody else. I could care less about that. I am talking about what is in the interest of the people of the State.

Now, you can question my judgment on that and you've questioned it 50 to 1, over and over again, as to what my judgment has done, and what is in the interest of the people of the State. That is your right and my right and it is our duty to do that.

What if the original bill was set for a single bank and someone was taking advantage of the desires of the students in this area of banking. Then, I don't think we should pass it because their desires may be manipulated in the sense that we were able to discover that if the students want something here, and one of these banks can come rushing in and take care of it because, maybe, the students themselves have not thought clearly about what the implications are in terms of the fairness to everybody.

Now, the members also indicated to me that perhaps if we took out these five points, and I am not sticking for the five points - I am against the idea in the first place - that if the five points were taken out, maybe there will be more competition among the banks. Well, what about the savings and loan companies as far as that is concerned? I will bet you that the majority of the savings and loan can make loans. They can do this; you can have a charge account and savings and all that. As a matter of fact, you can get more interest. Maybe there will be a lot of those students who would rather dump their money into the savings and loan and get higher interest. They might even want to get the industrial loan companies up there. If we are going to have banking institutions with three branches, what I am driving at is why should the savings and loans be cut out because a lot of students may have an interest in that.

What I am trying to get at is that there is nothing that has convinced me in the informal discussion or the rest, or the formal part of the bill, to show me that this does anything other than violate the sense of the zoning that were set up for banks in the first place, that it apparently responds to requests of the students without the students thinking thoroughly as to what the implications were going

to be in terms of favoring one of the banks and if, in fact, it is not quite convenient for the students to go to the banking institutions and savings and loans and others that I indicated. Perhaps it takes more than five minutes. Perhaps I misstated myself. Perhaps it takes eight minutes. Perhaps you have to stand in line. But I would also indicate to the members that if you worked downtown here, you know, you probably get to go on your lunch hour to the bank so you are going to have long lines there too. If you were students, you are attending campus all day long and coming in and out kind of situation. It's not a fact where everybody has to stand in line at one time. Is that what we really want to do? We want to put one bank up there to do all the things that the committee report itself says is going to happen about them having an unfair competition. Your Committee is aware of the possibility of unfair competition that might arise so that people don't have to stand in line for three minutes? Because, believe me, if this is going to be the reasoning, and I am not being facetious when I say, then let's vote on everything that the students want. Let's vote on the instructional side of things; let's up that budget to \$114 million; let's do the whole number. But, please, please, don't come up to me and say, Mr. Manoa man, you know, student advocate, we must have a bank but no instructional money. You can't do that; you can do it but you leave me helpless with laughter.

Thank you."

Representative D. Yamada then rose and stated:

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

Mr. Speaker, basically, your Committee, after hearing the testimony itself and meeting with a bunch of students, felt that indeed, UH, Manoa, based on its size, is a unique situation and that campus life goes on like any other segment around the State and that one of the facilities that was warranted there was a banking facility. Being aware of that, the Committee decided to pass this bill out. This bill is very similar to the one that was passed two years ago by the same committee.

As far as the argument that the Director of Regulatory Agencies has too much control, the reason

the Director is used is because the Director of Regulatory Agencies is also the bank examiner.

Now, the requirements that was in the Senate bill was left out by your Committee, and the reason for it was we felt that the restrictions were overly restricted and that it seemed that one facility may have unfair advantage in establishing a branch bank there. So realizing that, your Committee instead decided that the Director shall adopt rules and procedures for competitive bidding pursuant to Chapter 91, so I don't think we would have the possibility of the Director arbitrarily putting all these requirements back in because the only way he can adopt these procedures is by public hearing pursuant to Chapter 91.

Mr. Speaker, I think this bill has merits. I also realize that the University of Hawaii at Manoa is a unique situation and, therefore, I urge all the members to vote aye."

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

"Mr. Speaker, I can still remember about four or five years ago, the Higher Education Committee of the House tried to have a bill of this nature passed and we failed. Now, one side of the story was very clearly put, but I would like to talk about the other side of the story.

The zoning of banks was to initially protect the smaller banks from being engulfed by the large banks and it has proven to be very wise and very good. But in this particular case where there are between 20,000 to 30,000 people at the Manoa Campus requesting for such a facility and denied because of the eight banks in Honolulu, three have already reached their ceiling as to the quota of having facilities within the limits of the zone and five other banks have refused.

Mr. Speaker, banking is, to a certain degree, a monopoly, because no individual can go and get his gross income license and open a bank. They have to go through a very rigid procedure and when five of the eight have turned their noses up on the Manoa Campus and denying 30,000 people or thereabouts, or 20,000, from having some convenience and their necessities taken care of, banking necessities, then it is about time that the Legislature come in with a bill of this nature and allowing still yet open for any of the eight banks to come in and bid again, but not to preclude, because of the original

law, the three banks from bidding in this area, so this is, in spirit, an open competition to service the people of this State."

Representative Takamura was recognized and he stated:

"Mr. Speaker, I would like to rise to speak in favor of this bill and just make a short comment.

When I was a student at the University Campus, we were involved in the planning of the Campus Center and, at that time, the inclusion of a space so that banking services could be made available was part of the consideration and this is part of the intent, I think, all along. I think that the bill we have before us is basically to extend the possibility so that the banking services that are available will be full-serviced. I think it is the best possible kinds of banking services for the students, and I don't believe that the intent of the bill is to provide an opportunity for any kind of favoritism to be given to any one particular bank or group of banks. The main intent of this bill is to allow the students to have the best possible banking services on the campus, and I think it is the intent that was intended when the Campus Center was originally put together, so I would urge everyone to vote for this bill."

Representative Abercrombie then rose and asked for a roll call vote on this measure.

Roll call having been requested, the motion was put by the Chair and carried, and S.B. No. 454, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BANKING", having been read throughout, passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Abercrombie, Say and Sutton voting no, and Representatives Nakamura and Segawa being excused.

S.B. No. 1479, HD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, S.B. No. 1479, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY", passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

S.B. No. 799, HD 1:

Representative D. Yamada moved that S.B. No. 799, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

Representative Sutton then rose and stated:

"Mr. Speaker, you have been very, very patient; in fact, you have the patience of Jobs, so I will be very brief.

Mr. Speaker, our primary concern in this legislative session should have been addressed our minds to never having another THC Financial go under. Now, no matter whether or not we take care of the capital requirements in this bill or we take care of alternative types of deposit insurance. Therefore. . ."

At this point, Representative Larsen rose on a point of order and asked if the representative was speaking for or against the bill.

Representative Sutton answered, stating:

"Mr. Speaker, I am speaking in favor of the bill with reservations - very great reservations.

I think that we have failed to recognize that this type of thing does not cure - no changes in the capitalization from \$105 to \$500. You and I know how to incorporate. Very often we incorporate for a thousand dollars, as you know. Incorporation by itself is not actually what is required - it is the management and the skill and not making loans that go to various disc jockeys that they don't repay.

Mr. Speaker, we are not accomplishing anything in this bill except, saying in so many words, that the industrial loan business has to be with somebody that has a half million dollars, and we do not take care of what you and I know existed for many years in Hawaii, sir. That was the tanomoshi, and the basic concept of the industrial loans was based on the tanomoshi concept, and I don't think that we have achieved anything by just increasing the capitalization, but I will urge everybody to vote 'yes' and next time we come back into session, let's do a better job."

Representative Abercrombie was recognized and he stated:

"Mr. Speaker, I rise to speak in favor of the bill, with reservations, so that I can be on the record.

As I understand the bill now, it will be \$300,000 instead of \$500,000. I believe I am correct in that. If that is the case, I want to be on record that I think it should have remained at \$500,000. I think that by bringing the amount down, what we do is, at the very time when we are expressing our concern over why these things happen - THC and these other companies - we are also hedging our backs once again by saying, however, if you want to slide in there boys, we are going to make it a little easier for you to get back in on the deal. But I wish it had stayed at \$500,000, but inasmuch as it is 3 and that's better than 1, and I know that because I just got three votes myself. We're really charging."

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

"Mr. Speaker, the reason your Committee lowered the amount from \$500,000 to \$300,000 is that we felt that with \$500,000, that amount would be at a point where it would be served only as a prohibition against people from coming within the business. It was not lowered to allow other people to slide in."

The motion was put by the Chair and carried, and S.B. No. 799, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 3, 1369 and 122 had passed Third Reading at 12:35 o'clock p.m.; 1226 at 12:37 o'clock p.m.; 416 at 12:42 o'clock p.m.; 1202 at 12:47 o'clock p.m.; 245, 804 and 1368 at 1:05 o'clock p.m.; 731 and 144 at 1:06 o'clock p.m.; 1460 and 475 at 1:07 o'clock p.m.; 1371 at 1:10 o'clock p.m.; 1074 and 1452 at 1:16 o'clock p.m.; 761 and 1443 at 1:20 o'clock p.m.; 1203 at 1:21 o'clock p.m.; 454 at 1:52 o'clock p.m.; and 1479 and 799 at 1:56 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 878 on S.B. No. 47, SD 2, HD 2:

On motion by Representative Ushijima, seconded by Representative Peters and carried, the report of the majority

of the Committee was adopted and S.B. No. 47, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE POSTSECONDARY EDUCATION COMMISSION", having been read throughout, passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Ajifu, Evans, Narvaes and Sutton voting no.

Stand. Com. Rep. No. 881 on S.B. No. 246, SD 1, HD 1:

Representative Cayetano moved that the report of the majority of the Committee be adopted and S.B. No. 246, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamura.

Representative Cayetano was recognized and he stated:

"Mr. Speaker, I would just want to make a few short remarks favoring passage of this bill.

Mr. Speaker, the title of this bill is the 'State Motor Vehicle Weight Tax' and the bill is only two parts - includes a portion which relates to increasing and making permanent the fuel tax from 5 percent to 8-1/2 percent, and also includes a disincentive vehicle weight tax.

Mr. Speaker, those members of this House who have had the privilege to serve the people of this State for the past two years know, or should know, how important this bill is. They should know that if this bill is not passed, our entire highway system will come to a grinding halt. Jobs will be lost; transportation problems will mount; our economy will be adversely affected.

They also know, Mr. Speaker, or they should know, that if this bill is not passed, the capital improvements that will go back to our districts every year and promised to our people for schools, parks, what have you, partly will not be built because our State debt ceiling will be so greatly affected that the State will have very little opportunity to borrow or to issue bonds for the construction of these facilities. I say this, Mr. Speaker, because even though many of the members of this House are aware of these things, there are some who will vote against this bill. There are some who really, perhaps, are not very serious when we go back to our district and promise our people parks, what have you, and they show their lack of seriousness by voting against this bill.

I am confident that this bill will pass because if this bill does not pass, I am certain that the session will be extended. That is how important this bill is. But, perhaps, Mr. Speaker, it may be a good thing for this bill not to pass. Then all of us will have the opportunity to reflect for a whole year on the damage that we have done to our State's economy. I hope that this will not happen, but sometimes, in frustration, I think maybe it should.

Thank you."

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

"Mr. Speaker, I think that there are three things that we have to watch out for in life. First of all, you don't want to get intimidated; secondly, you don't want to get frustrated; and thirdly, you want to get motivated. Now the previous speaker tried to intimidate. We are not in that position, Mr. Speaker - not at all. We have great capabilities. The Chairman of our Finance Committee can balance a dime on top of a quarter and he has no trouble at all. So we got no intimidation. We have gotten over that phase, sir.

Let me come to the frustration part. How about that poor fellow that lives way, way out in Honokaa. He has to go to Hilo to get his groceries because the groceries are too high in Honokaa and he goes into Safeway in Hilo. He goes in and he pays 3-1/2 cents. Now he gets ten gallons of gas. He should give Jimmy Carter \$1.75; he is giving the Jack Burns machine \$1.50; and \$.35 to Alvey Wright. That's too much money, Mr. Speaker. Look at it - look at it in a total of exactly what happens when that fellow fills his gas tank. And it is not a pleasant thing.

Now, we take it from him. We rob Peter to pay Paul. Now, we can rob a different Peter to pay a different Paul. We don't have to put this kind of a tax. We live in an area that has no fuel, no oil; we have the highest prices per gallon of gas anyway, of any place in this civilized world and what happens? We go and add another 3-1/2 cents on it. We are told if we don't do this, that you are going to keep us here ad infinitum and we will hear all sorts of debate from the gentleman from Manoa all night long and myself. I am just as guilty.

But, Mr. Speaker, that is not

the truth. This bill puts a word in there that there was no need to put in and it's put in because of political intimidation. They don't want to come next year and say, okay, another 3-1/2 cents because that's an election year. Just take the word 'permanent' out - remove it. Remove that word 'permanent' and then it starts to make sense.

I think it started to make sense on this on two basic things and that is, if you will read between the lines of what the advocate and the head of the Transportation Committee has said - he has said in so many words that we have a Department of Transportation that is so structured that it is totally dependent on the tax of this nature. That is a ridiculous bit of organization. Look at our general obligation bond; look at our bonds that we have issued for our various airports and what not. There is no need in the world. . . in the State of Hawaii to isolate the Transportation Department so that the poor fellow in Honokaa going to Hilo has to take care of this thing.

Now, we can restructure the Transportation Department to use general funds. We can use general obligation funds and we can so account for new roads and if we put new roads in like that road that goes - have you ever seen that road from Kawaihae to Kohala? I hope I'm not offending any of these gentlemen from the island of Hawaii - they're lovely people. But, you know, there are only three cars a day on the road and then they put another road from Kawaihae all the way to the new airport and the airport they didn't need. And what did that road cost and who is paying for it? It's Mr. Baker's men and mine, Mr. Speaker, and they have to pay for all of these things and this isn't good sense.

Now, if they want to put roads like that, you know what they do on the mainland? I'll tell you what they do. They charge you a dollar and a half to go across the Bay Bridge. You must have gone to the University of California, maybe to see a ball game and you had to pay \$1.50 to get across that Bridge. When we want to build things of that nature, why can't we charge? We can certainly say that it's appropriate if a huge tunnel has to be built, that there be a tax on the individual using it. What is more appropriate than the user paying for it.

You know, Mr. Speaker, who the biggest users of our highways are - the ones that are really ruining it? It's the big trucks and the buses. You can't even get up and down to Nuuanu Avenue without seeing 15 to 20 of them. Where is

the tax on them? It's miniscule, but we have to hit the poor man going from Honokaa to Hilo to get his groceries and what do we do? We say, oh, we can't do that, that we are bust.

Mr. Speaker, if we are that devoid of imagination in this high body, I think we deserve the consequences. Let's change this word 'permanent' to 'temporary'. Let's come back here a year from now and let us not have fear of the election. If we are not re-elected, we are not re-elected. But don't think that on the basis of what you worry about next year and sticking that word 'permanent' in there just so that you don't have to come back next year and do it. That, Mr. Speaker, is the worst type of intimidation.

Let me repeat it - no intimidation, no frustration, and real motivation, and I ask you to vote against this and have my colleagues do likewise."

Representative Blair then rose to speak against S.B. No. 246, SD 1, HD 1, stating:

"In 1975, when we passed the original 'interim' increase in the gasoline tax, we called for a comprehensive analysis of revenues and expenditures related to surface transportation and for a rigorous analysis of the problems of transportation funding. The result, at a cost of \$115,000, was this study. It was prepared through Budget and Finance, and it came to us in January of 1976.

Before I go into some of it, I would like to point out that it states and probably the first remarks in it are a quote of Edmund Burke to the effect that 'to tax and to please no more than to love and to be wise is not given to men.' I would like to append my remarks to that by saying, 'to tax wisely is, or at least should be given to men', but I am afraid that's not what we are doing here.

I would also like to quote the 'Hawaii Observer' who, a little more than a year ago and about three months after the study came out, one of their reporters was quoted as saying, 'Will the State Legislature act on these recommendations during the present session? Probably not. Some legislators have wakened to the problem, but in all likelihood, this session will see much the same action as last: The temporary three-and-a-half-cent per gallon increase in the gas tax will probably be made permanent; and, of course, there will be the usual bundle of appropriations

for new highway, airport and harbor projects.' But I'm afraid they gave us too many credit. It took us a whole year to get around to doing what they thought we'd be doing in the Eighth Legislature.

We have before us a bill which, upon analysis, is more or less a band-aid which is alleged to cure a cancer. It may cover the problem temporarily but it will not cure it. I urge my colleagues to vote against this bill largely because of what it doesn't do. It doesn't address the real problem. That problem is the special fund approach and it is really not addressing the question to say we have a new way of making up the deficit - a new tax that is better than the old tax to which we are adding it. I freely admit that some of the elements of this bill are better than the old system, but that doesn't address the growing deficit which will be borne by our taxpayers if we do not look at the causes of the deficit within the special fund. The need is to study the reassignment of responsibilities and restructuring of the funding mechanism and not just another hand in the taxpayers' pocket.

Regarding the State's debt ceiling, Mr. Speaker, I am as willing as any men here to go through the unencumbered appropriations that we passed well beyond our intentions of ever spending. To take out sufficient funds that defeating this bill will not prohibit us from passing some sort of CIP's, and I think the comments made in that regard were unwarranted and for that matter not true and so I would urge my colleagues to vote against this bill.

Thank you."

Representative Ajifu was recognized and he stated:

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

Mr. Speaker and members of this House, it is my feeling that the people of the State of Hawaii are tired to taxes that never seem to go down. They are tired of promises by lawmakers and government officials that there will be cost-cutting measures, all of which seem to end up with larger dollar figures at budget time.

This 3-1/2 cents tax on gasoline was approved by the State Legislature only as a temporary measure. It was approved during the time when our taxpayers were especially discontented of the quality of government and it

was only passed because it was to meet temporary needs.

I voted for the tax measure at that time, for the past two years, Mr. Speaker, because it was supposed to be temporary; because it was supposed to meet a temporary need and help bail the Department of Transportation out of deficit in a special highway fund. I am sure many of you, my colleagues, felt the same way as you cast a 'yes' vote for increasing the State tax on gasoline. Now, we are told there is a permanent need to increase this gasoline tax to maintain the 3-1/2 cents for good. This, I cannot buy.

The State's own consultant report testified to the inadequacy of the special highway fund. The Arthur Young study, paid for again by tax dollars of the people of this State, reports that special fund such as this tend to become self-perpetuating. Who knows, with things going the way they have been, are we to expect the Department of Transportation to come back to us in two more years and ask for still another 3-1/2 cents surcharge? What will the rationale be then? The answer has to be a more efficient handling of what money we have now. This means we have to do away with the special fund idea for the highways, streamline the function of the Department, cut away what we can of the internal bureaucracy that seems to build on itself.

We should very seriously look at the idea of separating the functions of transportation between the State and the counties. As more than one consultant study has recommended, highway construction would be more justifiably the function of the State, while highway maintenance should be the sole function of the counties. Separation of function and separation of tax and powers will certainly help cut down the duplication of planning and maintenance crews which now have to burden the already troubled Transportation Department.

Mr. Speaker, I urge you to keep the taxpayers in mind and recommend the members of this House that you vote against the continuation of this 3-1/2 percent surcharge on gasoline.

Thank you."

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

"The reason I speak against this bill, Mr. Speaker, is I think the Chairman

of the Committee has made some very pertinent points; in terms of voting one way and saying things another way at other times. I hope to God I am no more a hypocrite than human frailties allow me to be and in this particular instance, I think I have been consistent on it - consistency itself is not necessarily a virtue either. If you're consistently on the wrong side or on the blind side of either reality or about the facts would enjoin you to believe. In this particular instance, I do not think that that is the case. I think that I am being consistent. I think I am not being hypocritical by continuing to vote no.

However, I have reservations on the 'no', not because of the 3-1/2 cents, but because of the weight tax. As I have brought up, sometimes in jest and sometimes in earnest, I own a car that is very, very heavy. I really don't know how much it is going to cost me to keep that automobile if this bill passes. I expect it is going to cost me a hell of a lot more than I had anticipated previously in paying, but I am going to pay it. I'll just scrape it together, whatever needs to be done. I am going to do it because I think the idea is a good one. I am not going to get rid of it because, frankly, I can't afford to get a new small car. I got to keep my big, old, heavy car. I expect that a lot of people in the rural districts are probably going to have their big, old, heavy cars, too, and have to pay. But, as happens so often in here, sacrifices have been made; people have to make their choice, and this is one way the Chairman has the courage - I shouldn't say the Chairman alone - the Committee has the courage to bring forward the idea of the vehicle weight tax as a first step, a definite commitment, even though he knows and the Committee knows that it is not going to be the most popular thing that has happened. I think if people are rich, they are obviously going to be able to afford big, heavy cars, and just count it in as part of the cost of having one. For a lot of us that don't have quite so much money, it is going to be more of a sacrifice. But on the other hand, the long-range points that are raised in the bill are worthwhile ones and it will encourage the smaller vehicles and so on. In that respect, I wish that bill was before us without the tax attached to it. I now find myself in the position, unfortunately, of having to vote against that particular side of the bill because I cannot buy the 3-1/2 cents tax. The reason for that, I have made known to the members here on several occasions so I won't go

into it. I will say this, however. I agree with the Chairman of the Transportation and Energy Committee that the results of not passing the bill will be that we will be forced to look into our revenue structure and that we will probably have to go into an extended session to examine it and see what we are going to do about it, and that we most certainly will have to address this billion dollar CIP situation that the Finance Committee has addressed our attention to and it is reported in the CIP. That, I am quite willing to do to the extent that that reiterates what others have said on the floor, or may say, and I wish to reiterate it. If we are going to have to chop out a lot of this CIP business, that is fine with me. If we are going to have to supposedly grind to a halt until we address the revenue structure of this State, that's fine with me. I figure that is what we are paid to do here - to do exactly that.

Now, if that is going to mean a change in direction and how we fund things, that's okay with me, too. That means we have to take up some of the points that the Representative from the 14th District brought up in terms of special funds versus general funds; in terms of whether we have kick-backs to certain industries; whether we have leases and contracts and agreements within these special funds. They operate against the interest of the State again. That's fine with me. Let's get it all out; let's take care of it all straight ahead. But until we are able to do that and desire to do it, I cannot bring myself to vote for a tax that only puts off today when we will have to do all of those things. I would rather have the day come now. I keep hearing of politics and what's good and this and that in politics. Well, I'll tell you. If people want to throw me out for what I think makes sense, that's their privilege. I don't have any tenure in this job nor does anybody else and I certainly don't own it and I don't have any claim on it. If people think that's the wrong approach, it's up to them. They can make their decision in the voting booth but as for me, I have to make my decision now. My decision is that the point the Chairman raised is a correct one and that is what we should address and that is why we should defeat the passage of the bill.

Thank you."

Representative Ikeda then rose and stated:

"Mr. Speaker, I rise to speak in

opposition to Senate Bill No. 246, SD 1, HD 1.

Just a year ago, I spoke in favor of a bill extending the 3.5 cent-a-gallon tax but with grave reservations.

At the time, I pointed out that I supported the measure only because it was a stopgap desperation attempt to avoid fiscal disaster. 'We are only buying time', I said, and I expressed the hope that in the interim, we would address the roots of the problem, so that we could avoid any more panic button legislation in this area.

And what was the result?

So far as I can see, Mr. Speaker, the author of this bill has fallen in love with the panic button and would like to make it permanent. I cannot think of a more superficial approach to a problem deserving of serious thought.

Permit me, Mr. Speaker, to call the attention of the members of this body to the Arthur Young report completed last year. The report is not perfect but at least it strikes at the root of the problem when it points out two things:

First, the 'Special Fund' concept is fiscally unsound. And the highway fund's ever-increasing debt services costs that triggered the panic button last year are sufficient testimony to that fact.

Second, the Legislature cannot develop a meaningful energy policy - embracing such areas as pollution control, congestion avoidance and fuel conservation - when highway construction is governed by a 'Special Fund' geared to a constant level of usage.

Now, it seems to me that if this issue had been properly tackled, an in-depth examination of the financial disaster area known otherwise as the highway fund would have been made and a set of working alternatives to it found.

I might add, Mr. Speaker, that there is nothing new or radical in what I am saying.

A full fifteen years ago, in 1962, a special study commissioned by Governor Quinn was published. That study recommended a comprehensive long-term plan for a State highway system, with special attention to sound, self-supporting financing.

Two years later, in 1964, the Tax Foundation of Hawaii issued a report on the financing of highways in Hawaii.

That report, like the 1962 report, warned that alternatives were needed if we were not to back ourselves into a financial bind.

And now, we have the 1976 Arthur Young report, commissioned at a cost of over a hundred thousand dollars, making the same points as the others and that history has now confirmed.

Faced with these repeated and carefully documented warnings over the past fifteen years, the Administration might at least have been expected to come up with a viable set of alternatives to a system sinking deeper and deeper into debt.

Those alternatives could have been built around the concept of a comprehensive State vehicle registration tax that might itself be geared into a comprehensive energy policy. That at least would have permitted an organized and sensible approach to the problem.

Instead, what do we have?

We have a weight tax justified as a disincentive aimed at promoting energy conservation with no thought to its place in an overall energy conservation policy. And with that strange energy-conservation revenue-raising self-reducing highway fund weight tax, we have our three-and-a-half-cent gasoline tax - a panic button that now has been turned on indefinitely.

Mr. Speaker, I am not only opposed to the bill as a matter of conscience for the way it avoids an issue while pretending to address it. I am opposed to Senate Bill No. 246, SD 1, HD 1, because it simply doesn't make any sense."

Representative Lunasco then rose to speak against S.B. No. 246, SD 1, HD 1, stating:

"Mr. Speaker, three years ago, when we passed the 3-1/2 cents increase, it was supposed to be temporary to take care of the deficit situation in the highway special fund. Mr. Speaker, at that time, I did agree, and I still do agree with the Transportation Chairman that we do have a problem within the highway special fund.

The area that I do disagree with is that I don't think it is fair for our citizens to make it permanent.

The other part of this bill, Mr. Speaker, addresses itself to the 45 cents weight tax on vehicles. Mr. Speaker, what in effect we are doing is penalizing those who presently cannot afford a smaller car. For one,

or for myself, who come from a rural community and basically the residents there are not as well off as some other areas within our State, it will be a disservice to my people in my district and throughout the rural community to force them to buy a small car when they cannot afford one.

For that reason, Mr. Speaker, I ask the members of this body to vote this bill down."

Representative Cayetano then rose in rebuttal, stating:

"Mr. Speaker, I notice I am the only one who has spoken for this bill. Hopefully, when the vote is taken, at least 25 others will join me.

With respect to the remarks made by the Representative from the 14th District, let me say this - I certainly hope that next session he will assist the Transportation Committee in coming up with a more viable approach to highway funding. We struggled with that problem, Mr. Speaker, for two years - last two years - and it has been a tremendous struggle. We would not have this weight tax today if it wasn't for the fact that we had to logjam Senate Bill 28 through last session.

Weight tax is a political problem, Mr. Speaker. Fuel tax is a political problem. People don't like taxes, but I would ask the previous speakers - the Representative from the other side of the island - would he have the construction on Kahekili Highway stopped? I would ask the Representative from Hawaii Kai - would she have the construction on the KAL Corridor stopped?

The last hearing we had, Mr. Speaker, we spent a good deal of time listening to testimonies from various community members from the Hawaii Kai area on a resolution which will expedite construction of the KAL Corridor. At that hearing, I posed a question to one of the leaders of the community association. I asked him if he realized the importance of the fuel tax and the vehicle weight tax; that these bills pass, or these taxes pass, in order that construction may proceed and he understood. But then, he is not a politician.

With respect to my brother from the Leeward area, I understand his concerns but I recall he and I and some of the other representatives from the Leeward area taking part in a ribbon-cutting ceremony for the

H-2 Freeway. Now, if this bill had not passed, the ribbon would still be there.

So what am I saying?

We struggled with this problem for a long, long time. It is true the Arthur Young study has come up with various recommendations, but let me ask the members of the House this:

Right now, over 50 percent of the revenue from the highway fund is being paid for debt service. How many of you would like to have the highway fund placed into the general fund so that the cost for the operation, maintenance and construction of our highway facilities can compete with education? That is the kind of concern that I have as Chairman of this Committee. We are looking into it. We are looking into the feasibility of it but it takes time.

This bill is but a small step toward a more rational approach to highway funding. It may not be the perfect step, but it is one that is politically feasible; one that has been politically acceptable.

In the past two years, we came out with a graduated weight tax. We tried very hard to pass it. It was unacceptable - unacceptable to the Senate. Now we have come this far. Well, I think the Administration is to be commended for finally getting the message, after two years.

I just want to reiterate that unless this tax passes, you can kiss your CIP good-bye. You can kiss our transportation system good-bye.

Thank you."

Representative Dods then rose to speak in favor of S.B. No. 246, SD 1, HD 1, stating:

"Mr. Speaker, I would like to address my remarks to the second part of this bill.

Being from an area that has considered transportation its number one problem, I am very concerned. If this bill, in any way, helps take any cars off of our highways, I am all for it and if, at the same time, it helps save energy, I'm also for that too.

Traffic is a serious problem on this island and it is getting worse every day. We desperately need

help in this area and again, just briefly, let me say that if this bill can help us in that regards, I'm all for it and I urge all of our members to vote 'yes' on this bill."

Representative Cobb was recognized and he stated:

"Mr. Speaker, I rise to speak in favor of the bill before us, Senate Bill No. 246, SD 1, HD 1, and I didn't want to discourage my colleague from the Pearl City district by speaking in favor of it before he offered his second remarks. Otherwise, he wouldn't have been able to say what he did say, but I think some of the points he brought out were well taken and I would like to add to those points.

Mr. Speaker, this is basically tax oriented towards the future. Finally, after two years of struggle, we have managed to get the State Administration and the other body of this Legislature to accept the idea of a weight tax and that has not been an easy process. In addition, the temporary tax has been extended year by year by year by this Legislature. It is not something new either in terms of the application of the tax nor the fact that it was to be temporary to begin with pending resolution of the problem.

Mr. Speaker, the problem has not been resolved. It is still with us. The need for highways, for an expanded corridor, not only from Kalaniana'ole Highway, but in other areas of the State, is still with us. The need for a highway system is still with us on the island of Maui. The need for a complete circle island highway is still with us on the North Shore of Oahu. The need to complete a highway system is still with us on the island of Kauai. The need for additional trans-highway systems, repair and maintenance are still with us on the Big Island of Hawaii.

It is not an easy decision, Mr. Speaker, but I think it is a responsible one to support this measure and yet, still look to the future that in years to come and with the emphasis of the National Administration and its energy policy, perhaps we can devise and even replace part of this tax with the progressive tax based on the mileage that a vehicle gets because if we are going to be talking about a taxing policy and an energy policy, that's another idea that tends to make some sense.

Perhaps, it may not be accepted at first but the National Administration has mandated certain mileage standards for car manufacturers. Already compliance has begun. The last three years now, the average mileage of a car has increased

over ten percent a year. There is, however, Mr. Speaker, one reservation that I would like to express on this bill which is not sufficient, however, to cause me to vote against it, and that is the need for our senior citizens. This is a reservation that I have expressed in Committee and I have passed on to my colleagues, and I presume was discussed in the Finance Committee as well, and that is the problem where the dilemma of the senior citizen who is on a fixed income, who has purchased an older car, and who would not be able to afford a new car. He would be hit by this. That is part of the price we are paying. That is part of the sacrifice being made, but with this reservation, Mr. Speaker, looking at this as a total, I see it, not as a tax just to solve a contemporary problem, but as a device to solve some of our problems for the future.

We are beginning to lay the groundwork, Mr. Speaker. Let us not stop now.

Thank you."

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

"Mr. Speaker, it is not easy to speak up when there is a tax increase, but I say this tax increase is probably another increase to maintain the present fuel assessment to the user system for our highways, to maintain the safe conditions of our highways, and to continue improving our roads so that you, your family, could travel on a safe highway, and also to continue improvements or build additional roads that may be necessary in forgotten areas.

I think this highway financing trouble started when the defense highway started, Mr. Speaker. It sounds so good - for every dollar, the Federal government puts in ten dollars, but they forgot one criteria. Like the mass transit, we are talking about the cost. Who is going to pay for it? You forgot who is going to be paying for that or it was easy - just put it on the present highway fuel tax system under the user, but they forgot the concept that the island of Hawaii had. For the island of Hawaii, County of Hawaii, they assessed a special three cents tax on the Hamakua Highway and only the people in Hawaii County paid for that unless you were a visitor and bought some gas when you traveled. But they forgot about the big defense highways. I know the Aloha spirit in terms of 'let us not charge for defense

highways' in comparison to other states when you pass the freeway. I think we have now come to the point where we have to pay for it. I think that when they travel, they complain about the morning rush, the afternoon rush. They want a better highway system, and they got that now, and it is about time they pay for it.

On the island of Hawaii, we had paid ahead of that. For twenty years, we paid three cents. Now, I think we live in a State, because of defense highways, later change into different format highways called H-1, H-2 and H-3, but regardless of what we call that, the highways were provided for the people of the State and to commute back and forth, I think we should let the family and the children commute in a safe manner and, therefore, the present system of taxation will provide that.

When we had the energy shortage, Mr. Speaker, everyone lined up for the gas and they were complaining that they could not get gas and certain service stations ran out of the standard gas and the supreme gas was much higher. Does the motorist choose to ignore the higher price and move away? No, they wanted the supreme to be added in. Some of the service station owners shut their standard and since they had extra supreme, they pump only the supreme and the people bought that.

But what I am saying is, Mr. Speaker, I think on Oahu, we have a fine road system. I think it was made for the rush hour. When I travel on Saturdays and Sundays, it becomes a deserted highway, but there must be a reason for it, Mr. Speaker. As to the problem of why we are not meeting this problem, I think it is inherent by the legislative process, the political process, Mr. Speaker.

Look at the airport system. Are we in trouble? Or are we complaining because the airlines are getting a kickback as some of us say?

On the waterfront, are we in trouble? No, they have a three million dollar surplus.

In the highway, because it is brought before the Legislature, the political system, we get this problem, Mr. Speaker. I think we ought to take this user tax system away from the Legislature. Then, I don't think we will have this problem any more. I think, Mr. Speaker, for the safety,

to maintain the highways in a manner that we all want, Mr. Speaker, I ask the members of this body to support this measure.

Thank you."

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

"Mr. Speaker, I started off in the beginning of the debate. . . I had my mind made up to vote against this bill, but after listening to the debate, the pros and cons, I have to admit that if I do vote against this bill, I will be very hypocritical.

I live on the Windward side. I have to travel through Likelike Highway or the Pali Tunnel and I think the Chairman of the Committee also mentioned Kahekili Highway. At night, after session, it usually takes me only twenty minutes to get home, but during rush hour, in the morning and afternoon; in fact, in the morning, it takes me about an hour to drive in from the Temple Valley Shopping Center, or the Temple Valley area.

We have already faced the gas crisis and I think we are going to see more of that coming up. I know it is going to cost us more to pay for the vehicle weight tax. In fact, I was just figuring out that it may cost us an additional fifteen, maybe twenty dollars, for an average size American car, if we have to pay the 45 cents per one hundred pounds. But I think we also have to keep in mind that the gas crisis will be coming again. I think we have to think about utilizing more buses, car pools, and if you have a big car, think about buying a small car.

Now I think also, Mr. Speaker, I would like to say that at the beginning of the session, a Representative from the 27th District voiced his concern about the type of highways that we have in the 22nd and 23rd Districts. I have to admit that we have one of the worst highways on this island. If you look at all the accidents that we have had, the traffic fatalities have happened on two-lane highways that we have, and I am talking about Kahekili Highway and also Kam Highway which goes through the 23rd District and on into the 22nd District.

I am looking for more funds for safety improvements and also improvements to improve the traffic flow,

I know this is the price that we have to pay. I, myself, do not like to see more tax increases, but for my district, for my area, for the Windward side, if I think it is going to help the traffic flow, it's going to help the traffic safety situation and also, I would like to reiterate again that I would like to see more people making more use of the bus and car pools.

For those reasons, Mr. Speaker, I urge you and all of my honorable colleagues to support this bill.

Thank you."

Representative Say was recognized and he stated:

"Mr. Speaker, I rise to speak against this measure, and I talked to the Chairman of the Transportation Committee.

My major concern this afternoon is that the projections of the Department of Transportation, Highways Division, has over a hundred different projects within the next ten years. Is it all for political reasons? I really don't know. Is it for political games for some of my members? I really don't know. But my major concern is that of the over-all state. Having a fixed guideway, a renovated freeway highway - will it solve the problem? I think each and everyone of us here today has a car and we came by ourselves. I believe everyone has taken it for granted that a car is a necessity, a luxury.

I have come to believe that the Chairman is right. This is going to uphold the Department of Transportation, but I cannot see it for the use of the people back home - the average people who go to work; some of them who are using the bus right now.

Maybe the Chairman might think I am a hypocrite, talking out of two sides of my mind, but I would like to state it clearly right now that I am against any type of highway or freeway type of growth unless it is planned and a slow growth that has maybe one project per year, or why do we have all of these projects in the books right now? We don't have the money. Is it for us to go back home and say, oh, we are going to get this project coming up next year so you folks re-elect me again.

I believe the people back home are frustrated enough to see that we are not doing our job. We are not watching over the department, watching over the special funds, so I would like

to say here that I am against this measure, primarily because I believe that we have to take a more cautious attitude about the growth of any type of a highway or fixed guideway."

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

"I think that a lot of speakers have pointed out that it is quite easy to make political points and speak against any kind of tax increase, but I think it has been adequately explained in the debate thus far that the State does face some very real and grave problems with regard to the financing of our highway program.

I think I should state my feelings that it is not entirely due to departmental ineptitude or legislative excess. I believe that a great number of the large majority of projects that we are trying to fund, or are planning to fund, are due simply to the needs of this State as expressed through the representatives by the people themselves. And I think it is for this reason that this tax is being put on and while it is easy for us to speak against it, I think from a political base, I think it is also important for us to explain to the people which is why I am gratified that we are having the kind of extensive debate we are having thus far so that the people understand the necessity for having this tax; that if people want the kind of services that they are demanding of the Legislature, then I think they have to be willing to support the bill.

Now, I grant you that some of the problems that have been mentioned before with regard to, perhaps inefficiency within the department, or whether or not having a special fund for the highways is a good idea or not, it needs to be examined. But that does not negate the fact that we do face a very serious problem before us today and this problem will not go away by putting off what needs to be done with the bill that is before us today.

For these reasons, I think all of us should vote for this bill."

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

"Mr. Speaker, I have a feeling that this bill is simply a cop-out.

Mr. Speaker, why is it that the

Administration and this House do not tell the people of Hawaii the truth? The State highway fund and indeed the entire Highways Division have been so mismanaged by everyone, the previous Legislatures included, that there is literally no way to get out of the box we're in without having a severe tax put on the people of the State. Why can't we stand up and face the facts? The burden of the State's people will grow.

I usually vote for a bill because it will do the people of Hawaii some good. Some of my colleagues and indeed the report of the Committee on this bill tell me to vote for this bill because it will mean that there will be less of it. No one tells me that here is a plan to set the highway fund right. There is just a bill with a piece of problem and it doesn't even do that very well.

Mr. Speaker, when I am asked by my people about the poor conditions of the highways and roads that they must travel, what am I to say? Those who advocate this bill will have me say, 'wait until next year, we will fix it up then.' The supporters of this bill will happen to tell my friends 'it's a bad bill but we can't repair the damage so we need this bill to get the money for the problem. If we do not pass this bill, many pet projects will not get funded and so you people will just have to live with the poor transportation planning and programming for a while longer.'

Mr. Speaker, I won't do that. I will not compromise my responsibility for fiscal management. Mr. Speaker, I feel we cannot wait until next year to fix it up. We should defeat this bill, Mr. Speaker, because this really does not address the problem."

Representative Lunasco then rose and stated:

"Mr. Speaker, I rise to rebut some of the comments made by previous speakers.

Mr. Speaker, as I stated before, I am not against the 3-1/2 cents temporary fuel tax. Until they can prove to me that this is a necessity, Mr. Speaker, I will vote against the permanent 3-1/2 cents gas tax.

Some of the previous speakers mentioned about catching the bus or whatever that we have. For one who comes from the rural community, bus service in my area is very poor. In fact, if you were to catch the bus to go

to work, you'll never get to work on time, and to use the 45 cents disincentive as a measure to curb the fuel consumption, it's great on paper, Mr. Speaker, but what about those that cannot afford a smaller car like some of us here. In fact, what we are doing is we are forcing those individuals into buying a small car. To just say, well, catch the bus, Mr. Speaker, for those of you who think it is easy to catch the bus in my area, you should come down there and wait for the bus."

Representative Sutton then rose to rebut, stating:

"First of all, Mr. Speaker, I think we get this sort of feeling that Marie Antoinette gave - let them eat cake when there was no cake.

Now, Mr. Speaker, who really pays this tax? I will tell you who pays this tax on this island. Right back of you are four urban redevelopment things; they were supposed to have wonderful things for the people and they moved all of those people out - they sent them to Waianae, they sent them out to Hauula, and all the rural areas. Who were the people in this urban redevelopment? Not one single person who lived there before. So on top of all their other handicaps, they now have this tremendous transportation bill and we say you're going to pay 3-1/2 cents every time you go and say, 'fill it up'. Three-and-a-half cents that comes out of the pocket of the most least able to take care of that bill.

Now, Mr. Speaker, we heard from the Chairman of the Finance Committee and he talked about a highway going along the Hamakua Coast where they all paid three cents. Then he talked about the Federal aid highways, the inter-state system.

Mr. Speaker, they talked about cutting this ribbon. I was out there cutting that ribbon. I am not going to miss a ribbon-cutting. I wasn't introduced very nicely by the Admiral and you know, I had the same rank as he does. He said, 'here are all the people that live here and oh, I see back there, Ike Sutton.' Well, okay. But it's my people's tax that is paying for that so I am going down and cut that ribbon. We got a new highway and this is the first decent highway that we have ever made on this island.

We got a bridge there that is a wonder in the engineering world and this is good work.

But, Mr. Speaker, do you know where we are rated, nationally, on highways? Down at the very bottom; not a totem pole - the bottom of nothing. And, Mr. Speaker, you know this same department was given two of the most beautiful airports in the world. This Honolulu International Airport was Naval Air Station, Honolulu. It was totally billed, totally filled, totally everything - the gas tanks put in by Admiral Nimitz and he said, 'in appreciation for what the people of Hawaii had done.' He asked President Roosevelt who died in between his first letter to give this airport to the people of Hawaii. . ."

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

"Mr. Speaker, can I ask the speaker to confine his thoughts to the bill?"

The Chair replied:

"Point is well taken. Representative Sutton, will you please confine your remarks to the bill."

Representative Sutton continued, stating:

"Mr. Speaker, you're a man of great integrity and I know you will remember that the Chairman of Finance did bring up the aviation concept; he did bring up the airport. They all fall under the same department. I will keep my relevancy but can I make my order of proof?"

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

"Thank you, sir.

We are given this two gorgeous airports - free. And they are not like the type of airport they have in the Canary Islands. This is a real airport. You can come out of the runway here and you don't hit another airplane. These are gorgeous things and what happened to those proceeds?"

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

"It is still not relevant to the bill before us."

The Chair stated:

"Representative Sutton, we are

talking about the fuel tax."

Representative Sutton replied:

"We are talking about the fuel tax. We are talking about the Transportation Department. Under the Transportation Department are these two big airports with enormous assets and we get no revenues from them and we got to take the 3-1/2 cents out of that poor guy going from Honokaa to Hilo to go to the Safeway Market to buy food at a decent price."

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

"Mr. Speaker, no advertising, please."

Representative Sutton continued his remarks, stating:

"Mr. Speaker, sometimes that gentleman wears a coconut hat and sometimes in our Committee meetings, he even gets very informal.

Mr. Speaker, we are upset with this idea that somehow or other, there's special funds here and there's a transportation fund, and that we lack the ingenuity, the imagination, and the creativeness to solve these problems. Mr. Speaker, we can solve them. They are not that insurmountable. We are only talking about \$20 million. There is no reason in the world why we need to address ourselves with the idea that this must be permanent. Nobody has addressed to that concept. They all run away from that. The reason they want it permanent is just so they don't have to come back to it next year if they get this 26 votes that they talked about. I don't think they have them, Mr. Speaker. You won't know until you count them, but I don't think they had the right to count their chickens before they hatched and they haven't hatched. And I am going to ask these people to reconsider and think - do you want that little fellow who has had to move out of this city, out to the rural areas, to the man who lives in the rural areas of the Big Island - do you want him to have to subsidize our lack of ingenuity for fighting a proper solution? So let us ask them all, Mr. Speaker, to please vote 'no'."

Representative Kunimura was recognized and he stated:

"Hell, it's too late for lunch now, Mr. Speaker, so might as well talk

all day, so please start timing me - I am going to speak my full ten minutes and anybody else who would like to donate their ten minutes, do so.

It's very, very simple, very easy, for the previous speaker to say, 'let's not make it permanent; let's make it temporary and come back next year.' I wonder how he voted on this bill, this particular proposition, last year. If my memory serves me correct, Mr. Speaker, that gentleman voted 'no' last year and he is going to vote 'no' next year. Let's stop kidding ourselves, Mr. Speaker.

I've been in this House quite long. You know, it always takes the majority of good people, honest people, to keep this damn bloody State going because if we have to go and follow the chickens, we wouldn't have anything done. I tell you like the other people speaking for this bill, I take my hat off to the Chairman of the Finance Committee and Chairman of the Transportation Committee. They have taken the right position. It's about time that we stopped fussing around every session with the extension of the fuel tax and get ourselves bogged down. Instead of that, do something constructive in the other areas and I am sick and tired of listening to all the rhetorics about the Transportation Director is not doing his job. Some areas I disagree with him but I must say this, Mr. Speaker, and I refuse to sit and be quiet when a man is being tagged and. . . Ike Sutton, please, I have the floor. . .

I refuse, Mr. Speaker, because the Director of Transportation is not all bad and not all wrong. He is sometimes wrong and sometimes, maybe, he is not doing what he is supposed to be doing, but most of the time, Mr. Speaker, I must attest to his good work, that he is doing a yeoman's job.

If the doggone chief politicians in this State that don't want to carry the responsibility to pay for what they want. We always overbuild and we build for the peak hours. We never build for 2- 3 o'clock traffic. We build for the 7:00 o'clock traffic to 8:00 o'clock and from the 4 o'clock to 6 o'clock. If the politicians stop interfering and let the departments run the departments in the State like they should and in every sector of our operation, we can sure cut down on the financial needs of this State, and I would like to request everybody for once be a statesman."

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

"Mr. Speaker, supporters have said that 'we face grave problems' and they urge that the only solution is to increase taxes. In effect, that the problem is a revenue problem.

I would like to disagree because it is also an expenditure problem. It is also an assignment of responsibilities problem, and also a funding mechanism problem.

Supporters say the answer to the revenue problem is to raise one tax and add a second tax and I disagree. We can handle this problem by decreasing expenditures, reassigning responsibilities, and amending the funding mechanism.

For that reason, I would like to urge all members to vote against the tax increase and the new tax."

Representative Ikeda was recognized and she stated:

"Mr. Speaker, I rise to rebut certain points that were made by previous speakers.

Mr. Speaker, I would first like to say that my previous remarks are in no way intended as a criticism of the Chairman of the Transportation Committee. I certainly realize that he is in an unenviable position of having to rectify a situation caused by the inaction of others, and I respect him for his stand.

But still, Mr. Speaker, the bill before us is nevertheless a band-aid and it's no comprehensive solution to the problem at hand. It is easy to say a 'no' vote on this bill is political and it is easy to say that people have to pay for what they want but that does not negate the fact that recommendations were made fifteen years ago and not acted upon and sometimes, Mr. Speaker, it takes drastic steps to bring about comprehensive lasting solutions.

Also, Mr. Speaker, I might add that the constituent who was at the hearing from my district who said that he favored the tax made it very clear that he was stating a personal point of view and not reflective of the organization that he belongs to."

Representative Kunimura was recognized and he stated:

"Yes, if we should, in the future, shift the special revenue to general fund revenue, I wonder if we can afford exemption of food and drug from the four percent tax."

Representative Ajifu then rose and stated:

"Mr. Speaker, just a brief statement against the measure again and rebutting some of the statements.

I think, basically, the Legislature should be addressing the question as to the long overdue need for a clear policy statement regarding the State and County role in regards to the functions and responsibilities of State and County transportation needs, and these issues should include raising of revenue, the funding expenditures, conservation policy, mass transit needs, planning and construction, and maintenance. These are some of the issues that we should be addressing ourselves to rather than going the easy way around by just increasing the taxes.

Therefore, Mr. Speaker, again, I would like to say that we should consider these points and vote against this measure."

Representative Nakamura was recognized and he stated:

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

I do not consider this to be a general tax. I consider this to be a user tax and whether you put it in a special fund or whether you put it in the general fund, there is a great need for new highway construction and for highway maintenance, not only immediately, but into the future, as well.

If this tax is made permanent, I believe that the Transportation Department can do a far superior job in planning ahead. In this way, the department can do a superior job. For these reasons, I am asking the Speaker and all the members of this body to support this measure."

Representative Abercrombie was recognized and he stated:

"Just in rebuttal. Perhaps I have overstated the situation that I first did in terms of voting against it because some of the advocates have now turned it around and to say that it is easy to vote no.

I don't know; maybe for some people

it is, but I don't think so. I don't think that's the proper addressing of the problem that we should take into account. I don't think it is going to be easy to say no and I don't think it's fair to say to good and honest people . . . are the ones that have kept us moving forward and those of us that are voting no are not good and honest. I leave that up to the individual members to search that out. They can take a good look in the mirror and if they see Dorian Gray, that's their problem, not mine.

But, I can tell you this, I can think about buying a smaller car, but thinking is all I'm going to do unless I get into some kind of racket, other than the racket I'm in right now, which, as far as I can tell, is \$12,000 gross I get paid for being in this Legislature. Thinking about buying a small car is all I can do. Small cars don't necessarily mean cheap cars. Quite the contrary. And I've already stated that it's going to be my problem because I've got a big car and I got it for certain reasons that have to do with my own psychology, among other things, that have to do with this highway situation and the way people drive and so on, more than just the safety of the roads themselves. And that's very real to me for various reasons that don't bear going into.

But I do think we are in a situation, and if it's permanent, some of the planning that was spoken about previously will not take place. I think what is going to happen is quite the opposite. The Department of Transportation will have virtually a blank check written in.

What I just don't understand is how come the Department of Transportation can come in almost every year and say, look, we've got this and we've got to do this and you guys got to come up with the money. Again, I refer to this - we've got people coming in here that have made cases that could practically put you in tears as to what the circumstances are if they are not funded. We can talk about alcoholism, drug addiction, special education, university research, other avenues, not just health and education, but in other departments, in the culture and the arts side of things, over and over again; dozens of people, good decent people, literally have to beg for their small share out of this State.

I'm talking about peanuts compared

to the kind of money that is being tossed around by the Transportation Department every year. As if they got some kind of right to it and we gotta get in line - whether it's the bank deal, the University of Hawaii, then we turn down the other people; or whether it is the Department of Transportation coming in and we're turning down somebody else in the body in terms of CIP or operating expense or whatever - it seems to me there is a real misplaced sense of priorities. And, I've listened too, and I respect one of the representatives for standing up and saying that he had a different view in the beginning of the discussion and a different view at the end. I found myself in that position. I found myself in a position of standing up on this floor and having to vote against, when I've already signed the committee report, because of discussion in caucus or on this floor as causing me to change my mind.

Now, I respect that, as I say, but if we consider all of the discussion here, I feel more than ever, now, that it's imperative that we take up exactly the position that the Committee of Transportation Chairman maintains, that unless and until we want to face up to the real revenue picture here and the real circumstances of the finances of this State, unless and until we want to do that, then you better vote for this tax.

So, I guess I can turn it around in a way and say, well, if you don't want to face up to it, the easy thing to do is to vote against it, or maybe that is not entirely fair either to put it in that dimension. It probably is not fair. Nonetheless, it still is sufficient element of truth in what I just said to warrant a no vote. I think that is to say a no vote will cause us to address the revenue problems, the distribution of wealth, if you will, in terms of CIP in this State, whether it's by departments like Transportation or any other area of government forces, to face up to in a way we have been unwilling to do so to this point."

Representative Blair then rose and asked for a roll call vote on this measure.

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 S.B. No. 246, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", having been read throughout, passed Third Reading by a vote of 27 ayes to 23 noes, with Representatives Abercrombie, Ajifu, Baker, Blair,

Campbell, Evans, Fong, Garcia, Ikeda, Kamalii, Kawakami, Kiyabu, Lunasco, Medeiros, Mizuguchi, Naito, Narvaes, Peters, Poepoe, Say, Shito, Sutton and Uwaine voting no, and Representative Carroll being excused.

At 3:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:13 o'clock p.m.

S.B. No. 577, SD 1, HD 1:

Representative Blair moved that S.B. No. 577, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Larsen.

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

"Mr. Speaker, there are some problems with it which I believe can be handled in conference committee, and I would urge the members to vote 'aye' with that comment in mind."

Representative Abercrombie was recognized and he stated:

"Mr. Speaker, I heard last year on the floor when I voted against the bill that other members said that they were against it but that it was going to be taken care of in committee - conference committee. Well, that never happened.

If that is the reasoning, that it will be taken care of in conference, I got taken care of in conference that never happened. I don't want to embarrass any other members any more than I do already by mentioning that, but when they vote, I wish they have it in mind about the conference."

At 3:19 o'clock p.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:28 o'clock p.m.

Representative Blair then rose and stated:

"Mr. Speaker, perhaps a little more explanation is in order.

When the Committee reported this bill out, we weren't aware of a 1973

State Supreme Court decision which applied to Chapter 291 to private as well as public properties and this bill would have a very deleterious effect on drag racing, and regardless of the members' position on it, it is something which I wouldn't want to prohibit inadvertently and, therefore, it is something which the Committee will take up in conference to see that it isn't applied where it isn't expected to be applied."

Representative Kunimura then rose on a point of information and asked whether or not the Chairman of the Committee on Ecology and Environment would yield to a question to which Representative Blair replied in the affirmative.

Representative Kunimura asked:

"Thank you, sir. Mr. Speaker, I would like to know then . . . we will be hearing from the conference committee on the progress of this bill?"

Representative Blair answered:

"I will keep you informed?"

Representative Peters then rose and asked:

Mr. Speaker, could you ask the Chairman of Ecology and Environmental Protection why he yielded to a question initiated from my colleague from Kauai and did not yield to a question that I had raised?"

Representative Blair replied:

"I will not yield."

Representative Kunimura then rose and stated:

"I will yield to that question."

The Chair stated:

"Representative Peters still has the floor."

Representative Kunimura stated:

"The reason, Mr. Speaker. . .

The Chair then said:

"Representative Peters has the floor."

Representative Peters continued, stating:

"Thank you, Mr. Speaker.

The position the Chairman has taken

still doesn't satisfy me. It seems to me that there is a far better way of assuring that mufflers don't make too much noise. As is reflected in this bill, I personally had a talk with the Chairman of Ecology when I did raise the question and he indicated to me that it was basically done for the purposes of making it easy for the Police Department to administer.

Now, I personally, after looking at Section 291, Item B, I personally find it unbelievable that it would be easier to administer and I urge my colleagues to vote no."

Representative Narvaes then rose and stated:

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

Mr. Speaker, I would just like to state for the record and indicate that this bill, in its present form, presents problems to people who enjoy the legitimate hobby of drag racing, but as I have been assured by the Chairman of the Ecology and Environmental Protection Committee that he will correct this problem in committee, I urge all members to vote aye."

The motion was put by the Chair and carried, and 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", having been read throughout, passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Abercrombie, Nakamura, Peters, Shito and Sutton voting no.

S.B. No. 1059, SD 1, HD 1:

Representative D. Yamada moved that S.B. No. 1059, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"Mr. Speaker, we are faced with the proposition that we are trying to regulate the oldest and most sacred profession that there is in the world - the medical - and we talk about medical malpractice as if it existed.

Mr. Speaker, in 1974, we only had two adjudications; in 1975, three. We have not had a situation

comparable to other jurisdictions. We have saddled the doctors with a very unfortunate malpractice bill which is now on the books. What we should do is repeal that in total. Set up the other bill which we did put in; namely, the bill that has to do with a cooperative malpractice where each of them make a contribution as part of the cooperative.

But the punitive measures we still have in here are wrong. Doctors are a very sacred profession; they take an oath, an oath to save and help their brother mankind, no matter what the consequences are to themselves.

And all of a sudden, we take a punitive viewpoint to the medical profession. I say we should repeal in total the existing malpractice law; leave the cooperative law that we have put in and let the doctors practice medicine and you and I practice law and these people practice legislation.

Thank you, sir."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I think the reason for the bill coming before us is that, in the past, the doctors practiced medicine, lawyers practiced law, and they both got together and practiced on us. That is the reason the bill is passing in the first place.

Now to the extent that there were any inequities involved, and as I went to my door to door efforts how to be able to return to this body to bring joy to the Speaker and the other members here as often mentioned by the previous speaker, I heard in no uncertain terms about the doctors in my area about it. I explained to them that they were wrong and that we were right and they agreed with me and returned me to office.

Therefore, I have no qualms whatsoever in thinking that it would be entirely in our purview to vote for this bill because it does take into consideration what some of the points that was brought out and I want to remind the members about this.

I don't think that the Chairman of the Consumer Protection and Commerce has had a bill as thoroughly debated - I am referring to the bill that originally passed - as thoroughly questioned in detail in terms of the discussion that took place both in committee and

in the Chairman's discussion with the caucus and on the floor as the medical malpractice bill did.

The medical profession had ample opportunity and was invited, certainly, and could have taken advantage of the opportunities that the Consumer Protection and Commerce Committee gave that profession to make points other than what finally appeared in the bill as we passed it.

Now, in consideration that some people are little late off the dime, the Committee has made some changes, not only in this particular bill, but in others and I do think, therefore, that some of those concerns are directly addressed by the Consumer Protection and Commerce Committee and it is a measure of that Committee's willingness not to stand pat on what was passed previously, but rather, respond to legitimate concerns of those affected in the medical profession and this bill appears before us today."

Representative Cobb then rose and stated:

"Mr. Speaker, just one correction on a previous remark.

Thanks to the edification of the Judiciary Chairman, we learned earlier this session that doctors are not the oldest profession in the world.

Along the lines in support of this measure, Mr. Speaker, Senate Bill 1059 is, in effect, the companion of a House measure that was sent earlier and it was done so only after very extensive consultations, discussions and testimony from the medical profession and, generally speaking, it adheres to most although not all of the requests are considered by many of the doctors to be a considerable improvement of what the situation was one year ago.

I should point out also, Mr. Speaker, that in fairness to the doctors themselves, a majority are in support of retaining this or some very similar kind of medical malpractice legislation on the books with the proviso that they have the option of the choice of various kinds of coverage, but it is only a distinct minority of doctors that favor outright appeal altogether and I think that should be reflected in fairness to the Chairman and the job he has done, and I urge the members to support this bill."

The motion was put by the Chair and carried, and S.B. No. 1059,

SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND HEALTH CARE PROVIDERS", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

S.B. No. 1370, HD 1:

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, S.B. No. 1370, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIVORCE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 865 on S.B. No. 1350, SD 1, HD 2:

Representative Garcia moved that the report of the majority of the Committee be adopted and S.B. No. 1350, SD 1, HD 2, having been read throughout, pass Third Reading, seconded by Representative Stanley.

Representative K. Yamada then rose and stated:

"Mr. Speaker, I rise to speak in opposition to Senate Bill 1350, SD 1, HD 2.

Mr. Speaker, I do agree with the intent of the bill and I do sincerely believe that our State resources ought to be maintained for its residents, especially when we consider that there is great exploitation of our welfare and unemployment compensation by non-residents.

However, Mr. Speaker, I also sincerely believe that no matter what this legislative body does, it must work within the parameters of the United States Constitution and the Constitution of the State of Hawaii. Because of my background and training, I must advise you, Mr. Speaker and the rest of this honorable body, that Senate Bill 1350, SD 1, HD 2, in my opinion, is patently unconstitutional on its face.

Five years ago, our Supreme Court in *York vs. State*, held that portions of Section 78-1, Hawaii Revised Statutes, to be unconstitutional. The legislative history for the adoption of Section 78-1, in 1935 shows that the purpose was to assure better opportunity for local persons to secure public offices and positions. With Senate Bill 1350 and its amendments, that is precisely what we are trying to do today with Section 78-1. A close scrutiny of our Supreme Court's decision and that State brings to light numerous languages which

are closely applicable to Senate Bill 1350. In quoting a part of the decision of the Hawaii Supreme Court, it states, 'A three year durational requirement does not provide a rational connection for determining whether an applicant has the capacity and fitness to adequately serve as a public employee. A rational relationship to legitimate State interest that justifies imposing a three years residency as a prerequisite to qualify for employment with the State has not been demonstrated in this case. The statute creates', as upheld by our Supreme Court, 'an arbitrary classification without rational relation to a public employee applicants capabilities of performing satisfactorily for the State and operates irrationally without reference to any legitimate State interest. The discrimination imposed by HRS 78-1A denies arbitrarily to certain persons merely because of their status as residents of less than three years duration, the right to pursue otherwise lawful occupations; it is, therefore, unconstitutional.'

In applying the rationale for the Hawaii Supreme Court's decision five years ago in the York case, let us superimpose the requirements of Senate Bill 1350: Does a one year durational residency requirement provide a rational connection for determining whether an applicant has a capacity and fitness to adequately serve as a public employee? Can we say that a secretary, a mechanic, a laborer, a clerk, or other civil service employees residing within the State for a year could do a better job than any other individual just arriving from the mainland or elsewhere? Is a person residing within the State of Hawaii more apt to do a better job simply because he lived here for a year? I think not. Many of the jobs we have within the State and County governments are like any other similar type jobs on the mainland. And if that is the case, how can we say that the applicants capabilities of performing satisfactorily for the State would be enhanced by a one year residency requirement?

The court in the York vs. State case however, recognizes that the right to employment is a fundamental right; that is, it is close to other rights such as the right to vote, the right to receive welfare, and these rights are determined on a case by case method. If it is determined to be a fundamental right, than the State is required to show that there is a compelling governmental interest. In the York decision, the court found it unnecessary to go back and examine the compelling governmental interest since it had already found that it failed to meet a lesser standard of a rational

relationship to a State interest. What is the compelling governmental interest involved here in Senate Bill 1350? There is none. Even in the hearings, the witnesses of the State who testified could not even indicate the extent to which the State will be affected. Absent that, how can you find a compelling governmental interest, much less showing a rational relationship to a State's interest?

Mr. Speaker, some of the proponents of this bill suggest that we ought to let the courts decide, but I suggest to you, Mr. Speaker and the rest of this honorable body, that the courts have already decided. They have decided the case of York vs. State in the State of Hawaii and they have established the parameters within which government must operate to deny others of employment opportunities.

Other proponents of this bill suggest that there is a changing trend in the courts of the United States and in the State of Hawaii. But that is not so. Just last year, the United States Supreme Court affirmed the judgment in the case of Lefkowitz vs. CDR Enterprise, Ltd. What was involved in the case, Mr. Speaker, was a New York labor law which provided that preference in employment must be given citizens of New York who have been residents of the State for at least twelve consecutive months, and I equate this with the requirements of Senate Bill 1350, Mr. Speaker.

In affirming the decision of the lower court, the United States Supreme Court held that the New York statute granting public works employment preference to citizens who have resided in New York for at least twelve months violates the supremacy clause and the Fourteenth Amendment and the Equal Protection Clause of the United States Constitution. So, Mr. Speaker, the suggestion that there is a changing trend in the United States courts is not founded on any rational basis.

In deciding the case, the court states in part, and this is the Lefkowitz case, 'The State has a duty to all its lawful residents, resident alien or citizen, it must try to see to it that they do not starve. That they have equal access to State public employment and that they have equal access to private employment. It's duty to reduce unemployment is as much a duty to the alien as it is to the citizen.'

Mr. Speaker, I recognize that the resources of the State of Hawaii should be utilized as much as possible by its local residents. I also sincerely believe

that the methods we set out in accomplishing these goals must be within the legal bounds established by our Constitution. As an attorney and legislator, I recognize my duty to work within the parameter established by the Constitution and determined by our courts.

My position again, Mr. Speaker, is that this bill is patently unconstitutional on its face and if adopted, it will provide an invidious discrimination as would be a racial or religious discrimination. I could not support any measure which would suggest that the State discriminate against residents vs. non-residents or as to white over blacks, Protestants over Catholics, because of our unemployment problem.

For these reasons, Mr. Speaker, I strongly urge all of my colleagues to vote against this measure.

Thank you."

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

"Mr. Speaker, I am indeed shocked that we would have on the floor of this House something of this nature which really makes a mockery of the legislative process because we know that it's per se prima facie - initially, patently unconstitutional - by all of the U.S. Supreme Courts from 1969 on.

Mr. Speaker, as you well know, there are means of regulating immigration. But look at the words of this statute, Mr. Speaker - citizens, nationals or permanent resident aliens of the United States and residents of the State for at least one year - must have that prerequisite of a residency of one year, and flying right in the face of *Lefkowitz vs. CDR Enterprise, Ltd.* No rational relationship between the concept of an employment opportunity and a residency has been demonstrated by the U.S. Supreme Court. No concept of who is qualified and, Mr. Speaker, if we are going to pass laws that are patently unconstitutional, we do a great disfavor to our citizenry. We don't fool anybody. We don't achieve anything. You know the last speaker was, I am sure, the Vice Chairman of Judiciary. Gracious! And we are a body that is supposed to be passing constitutional laws.

Now, Mr. Speaker, this is a grave situation, very grave. When the Vice Chairman of the Judiciary Committee has to tell us about *Lefkowitz*; we

all know about *Lefkowitz*. I know you've studied it. You know how it violated exactly because they talked about twelve months in New York, and we've got twelve months here in this bill. This is what you and I call 'on all fours' - it is on all fours. It is in exactly the comparable state situation that New York has and we have and we go and try and put it into a law. When it gets upstairs, I am sure that the Governor - you know, he is a Democrat. . . some attorneys know the Constitution - and he won't sign it. Why send it up there? Why bother the Senate with it? Why don't we bury it here, and I'm going to urge all of my colleagues to vote no, to vote a resounding no, and to say, from here on, we're going to learn what *Placey vs. Ferguson* means. We're going to learn about *Lefkowitz*; we're going to learn about the State vs. George; we're going to learn about the basic concepts of due process and, Mr. Speaker, we're going to learn about equal protection of the laws and due process and not have this type of stuff put on our floor.

Please, everybody, vote against this and show that you will not tolerate something of this nature when the Vice Chairman of a committee has to come on this floor and explain how patently unconstitutional it is, and I am looking at you, Ben.

Thank you."

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

"Mr. Speaker, the reason I am doing so is that . . . I would like to point out that it took a hell of a lot of guts for someone to initiate a measure that addresses an issue that is of vital importance to everyone of us in this State.

I think, while I may not be a lawyer, and obviously all of my statements are devoid of legal implications, I would like to point out that when we earmark monies for programs like SCAT, or when the Federal government earmarks money for programs like CETA, they are doing it because they recognize that there is a problem in employment. Someone talked about this being discriminatory. Now, Mr. Speaker, my own opinion is that civil service laws are discriminatory too. Maybe that issue should have been addressed by way of this vehicle as well because we are talking about public employment. Monies that are set aside or assessed every individual in this State who pay taxes contribute

to this effort.

As far as I am concerned, it is their money; they should be given first consideration. Like I said, I am not a lawyer. I don't care if this has legal overtones or what. Somebody said it may be unconstitutional. I think, Mr. Speaker, that there is a difference between law and justice. All the legal gobbledygook that we hear so often serves to, perhaps, stifle the actions that we need to take in solving the real problem, and it is a real problem.

I hear many a times from my constituents whom I try to maintain contact with that they are not given the chance and, perhaps, the more articulate people who move here have a better opportunity.

You talk about injustice. I recently had the opportunity of reading a number of historical books about Hawaiiiana and how some of our land was taken, all within the parameters of legal implications. I don't consider that justice. Sure, many of us, as Hawaiians, are working, working very diligently and hard to get the kind of reparations that we deserve. Those are our resources. They were ripped off.

So, in the name of justice, Mr. Speaker, I urge my colleagues to vote 'aye' on this measure."

Representative Blair then rose and stated:

"Mr. Speaker, I rise to speak in favor of Senate Bill 1350, SD 1, HD 2.

First of all, it is clear to me that we have adequate talent in this State so that there will be no problem in filling jobs with qualified individuals.

But, more important, this step will be followed by others, including, perhaps, requirement for residency for State welfare benefits.

Mr. Speaker, this is a proper and necessary step in re-establishing the right of this State to control its destiny and I urge all members to vote for this bill and for self determination for Hawaii.

In closing, Mr. Speaker, I would also like to mention that courts often distinguish their previous rulings and occasionally they overturn them. This is because courts change to reflect the changes in society.

They change slowly perhaps, but let us give them the chance to reflect the changes to which we should be more responsive than any other governmental body.

Thank you."

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

"Mr. Speaker, in support of my stand, I would like to present one small situation that exists in our State today.

Mr. Speaker, in the past weeks, from the pages of our newspapers, the picture of a Prosecuting Attorney who comes from the mainland, who has no residency here in the State, often appears. This individual is publicly employed.

So, Mr. Speaker, with this example in mind, I urge all members to vote no."

Representative Lunasco then rose to speak against S.B. No. 1350, SD 1, HD 2, stating:

"Mr. Speaker, although I agree wholeheartedly with the intent of this bill, I have heard previous comments about the residency law for welfare recipients.

Mr. Speaker, five years ago, I was the Chairman of the Welfare Committee which passed that bill out only to have the courts declare it unconstitutional a few months later and this is my concern, Mr. Speaker. What we are doing with this bill is making a residency law which already the courts have determined, throughout the United States, including Hawaii, that it is unconstitutional and for that reason, Mr. Speaker, I urge my fellow colleagues to vote against it."

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

"Mr. Speaker, the purpose of this bill is to limit public employment to those persons who have been residents of the State for at least one year. Actually, Mr. Speaker, this bill is one of two bills which embodies the Governor's purported policy of population control as he stated in his state of the State address.

However, if we are candid, or if we speak in candid terms about the true intent of this bill, we must admit to ourselves that it is really to close the door of opportunity to public employment

to those persons who, for any variety of legitimate reasons, have not been a resident of this State for one year.

The other Administration bill, Mr. Speaker, which deals with receiving public assistance was buried in the Committee on Public Assistance. I commend the Chairman for his courage and leadership. Hopefully, that bill will rest in peace and, hopefully, the members of this House will see fit to give this bill before us, Senate Bill 1350, an equally fitting burial.

Mr. Speaker, Senate Bill 1350 is a step backwards as the previous speaker has pointed out. The highest court of our State - the Hawaii Supreme Court - has already ruled that the imposition of residency requirements as a condition of public employment is unconstitutional.

As my brother Yamada pointed out, in 1972, the case of York vs. the State of Hawaii, our Supreme Court upheld the circuit court decision. Incidentally, the judge who rendered the circuit court decision, if I recall correctly, was the Honorable Lieutenant Governor Nelson Doi, which held that the dismissal of a person, Mrs. York, employed as a public school teacher, simply because she had not obtained the three year residency requirement required under our old residency law was unconstitutional. I assume, Mr. Speaker, Mrs. York must have been a pretty good teacher because people get behind her and they challenged the law in the highest court of our State.

Let me correct in part and directly from the Supreme Court's opinion. I quote, 'Such a fundamental interest as the right to work and thereby sustain oneself and the family cannot be impinged, absent a showing of a rational relationship countervailing legitimate interest on the part of the State. A three year durational residency requirement does not provide a rational connection for determining whether or not we can have a capacity and fitness to adequately serve as a public employee.'

I want to point out to the members of this body that the Supreme Court has ruled that the right to work is a fundamental right. I make this distinction because, at a later time, I'm sure proponents of this bill will tell you that other courts have upheld residency requirements for divorces, for example, but what they will not tell you is that no court in this land has ever ruled that the right to a divorce is a fundamental right as our court has ruled

that the right to work is a fundamental right and that, my friends, is the difference. Our highest court has ruled.

I might also add that very recently, the highest court of our nation, the United States Supreme Court, ruled that a similar law to the ones we considered before us, now the U.S. law which gave preference for public employment to persons who have been citizens of New York for one year was ruled unconstitutional. I believe Representative Yamada who has done a tremendous job of researching his point very outwardly explained the decision.

This bill, Mr. Speaker, cannot stand on its merits and the State Administration knows it. Of course, this bill is good political fodder. After all, it hits persons who are really not in any position of political influence, but, Mr. Speaker, times change. I suggest we all remember that. I suggest that because this bill is evidence that the State administration is moving in a direction which can only serve to polarize segments of our community. I submit to the members of this House that unless we, members of this House, take steps to stop this movement, we may be paying a stiff price for it in the future. Perhaps not you and I, but most assuredly, our children and our grandchildren will suffer from it. I see this, Mr. Speaker, perhaps as a harsh criticism of the administration, but the fact remains that right now, there are segments in our community who feel shut out - shut out from the opportunities available in State government. You read about them in the paper. I ask this body to be sensitive.

What do we hope to accomplish by passing this bill? Would we truly be saving public employment for our local residents? I think not. Those of us who were present at the hearing; those of us who heard the representative of the State administration testify on behalf of this bill could not help but come away with the conclusion that the State administration simply has not done its homework.

During the hearing, I asked the Director of Personnel Services who was representing the Administration - I asked him what is the impact? What is the impact of out-of-state persons and immigrants on public employment? His answer was that the impact has been minimal.

I then asked the Deputy Attorney General who was assisting the Director, how does he intend to defend this bill if the impact has been minimal. How does he intend to defend this bill when the challenges are set up before a Supreme Court? His

answer, to put it mildly, was very unsatisfactory. The fact of the matter is, Mr. Speaker, this bill is not defensible.

What is the impact of this bill? Well, let's take a close look at what we are doing. If the impact of persons from out-of-state is minimal, as the Director of Personnel Services testified, then perhaps, we should ask ourselves what does it do to local residents who leave our State for a variety of reasons. Let us take, for example, a local resident who goes to another state to attend college. Because he cannot afford to pay the out-of-state tuition, he declares himself a resident. He is there for seven years. He went to law school and in four years, he got a B.A. and then he wants to come back home. That person, Mr. Speaker, I submit to you, under this bill, could not get a job with our State or County government and certainly, he would be a 'local' person, would he not?

Let us take another example. Our local job market right now is not very good. Jobs for engineers, for example, are very scarce. I am informed that every year, as many as 10,000 of our young people go to the mainland to work for other reasons. A local resident who is an engineer who goes to the mainland to work, because he does not want to pay both Hawaii taxes and, for example, California taxes, declares himself a resident; perhaps, stays there five years or so. Things get better in this State and he wants to come home. What is going to happen to him? He is precluded from seeking employment under this bill - seeking employment, public employment, that is.

We all know that in Hawaii, we are talking about engineering, for example, but the jobs are with the government and how will our various State agencies be affected? For example, the University of Hawaii which must recruit from out-of-state to develop excellence. How will they be affected under this bill? How will other government agencies which require special talent be affected under this bill? Are we cutting off our noses, so to speak, despite ourselves? The impact of out-of-state persons on public employment is minimal. I repeat that.

Lastly, Mr. Speaker, I want to discuss a little philosophy with the

members of this House if I may.

A few years ago, we had a great man who led the State whose name was John Burns. If there is anything I remember about John Burns, it was that he was able to weld, if you will, all segments of our community of our State together. John Burns, more than any other man, I believe, opened the doors of equal opportunity to people of all races, people from all different walks of life, and I recall in a speech some years back that John Burns once said, 'No one owns Hawaii. All of us are newcomers. We all come from different places.' It is unfortunate that our present Governor has forgotten the lesson, or has forgotten the message of John Burns.

This bill is a dangerous bill in more ways than one. This bill was introduced by the Administration. It came flying out of the Senate. I ask the members of this House to kill it because I think in this House. . . one reason I am proud to be a member of this House is that all of us still harbor some ideals. We remember some of the values which are important in our democracy and I ask the members of this House to be sensitive, to think of the future, think of our children, our grandchildren, and how they will be able to get along with members from different segments of the community.

Thank you."

Representative Blair then rose and stated:

"Mr. Speaker, I rise to rebut a couple of points made by the previous speaker.

First of all, regarding the resident of Hawaii who attends college on the mainland and returns, there is an exemption provided by the language and the same is true for University of Hawaii personnel who quite often have to be recruited from outside the State."

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

"Mr. Speaker, I believe the Representative is looking at the wrong draft of the bill."

Representative Takamine then rose to speak in favor of Senate Bill No. 1350, SD 1, HD 2, stating:

"Mr. Speaker, first of all, I would like to note that this is a small part

of our majority package, especially in the area of employment opportunities, labor relations, and public employment and public organization.

We had passed, two weeks ago, a bill from this House over to the Senate in the area of SCET - State Comprehensive Employment Training Act. We put a similar amendment, a one year residency requirement. We also passed from this House a bill appropriating \$50,000 to the Immigration Service Center for educational purposes so that at the embarkation point, an educational program can be had to tell them the economic facts of life here in the State of Hawaii since 1970. Each year, since 1970, unemployment has been growing.

Also, this House has passed over to the Senate another appropriation bill of \$50,000 to the Population Commission to discourage the migration of similar acts that was done for Alaska by the U.S. Department of Labor when the unemployment in Alaska became extra high because of the pipeline job.

Over the past several years, we have all come to realize there are limits to the fiscal resources available for the maintenance of jobs in public employment. I believe that where public employment jobs are limited in number, the primary beneficiaries of State employment policy should be its residents.

The opponents of this measure are most concerned about its constitutionality and we are assuming that any residency requirement is invalid. I am also concerned about the constitutionality of any bill we pass. While the Committee on Employment Opportunities and Labor Relations was considering another measure, already passed by this body, creating a preference in temporary public employment, I specifically requested that research be done on this problem.

The results of the research showed that there have been significant changes in the views of the U.S. Supreme Court on public employment. The recent decisions of the Court on the subject indicate that residency requirements for public employment are not necessarily unconstitutional.

The cases upon which the conclusion was based were National League of Cities vs. Usery, Massachusetts Board of Retirement vs. Murgia, and McCarthy vs. Philadelphia Civil Service Commission.

The National League of Cities decision held that the 1974 amendments to the Federal Fair Labor Standards Act which extended its provisions to State, County, and municipal employees were invalid because it violated State sovereignty.

The Murgia decision upheld a statute making it mandatory for policemen to retire at age 50. In the decision, the Court stated there was no fundamental right to public employment.

In the McCarthy case, a requirement that municipal employees reside within the municipality was upheld.

These cases lead me to believe that the residency requirement proposed in Senate Bill No. 1350 will withstand the challenge of constitutionality.

I urge everybody to vote for this measure."

Representative Stanley then rose to speak in favor of S.B. No. 1350, SD 1, HD 2, stating:

"Mr. Speaker, I would like to address my remarks to two issues: (1) that of a policy question and (2) that of some of the legal questions that have been raised in the discussion this afternoon with regard to policy.

It seems to me that this legislative body has come to recognize that we are an island state with limited resources and with particular pressures that make it prudent for us, at this time, to advance the notions of slow growth, growth management, or controlled growth, whichever word we wish to use because all of us here are concerned about the quality of life in Hawaii, now and in the future, and for our children's future.

This bill which provides for a one year residency requirement for public employment seems to me but one part that fits in to many of the actions which support our concern for the quality and the slow growth of our State. We have committed ourselves to preserving agriculture, to diversifying agriculture, to saving open space; we have seriously reconsidered mass transit. We have discussed West Oahu; we have a new committee this session on State General Planning in which we have discussed at length population, population projection and what are the various approaches as we look at these population projections and what we are going to do to prepare for the future.

As mentioned by the previous speaker,

we have passed bills this year which have residency requirements in them for the State unemployment programs and have provided monies for embarkation programs to let people, both on the mainland and in foreign countries, know of the economic conditions of Hawaii.

Secondly, I would like to turn my attention to some of the legal points. Though I am not a lawyer, I think that it is important that we discuss some of the points that have been raised further.

In the York decision, as has been quoted, there is a statement, 'such a fundamental interest as the right to work'. To me, the statement 'interest as the right to work' is not necessarily interpreted as a fundamental right to work and has been mentioned by the previous speaker. There has been subsequent Supreme Court decisions that suggest that public employment is not a fundamental right and here, I would like to point out that residency required that relate to public employment jobs which are the purview of the State are the matter of State policy is quite a different situation than residency requirements which apply to benefits such as welfare and medical care. These are not similar and I don't think the members of this body should view them in the same light. Welfare benefits and excess medical care benefits have been established as fundamental rights and necessities of life and I believe that residency requirements have been found unconstitutional in these areas and will continue to be so.

However, public employment in an area which is controlled by State policy, in my opinion, has not yet been found to be a fundamental right and, therefore, I believe it is prudent that we pass this bill and if such a bill is taken to court, that the same task - the rational relationship to the interest of the State be applied to this new bill and that new arguments will be made because the conditions of the circumstances behind this bill are now different. They are not the same as they were in 1972. This is 1977, and I believe the arguments will be that we are on a different economic condition, that the reason for the residency required is tied to a policy of slow growth and providing for those residents who already live in this State.

Therefore, I would urge my colleagues

to weigh carefully the arguments that have been presented to them this afternoon; to think first of the policy question, the future that faces us all, and a step that we can take to meet the future head on and, secondly, to weigh very carefully, legal opinion. Legal opinion - there are many of them and they change. I think most of our members recognize that. So with caution and prudence, I urge all my colleagues to vote in favor of this bill."

Representative K. Yamada was recognized and he stated:

"Mr. Speaker, I rise to rebut some of the points raised by previous speakers. I would like to take the last two speakers first.

As has been suggested, Mr. Speaker, this legislative body has passed a number of bills which purport to impose residency requirements. Let me suggest, Mr. Speaker, just because we have done wrong in the past that we should continue to do it. Two wrongs do not make a right, Mr. Speaker.

She also referred to a couple of decisions and I have had an opportunity to examine both of these decisions. One is McCarthy vs. Philadelphia Civil Service Commission. Mr. Speaker, this case dealt with an individual who wanted to move out of the state and continued to work within Philadelphia. The court, in that case, clearly distinguished that on the equalization of a residency requirement, and I quoted in part from that decision, Mr. Speaker. This is a Supreme Court opinion. We have previously differentiated between a requirement of continuing residency and a requirement of prior residency of a given duration. There is more to that paragraph, Mr. Speaker, but I just wanted to point out that the Supreme Court itself recognizes the distinction in the McCarthy case.

In the other case cited by one of the previous speakers - Massachusetts Board of Retirement, Et al, Appellants, versus Robert B. Murgia - what was involved, Mr. Speaker, was the requirement that a police officer retire at the age of 50. Again, the Supreme Court, in that case, differentiated on the basis that this individual was already employed and there was no residency requirement imposed. The question that was posed to the Supreme Court was whether he could be required to retire at age 50.

The last speaker raised a number of questions.

The first was a policy question. Let me suggest, Mr. Speaker and the rest of this honorable body, that although there was a policy question that we are making a determination of, that policy question must be within the realms of the Constitution. If you go beyond that, you are essentially usurping the powers of the people who reserve unto themselves all powers not granted to the State or to the Counties.

So the question of whether it is a legal question is a true and one question that this body has to deal with, Mr. Speaker.

In dealing with the York decision, and the previous speaker did cite a portion of it, I suggest to this body that the York decision decided by the Hawaii Supreme Court found it unnecessary to go into the question of whether there was a compelling State interest or not although it recognized that the right to work within the government, within the State, is a fundamental right, but it did not have to deal with the question because the lesser standard of what the rational relationship to a governmental interest that was met.

Quoting a part from the decision again, 'we have held that Hawaii Revised Statutes, Section 78-1A, exists without a rational basis.' It was not necessary for the trial court to judge this statute under the more burdensome and stricter compelling State interest that is in conjunction with the right to travel. Again, I point out, Mr. Speaker, that the Hawaii Supreme Court did recognize that this intent existed; that it should have been applied but it was unnecessary because the State had failed to meet one of the lesser burdens.

Some of the other speakers had suggested that our Civil Service laws are also discriminatory.

I suggest to you, Mr. Speaker and the rest of this body, that he had failed to indicate how this is discriminatory. And, certainly, Mr. Speaker, in terms of the Civil Service laws, there are no residency requirements imposed to date, especially since the York decision.

There is a possibility that courts should change in the future. But again I point out, Mr. Speaker, that the United States Supreme Court decided last year, in April of last year, that the imposition of any

kind of residency requirement was unconstitutional. In order for the Hawaii Supreme Court to change its decision, the United States Supreme Court must change its position first because our Supreme Court will always be bound by the decision of the United States Supreme Court. So the position that there can be a change has some credence, Mr. Speaker, but not for the State of Hawaii; not until the United States Supreme Court changes its position and I agree that the State ought to be its destiny, but the destiny of the State must be determined within the realms, the requirements, the parameters of the Constitution, both the State, as well and the United States Constitution.

So, again, I urge, Mr. Speaker and the rest of this honorable body, Senate Bill 1350 is patently unconstitutional on its face and ought to be defeated.

Thank you."

At 4:28 o'clock p.m., on request by Representative Toguchi, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:34 o'clock p.m.

Representative Cobb then rose to speak against Senate Bill 1350, SD 1, HD 2, stating:

"Mr. Speaker, if a compelling State interest could be shown, I would be inclined to show support for such a matter. But three times, during the course of the hearings, both in the Public Employment and Government Operations Committee and in the Judiciary Committee, I asked the Director of Personnel Services point blank, for any kind of information at all relative to facts or figures or impact of the number of people that are being hired by the State of Hawaii were non-residents, and three times, I was told that this information was not available. I repeat, data not available.

Now, Mr. Speaker, this kind of information is going to be essential when this matter comes before the court for a test. If we're being asked to make a legislative decision without the essential information necessary to show a compelling State interest. . . Mr. Speaker, we are not being given this information; yet the court is, or at least, supposed to be. Yet, we are being asked to make a policy decision in the absence of this.

I would just like to point out one additional very dangerous precedent that is being set. Mr. Speaker, if we take a course of action that ignores the Supreme Court decisions; in fact goes contrary to those decisions, then who is to say that we cannot then subsequently enact legislation on the subject of either the death penalty, or the subject of abortion, or the subject of welfare residency requirements, or any other subject where there has been a contrary court ruling.

Mr. Speaker, we are supposed to be a government of laws, not of men. I hope we don't forget that today.

Thank you."

Representative Kunimura was recognized and he stated:

"Thank you, Mr. Speaker.

I would like to remind all of my colleagues that we sit in this chamber, not as a jurist. . . this is not a court of law, but this is the legislative body. I have heard so many arguments today about the question of constitutionality and the founding fathers, Mr. Speaker, that wrote our Constitution of the United States and we, too, in Hawaii, in 1950, and also again in 1968. We patent our Constitution after the Federal Constitution and it hurts me terribly when the clear separation of the three branches of government as dictated by both Constitutions is today, in this Chamber, some people like to act like judge and legislators.

Yes, Mr. Speaker, we have, in the past, passed laws that were struck down on the basis of constitutionality and that is good. But if we going to strike down the proposals because some attorneys feel it is unconstitutional, then they should sit on the bench and not in this House.

The case they cited, Mr. Speaker, are parallel cases and not identical. One cite in New York about public works contract. The other one in Hawaii about three year residency. We are not talking about three year residency here and lack of compelling State reasons. Maybe now we have a good reason. Are we going to strike down this particular piece of proposed legislation because the department head was not able to present an answer to the inquiry raised in the committee report? Maybe by the time this matter. . .

if it should be taken to court, maybe they will have a good reason and good argument.

I would like to remind the members of this chamber here, let us act like legislators and not like judges.

Thank you, Mr. Speaker."

Representative Cayetano then rose and stated:

"Mr. Speaker, I rise in rebuttal to some of the remarks made by previous speakers.

Mr. Speaker, when I first stood up to speak against this bill, there was some mention made of the companion type measure relating to public assistance and that also was covered by the Chairperson of the Public Employment Committee.

This bill before us, S.B. 1350, concerns me because it is part of a package, and it is part of a package which is leading our State in a very, very hazardous direction. I think the two bills are related and we should talk about the other bill.

The other bill deals with imposing residency requirements for receiving public assistance and to show you the direction in which the State Administration is moving to justify that bill, they have been releasing information; for example, stating that immigrants account for \$4.6 million in welfare benefits. And yet, when one digs a little deeper, he finds that people who may be classified as immigrants could well have been residents of this State for 30 to 40 years. That is the kind of misinformation we are getting from the State Administration and the same thing with this bill.

The previous speaker posed a question: Should we vote this bill down because some Director of a State Administration was unable to answer our question? Certainly, we should. Why should we make decisions on facts which are not known to us. We don't have sufficient information on all the questions I posed regarding what will happen to our local kids who go to the mainland, still has not been answered. If the Administration wants to sell us a position, then I suggest they come with information to justify that position.

Now, I am not satisfied with the argument that, perhaps, when the Administration goes to court, they will have the data ready. That's ridiculous. How many of you here can justify making a decision on those grounds?

I close with that remark."

Representative Abercrombie was recognized and he stated:

"Mr. Speaker, you know what always leaves me to think this is entirely the wrong emphasis? You know, we're voting on a bill because we don't want to deal with the fundamentals. You want to talk about what really are the problems in our local situation? Let's talk about land. Let's talk about who owns the land; who runs the State; how come you can't get a house; how come when you're working on a job, a lot of it has to be tied in with the people who control things that you haven't anything to do with. How come a carpenter can't build a house that he can afford. You tell me the number of houses that have been built in this State by carpenters in the last five years that the carpenter could afford to buy himself and I guess now, herself, coming along. You want to talk about who is going to get the job kind of thing when people come in from some place else? You don't want to cut them off; you're going to put people on welfare. Why don't you take it up with the Chairman of the Public Assistance Committee? I am sure he will be able to tell you what is going to happen if you pass this thing. Then, it is going to stop people from coming here on that basis. Instead of giving them a chance to get employed, what we're going to say to them is, go on the welfare line. That's alright. We are going to pay for it there.

The trouble is, we are not taking a comprehensive view here. If we really don't want to deal with the down and dirty nitty-gritties of what is involved - the real fundamental State planning. Now, we get a Committee on State General Planning trying to come to grips with this. We are going to have a plan presented in 1978 - the State General Plan - and as part of that, we are going to go into some of these areas. The counties will have to go into it and, at that time, maybe, we will come down to what the real dillies are.

Can you come here in the first place? Everybody has got a right to travel. That means you got a right to live in the first place. Who knows? Maybe that question will come up, but as long as somebody is telling me that we have a right to travel and move between the states,

nobody is going to tell me that you haven't got the right to work. Then, at the same time, you can't come in piecemeal like that. It can't work that way.

Now, it may be that an argument made sometime in the future that the health and welfare that the State demands, that people be prevented from being able to establish residence in the first place. Who knows, that may come up. A community has a right to stop a plague from coming through the gates of the city. You can't stop it on the grounds that gravediggers got a right to keep on being employed so that the rest of the population has to be murdered by disease.

There are a lot of things that can be brought out one way or another on this, but to come right in and say somebody can't work, we better be mighty careful when we are talking about somebody's bills about no right to public employment.

As I looked through some of those decisions and part of the deal that came out from that is that you got no right to have a collective bargaining law. If anybody want to stand up and keep on saying there's no right to public employment, maybe there is no right to collective bargaining either for public employees. So while we are trying to get the public as a whole to think we are doing something, it's all a smoke screen because we don't want to deal with the down and dirty fundamental issue. That is what is going on and that is what the whole deal is.

This SCET program is temporary and my friend from Palolo Valley got up and asked a few questions. I think from out Hawaii Kai also, my little friends in this Legislature have raised questions about. . . we really mean its temporary employment or do we mean it is permanent employment, because if we do, let us talk about that. Let us get that squared away.

We are going to have a temporary system like my mother was in for twenty years as a school teacher - a permanent substitute - Ha! Ha! We all laugh. Now, that is why you got unions now because she got hired every year and kicked out on her ass at the end of twenty years with nothing."

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

"Mr. Speaker, will you kindly ask

the speaker to confine his remarks to the bill?"

Representative Abercrombie stated:

"I am confining my remarks to the bill, Mr. Speaker. We are talking about. . ."

The Chair then said:

"Your point is well taken. Representative Abercrombie, will you proceed with that in mind."

Representative Abercrombie continued, stating:

"Sure, I will proceed with that in mind. You bet I will.

What I am talking about here is that when you start dealing with these residency requirements in relation to work, it is a very short step - a very short step to put all kinds of other conditions on public employment. Is that what you really intend because we are afraid to deal with the fundamental issues? The reason that my mother was in the situation was because we did not have this kind of protection. People fought long and hard for this kind of protection. Some of the arguments made here today could easily, very easily, be utilized to undercut the whole concept of collective bargaining. Very easily, but if we are going to establish this law, we want to pass this thing through. Fine; go ahead; but don't kid the public that we have dealt with the question of temporary or permanent employment in State government. Don't kid ourselves that what we are doing is really giving the people a break here locally. Let us not pretend for an instant that this deal, for one single moment, with the problem of under-funding the higher educational system or the fact that the educational system we have, in case you're twelve, cannot turn out people that can read and write.

You want to talk about the fundamentals?

It is not a question of whether we are going to get a break here. We have to bring it up that outside people can come in and somehow get a job in government and if that is the real fear on the floor of this House, what does that tell us? It tells us that we are not dealing with our own educational system. It tells us that we are afraid; that

we haven't got the guts to say that we are not teaching the people to read and write, else how can these people come in from the outside and get a jump on us? How come that could happen? There is no way that could happen if we had people who can read and write.

We are talking about civil service. If we are talking about being prepared for higher jobs, whatever it is, in State government, how could it be if we had an educational system in the higher educational institutions that were adequate to the task? There's no way that could happen that somebody could come from California or Rhode Island or wherever and take that job away from me as a graduate of the University of Hawaii unless the University of Hawaii is not adequate to the task, and is that what we are really saying? Is that what really underlines the whole business that we are talking about here? Is that what is really behind it? And we haven't had the guts to stand up and say, yes, the State is not running things correctly in education - higher education and lower education. No, we are not really providing the opportunities in our community colleges to do the things that we need to do, that we know we need to do in order to have the people prepared to take these jobs.

Now that is what the real situation is. That is the real thing behind it. And it is quite true, in addition, of course, to what we are running against the whole grain of the whole history of the United States. You got problems, you come here, you got a chance. I can understand that, and I can understand when you're put up against the wall and you're up against that kind of dilemma, but let's not put what the underlying problems of land ownership, of jobs, of our whole budget, of our fear of really dealing with the fundamental revenue and policy questions in this State. Let us not run up against them and put before the public that somehow it is the newcomers or the immigrants or somebody else that if we can just get them out of the way, we can just hold them off that somehow these other problems will solve themselves. That is scapegoating. That is the equivalent of trying to find a Jew in World War II to scapegoat the problem that resulted from the inflation from the unwillingness of the so-called allied countries after World War I to deal with the fundamental problems of the economy, not only in Germany, but in the rest of the world.

That's how racism starts - when you don't look at the fundamental class conflicts; when you don't look at the fundamental economic policies and instead look to racism, to nationalism. . ."

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

"Mr. Speaker, it seems to me this is talking about residency requirement. It has nothing to do with racial overtones."

The Chair then asked Representative Abercrombie to "proceed with that in mind."

Representative Abercrombie continued his remarks, stating:

"Yes, I will.

Mr. Speaker, I am sorry that I have to disagree; that I believe the impact of this bill will have racial overtones. That is why I am bringing it up; that it will have ethnic overtones. It will have nationalistic, if you will, overtones. Whether we like it or not, whether that is our intentions or not in passing it. That is why I am urging us not to do it.

What I am saying is, let's deal with our State General Plan. Let's give our Committee a chance to come up with recommendations in terms of what's submitted to it in the next session. Let's give ourselves an opportunity to discuss the whole circumstance of zoning, of urban and rural districting, of agricultural designation, whether we are really going to come through on diversified agriculture or not. We have a circumstance right now, my friends, where the entire work the Agriculture Committee has done the past two years is completely held up because there's no money coming forward.

That could have a fundamental impact on the bill that is before us today. We might have a different employment situation had we had the recommendations of this House carried forward by the Administration.

What I am saying in conclusion is that the Administration is scapegoating and smoke screening the fundamental problems by bringing forth this small issue about residency and employment. If we pass this, we will not solve any employment problems for our own people, but what we

will create is an atmosphere of discrimination which is against the fundamental interest of the State and which is against the history of the State."

Representative Garcia was recognized and he stated:

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

Mr. Speaker, I am not going to kid myself that on this particular bill we are going to have major disagreements, that there is a likely possibility that this bill may not even pass, and I have a job in front to try and convince some people why this particular legislation is needed.

I can respect the views of my Vice Chairman--Vice Chairman of the Judiciary Committee--relating to the constitutional question. I think he has researched it well and I think he is correct in many of his observations, but the one point that I would like to make is that not one of us sit on the Supreme Court. Every member here is a legislator, not a judge. We are the ones that develop the policy. We are the ones that set the tone for what we would like to see happen in this State. We are not the ones that interpret the laws or interpret the intent of these laws--that is the role of the court.

It was mentioned earlier that the right to work is a fundamental right, but that is not true, Mr. Speaker. The right to travel is a fundamental right, and although the right to travel is not specifically mentioned in the Constitution, the Supreme Court has found that the right to travel is necessarily inferred from the right specifically mentioned. The Supreme Court has found that the right to travel is one that has constitutional dimensions. Thus, in evaluating restrictions on the right to travel, including the requirement of residency, the court has traditionally relied upon equal protection language in arguments. But equal protection requires that any restriction that touches either a fundamental right or suspect classification is subject to strict scrutiny.

The argument, then, becomes one of basically balancing conflicting interest. In effect, this means that the burden is on the State to prove that the classification, whether it be by race, sex, religion, ancestry, or restriction of a fundamental right itself, is justifiable,

and that justification must be what amounts to a compelling state interest. Only when the State has demonstrated this compelling state interest, may the classification be found valid.

Now, in any discussion, focusing on this fundamental right to travel, or any legitimate interest in restricting that right, the State must show that there exists a compelling interest and that the desired end cannot be reached by any other means. So, what it means then is that any statute drafted must meet two requirements.

The first is that the state interest is of such a nature as to justify restricting a constitutional right and second, that there are no other less restrictive means of accomplishing the desired ends. So, the focal point of any equal protection argument is deciding what state interest is compelling enough to infringe on a constitutional guarantee.

In recent Supreme Court decisions, the court has held that administrative convenience, fiscal restraints, and other interest on the level of expediency, do not meet this compelling interest, and that is true. However, no court, no argument before any court, has ever focused on the State's interest in preserving its physical or economic composition. At least none of the order that I believe the State of Hawaii will be able to show.

Hawaii is the only island State in the nation. The lack of contiguous states and land mass to accommodate those who want to come is an argument that the court has never had to consider, and I am talking about the Hawaii Supreme Court. An argument was brought out about the statutes that happened in New York, that was struck down, but New York is a different example. They are part of a large land mass. They have a different tax system. They have a different way of running their particular state, and this is where the difference is.

Hawaii is unique. Arguments that might apply to other circumstances like New York may not apply here. The very concept that we are talking about is a concept of self determination and preservation of the quality of life are arguments that Hawaii needs to explore in court. We need not feel constrained in pursuing these legitimate objectives. Arguments abound here in Hawaii, and we have talked about it here on the

floor of the House--about shipping strikes, about lack of adequate food productivity, and the growing reliance that we have on the beauty of Hawaii and the effect of what more and more people coming to Hawaii would have on the natural beauty. Not only that, but what about the State's economic well-being. To avoid becoming another New York City, it becomes necessary then, that we, in the State of Hawaii, exploit these features and not be burdened by constraints, legitimate in other places like New York.

I would hope that all of these arguments will be argued in the brief that will go before the Supreme Court as I am sure that an appeal will be forthcoming. However, I firmly believe that the House should take a firm position that this is in the State's best interest. I believe it is compelling. I believe that our unique situation will force a re-examination of the right to travel. We should not shun our duty to the citizens of this State by relying upon a fear that our action is unconstitutional. That is not up to us to decide. We are policymakers. This is something, I believe, the court should decide.

Now, some people have talked about our Constitution. Well, I would like to contend, for all of us here, that the Constitution that was drafted was not cast in stone or concrete. The Constitution was written by men, and it is a living instrument. It bends and it changes with the times. The government has had an increasing effect upon regulations in the public interest. Environmental impact statements, sunshine legislation, agency accountability, have all been worked on by many of us here over the past few years. But what we need to do is to look at the larger picture. New rights are created by the courts and conversely, restrictions are often added into law.

The right to travel, as I mentioned earlier, is not explicitly mentioned in the Constitution, nor are other rights that we consider to be basic. For example, veranda warnings. Theories of due process have waxed and waned with the times; minority rights, religious freedoms, freedom of expression, women's rights, have all been examined and re-examined, often with the result of change, and this change was influenced by a growing awareness of the change in public opinion--the change in societal needs; the change in their own outlook. So that right to travel is not cast in stone, and we need a careful reanalysis of this particular right. Legal theories do not live in a vacuum. Laws can

only be effective when the majority of the people submit to their covenants. A decision that reflects careful consideration and thoughtful analysis can be tampered by public opinion.

This bill attempts to define parameters of acceptable, responsible, State action. Our responsibility is to the preservation of the State. This bill tries to accomplish this end, and probably by the least restrictive means. Consideration must be given to the alternatives. How can we enact laws which, in effect, will limit or at least drastically slow down in-migration into the State.

This bill doesn't impose any hardship on any industry as a bill stopping all construction would. This bill will not cripple any major economic business in this State. The case decided and mentioned many times earlier by the Hawaii Supreme Court in 1972 can be distinguished from this bill under consideration.

In the decision of *York v. State*, the Supreme Court found that the State's three-year residency requirement for the right to public employment was unconstitutional. But the statutes under consideration in *York* required the three-year residency requirement which is not proposed in this bill. In terms of residency and an intent to reside in the State, one year, we felt, was a more reasonable amount of time in which prospective employees are required to wait.

But let me be more specific in *York v. State*. When the State took this case to court, the State laid its particular claim and asserted that the rational basis test be applied in this situation in 1972, in determining whether a residency requirement for public employment violates the equal protection clause. And this particular test states that the Legislature may not act arbitrarily, that the classification of a particular group as a subject for regulation must be reasonable in relation to the purpose of that legislation. But this rational basis test is a less stricter standard than the compelling state interest test.

In the compelling state interest test, this test is applied in the standard, when the classification of groups would infringe upon a fundamental right, or such classification which is a suspect classification. Because the State came into court with a rational basis test, the court considered its arguments and the court held,

in *York v. Hawaii*, that the State did not meet the standards of the rational basis test, but the real point to remember in this case is that the court did not consider the compelling state interest test, and the court also said, in its footnote, that perhaps the appropriate test to be applied could be the compelling state interest test. So, Mr. Speaker, we have this particular interest that we are talking about, but I would like to expand further about the direction of the United States Supreme Court.

Four Supreme Court cases, in the past three years, indicate that the U.S. Supreme Court has a more open perspective on the importance of the right to travel and may be receptive to a state's effort to reduce its population growth by testing and treating recent arrivals differently from long-term residents, or even by limiting, or prohibiting, in-migration directly.

In 1975, in *Sausner v. Iowa*, the court upheld Iowa's one-year residency requirement."

At this point, Representative Cayetano interrupted on a point of information and asked:

"Mr. Speaker, a one-year residency requirement for what?"

Representative Garcia replied:

"In this particular case, it was divorce."

Representative Garcia then continued his remarks, stating:

"In 1974, the court held in *Village of Bellterre v. Borras* that a residential community's restriction of its house to families is constitutional. The court recognized that the important aesthetic cultural and social values that are preserved and promoted by limitations on population and dismissed, as without importance, the incidental infringements on the right of travel and the right of association. This decision, therefore, was read as a means of reducing the right to travel in importance, and holding that other interests are of equal importance. So what, in effect, this means then, the court handed down two decisions in conjunction with this one, in 1976, that recognized the importance of a state sovereignty and deferred to a state, its essential state functions. And these two court cases were *Hughes v. Alexandria Scrap Corporation*, in 1976, and the *National League of Cities v. Uswehel*, in 1976. These cases indicated that a state can attempt to define an area of essential state concern, including

cultural heritage, as well as its environmental and economic base and, moreover, in these two cases, they said that we could pass legislation to protect that concern. Legislative hearings and findings will be essential, but the court has indicated that it is open to legislation that would favor long-term residents over recent immigrants.

Several arguments brought out, Mr. Speaker, by the past few speakers, talk about the welfare case. This is something that should be addressed by the proper committee. Several Representatives talked about data not being readily available for us to take this to court and, yet, we just passed a tax bill, less than an hour ago, and one of the criteria used in the passage of that bill was, we weren't ready to come in with an alternative funding scheme and that's why we need it. Mr. Speaker, what is good for the goose is also good for the gander.

Another point that was brought out was, perhaps, we are afraid of our educational system. Now, Mr. Speaker, I am not going to talk about race because, in my mind, this particular bill, in no way, addresses this particular issue of racism, and I am not going to even consider that particular point of view.

But because of these reasons, Mr. Speaker, the bill under consideration, I think, will be different from that which have been considered before. I think we are in a climate that is more receptive to a bill like this than ever before.

In 1972 and in 1977, the circumstances are different. H-3, Waiahole/Waikane, Chinatown, the location of West Oahu College are examples of the type of public struggle that people are willing to engage in to keep the islands from submitting to increased crowding. It also indicates a change in peoples' attitudes, a change that has taken place over the years. "

Representative Kamalii then rose and stated:

"Mr. Speaker, I believe the speaker has gone over his time limit."

Representative Yuen then rose and yielded his ten minutes to Representative Garcia.

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

"I hope the speaker will keep his remarks to the bill and not travel all over the island."

Representative Garcia replied:

"Thank you, Mr. Speaker, I will try to be brief in my summary", and continued his remarks, stating:

"I have tried, Mr. Speaker, to articulate some of the concerns that some members of the House have and I realize that a bill of this nature raises some strong emotions and feelings. But I think those of us who have considered it, and I believe all of us have considered it, on the basis of merit and not on emotion.

The Supreme Court is not bound by public or popular opinion but, rather, by legal theories. Mr. Speaker, I am not going to stand here on the floor of the House to defend the current Administration's position on anything. I will defend what I think is right. I think this particular legislation deserves the debate that it had this afternoon, and I don't think that the present Governor has gotten any message, or has forgotten the legacy that the previous Governor Burns has left us. It is because all of us are thinking of the future. It is because all of us are thinking about our children; it is because all of us are beginning to recognize that we are an island community, and that is why we are considering this legislation.

Thank you very much."

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

"Mr. Speaker, besides being questionable as to its constitutionality, I also believe the bill to be morally wrong.

The residents of Hawaii are constitutionally guaranteed to travel to any state they choose to visit or stay. In essence, the constitution forbids any form of restriction to travel. I do not wish to see citizens of Hawaii restricted to travel to other states. Likewise, I do not wish to restrict travel to Hawaii by non-residents. Freedom to travel was clearly defined in the landmark Supreme Court decision in Shapiro versus Thompson.

In order to pass the test of constitutionality, the State is required to show compelling State interest. While Hawaii has to protect its economic interests, it is no different from other states. We are not unique in this sense.

In addition, Mr. Speaker, to the

compelling State interest, the State must also show that there is no other less drastic alternative available. I agree that Hawaii must strive to protect its economic interests as well as preserve its natural resources. I also agree that controlling the population is one of the best ways of doing it. But, Mr. Speaker, I do not agree that we should make laws that virtually makes it impossible for non-residents to live in this beautiful Aloha State of ours. I would rather see non-residents work and be productive than see them as wards of the State due to non-employment.

In any event, Mr. Speaker, we have not really fully investigated the possibility of less drastic alternatives to the proposed bill before this body. For example, non-residents could be taxed more than residents.

Non-residents attending our State-run University are paying out-of-state tuition fees which are significantly higher than that of the residents. Now, Mr. Speaker, this non-resident tuition fee has been held constitutional by the Supreme Court. In effect, Mr. Speaker, out-of-state students are being charged a fee for benefitting from the State's resources. Likewise, Mr. Speaker, non-residents who seek employment could justifiably be taxed a fee because it can also be said that those who seek employment in our State do so because they want to enjoy our natural resources - a resource which residents have a right to protect.

Now, Mr. Speaker, non-resident fees are only one example of alternatives that can be less drastic than what the present bill proposes and this possible alternative makes the present bill, Mr. Speaker, suspect as to its constitutionality.

Now, Mr. Speaker, I do not want to be instrumental in making it impossible for a non-resident to get a job in Hawaii. For example, due to the training and background of some persons, the only place that can employ them may be the public sector.

Now, Mr. Speaker, they may be willing to work in private industry, but there may be no market for them there. As a consequence, they can be public wards until they become eligible for employment. This situation, Mr. Speaker, can be very demoralizing which, therefore, makes it morally wrong.

There are just too many things wrong with this bill, Mr. Speaker. The social consequences somehow outweigh the

economic considerations intended. The bill is just bad law. Mr. Speaker, I, therefore, urge my colleagues to vote against the passage of this bill.

Thank you, Mr. Speaker."

Representative Takamura then rose and stated:

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

Mr. Speaker, although I do feel some convincing arguments have been made about the constitutionality of this bill before us, I will not attempt to address myself to that point since I feel that it has been adequately covered and, besides, I don't really feel I have the background to do that.

However, as a legislator, I have always tried to look at a bill in terms of what needs or what problems that bill is trying to address itself to and whether or not that is the appropriate way to take.

So far in this debate, I do not feel that the proponents of this bill have made a convincing argument as far as the problem that exists in this State that this bill will take care of.

First of all, we have been told that this would help the employment situation here in the State. My understanding, according to the presentation made by the Department of Personnel Services, according to his statements and as stated before, no statistics were presented. He said that the number of non-residents who presently hold public jobs is minimal. Therefore, I think that there already exists in this State preference for hiring local residents and it does not seem to me that any argument was presented that this situation was going to get worse in terms of non-resident people getting preference over the jobs that are available. . . public service jobs here in the State.

Secondly, it has been proposed that somehow this bill would help in terms of the population control. Again, I have yet to hear arguments that specifically addresses itself to how this bill would do that. Again, I think, in discussions on some other bills that we had, we asked the question of whether or not people are coming to Hawaii because they are finding public jobs and no one knew the answer because there were no statistics to either prove or disprove that.

Mr. Speaker, if, as has been mentioned so many times, this bill will be tested in the courts, and if this is the course we want to take, then, at least, let's go in

feeling that there is some basis for this bill to stand up in the courts. Unless we have some arguments that indicate that there is a compelling State interest here, I don't see how we can take the chance of having this bill passed and then this law be taken to the courts and declared unconstitutional.

I think we have to act responsibly and the responsible thing for us to do at this time is to vote against this bill."

Representative Garcia was recognized and he stated:

"Mr. Speaker, I would just like to make one particular point in rebuttal to the previous speaker.

It is true that when several people testified before the various committees when this bill came up, they didn't present overwhelming testimony either in favor of the bill or identified a particular problem.

But, Mr. Speaker, the role of the Legislature isn't only to solve problems. One of the roles of the Legislature and the legislators themselves, is to anticipate what could become a problem and to demonstrate that perhaps we have some foresight, that we can look down the road and make some decisions now that will prevent things from becoming a problem. And perhaps, this is one of the considerations that should go into this court test to see whether or not we can prove that particular point.

Thank you."

At 5:19 o'clock p.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 5:25 o'clock p.m., Representative Garcia asked for a roll call vote on Senate Bill No. 1350, SD 1, HD 2.

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 S.B. No. 1350, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY REQUIREMENTS FOR PUBLIC EMPLOYMENT", having been read throughout, passed Third Reading by a vote of 27 ayes to 23 noes, with Representatives Abercrombie, Baker, Campbell, Cayetano, Cobb,

Dods, Evans, Fong, Kamalii, Larsen, Lunasco, Medeiros, Mina, Narvaes, Poepoe, Say, Sutton, Takamura, Toguchi, Ueoka, Ushijima, Uwaine and K. Yamada voting no, and Representative Carroll being excused.

S.B. No. 1047, SD 1, HD 1:

Representative Garcia moved that S.B. No. 1047, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, the purpose of this bill is to clarify existing law by clearly establishing the Attorney General as the chief law enforcement officer in this State and to give him such full power and authority to prosecute or direct the prosecution that will have a whole series of Grant Coopers. This bill will minimize the role of the courts and will put the Attorney General in a position where he is defining State laws and becomes an absolute czar. It will make a mockery, Mr. Speaker, of our concept of home rule. It will mean that our Attorney General will have such tremendous power that for all intents and purposes, the island of Hawaii which has an elected County Prosecutor will be electing a man who no longer will have the power to prosecute. He is subservient under this bill.

What this bill is attempting to do is to codify bad law in the case of Amemiya versus Maurice Sapienza and that special proceeding has not, as yet, even come up to the Supreme Court. We're codifying bad law in the lower court to try to overcome some sort of a difference that has occurred in the political war between our Mayor and Governor. This is not an appropriate place, Mr. Speaker, for this particular type of a bill which deprives our counties of their role that they have held ever since 1905. In 1905, my father was the Attorney General and he felt, at that time, that you should have county rule and they did not have City Charters at that time, sir.

Now they have City Charters and these City Charters have been granted by us. These are our stepchildren. These are our stepchildren that we should watch and see that they have home rule. But all of a sudden, what do we do? We say, no, we're going to have a whole series of Grant Coopers and they are going to be indicting

everybody in the State, and we are going to have a czar as Attorney General and the prosecutors in the various counties are so subservient they can't move until they clear it with the State. This isn't even true in the Justice Department of the United States government of which I have served.

The Attorney General of the United States does not take these sort of powers. The Justice Department is subservient in many ways to two of its subsidiaries - the FBI and the Treasury Department - who in turn are subservient to the Customs Department and they, in turn, follow a system of which is the appropriate body to handle it.

A Public Prosecutor in a county knows the facts. You, Mr. Speaker, are so well versed in these things because you have been through all these phases of law, and you know how appropriate it is for a Public Prosecutor of a county to be the person in that particular trial. It is his decision, whether it be a U.S. District Attorney or whether it be a Prosecutor, there is always a hard decision as to whether to prosecute.

Now, once you split that decision, you have two or three quarterbacks trying to make the decision. No team has ever made a touchdown or achieved anything on the field of football with two or three quarterbacks. It doesn't even work driving, Mr. Speaker, to have a back seat driver, as you well know. Mr. Speaker, this is what we're doing. We're making the Attorney General the chief back seat driver and he will dictate what the Public Prosecutors will be doing.

We will be making a mockery, Mr. Speaker, of home rule. We will be saying in so many words, that Charter that we gave you, the counties, that sacred Charter, is no longer of any significance. We have revoked the most significant part of it by saying that we have an Attorney General who is a complete and total czar and he is the man who will dictate exactly what these Public Prosecutors will do and, therefore, Mr. Speaker, I would urge you, in particular, and your colleagues, if you can persuade them, to vote 'no' against this bill."

At 5:35 o'clock p.m., on request by Representative Abercrombie,

the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 5:43 o'clock p.m., the Chair stated:

"We had a long day. This is the last bill on the agenda for the day. May we proceed?"

The Chair then recognized Representative Abercrombie and he stated:

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

Mr. Speaker, I think you will agree that every bill that comes on this floor is worthy of our attention, either 'aye' or 'nay'. If the discussions are long, perhaps that's the way it has to be in order to see that good law comes forward. We wouldn't want to do it any other way and that is why I am going to have to speak against this bill.

Mr. Speaker, the previous speaker, I think, has come very close to setting the parameters within which this discussion will take place. If this bill passes, it will do more than clarify what is already the case. What it will do is commend what is already the case. It will sanction what is already the case to the extent that whatever the case now is that that is, in fact, the case, because this argument of Amemiya versus Sapienza, two names to be reckoned with in the recent months here in Hawaii. This case is now on its way to a Supreme Court ruling and, perhaps, further. So what is stated here, 'This bill would codify the recent findings of the Circuit Court...' is in one sense true and one sense factual, but does not tell the whole truth because it has not been decided yet as to what Amemiya versus Sapienza means. But if we wish now, at this point, to take a policy stand as we have been urged to do in other cases here this afternoon and previously, then let's have it very, very clearly in mind what it is that we are going to do when we vote 'aye' or 'nay' on this bill.

What you will be doing if you vote 'aye' on this bill is doing the worst possible thing that I can imagine when passing law. Reflecting on an individual in a political circumstance and passing laws relating to that individual when we all know that that individual will pass from the scene, even as we all will, and that we will be stuck with the law.

We are passing a bill here, if we vote 'aye', will have ramifications with the Mayor of the City and County of Honolulu and the Governor of this State in a political battle. When they pass from the scene, the principle that is ostensibly upheld will have to be borne by whoever comes after them, including the legislators.

Now, what happens here if this bill proceeds? It is not a clarification that will take place, but rather, a sanction that the Attorney General of the State will become a single prosecutor throughout the State. This bill enables the Attorney General to (1) supersede a county prosecutor in any investigation - and my dictionary tells me that that means the Attorney General is superior - criminal action or proceeding. That means virtually any kind of phases - investigation, inquiry, anything at all the county prosecutor is doing - the Attorney General may enter into it. It says, '(2) participate in any investigation, criminal action, or proceeding.' At the very least, Mr. Speaker, this is sloppy language. Nobody is going to convince me any different. The Judiciary Chairman is going to go through contortions trying to get through this as soon as he stands up to rebut, because he knows and I know that there is no way that you can interpret that phrase, 'participate in any investigation, criminal action, or proceeding', and come up with anything other than that the county prosecutors must keep a running commentary, a running witness, as to what they are doing in any case in the Attorney General's office so the Attorney General can decide whether or not he or she wants to enter into the case. In the absence of this kind of running commentary of presenting, I suppose xeroxed copies of everything that goes on in every single county prosecutors office in total, to the Attorney General's office. In the absence of that, the Attorney General could not decide whether to participate in the investigation, criminal action, or proceeding, unless the Attorney General is going to do it arbitrarily and capriciously, depending on what the political circumstances are. That Attorney General is appointed by our Governor. He or she works for that Governor, and if we are going to say that that Attorney General can jump in any time the Attorney General wants with no qualifications in this language whatsoever other than the word 'participate', that means that the office of the prosecutor of any county has now become void unless and until you satisfy the political circumstances of whoever is Governor in this State. Whoever is

Governor, whether it is the present one or not, because we are passing a law that applies to everybody, not the individual, and yet the problem is that this is geared for an individual. The introducer of this bill in the Senate has no other purpose in mind but to get this individual, who is the Mayor of the City and County of Honolulu, and (3) initiate any investigation, criminal action, or proceeding.

Under what circumstances will it occur? Is anybody in the slightest doubt that Attorney General Amemiya is going over to Mayor Cravalho on Maui and say, oh, by the way, Mayor Cravalho, move your county prosecutor over because we're taking over. This is no way. You will not see the day; don't hold your breath. The Attorney General of this State is going to go to Maui county and into Mayor Cravalho's territory and take over the county prosecution, let alone the other counties? There is no way that that is going to happen.

Now, under what circumstances, as I said, will the Attorney General come in? From the middle? In the beginning? How shall he know when to do it? Will the county prosecutor make available to the Attorney General his or her findings as they go along? And how will it be judged whether or not it is time to move in, to take over, and who will pay for it? How will we work it?

We have an example, my friends, right here before us right now with the Special Prosecutor that has been brought in. We're being asked to pay hundreds of thousands of dollars for this. Whether you agree with that indictment business or not is besides the point. We are all going from here one day, anyway. Is that what we are going to do because the Attorney General moves in? We've already approved the budget. Is the Governor of the State going to say, oh, by the way, there are six different prosecutions that I don't like the way they are being handled in four different counties, so I am going to have my team of people in the Attorney General's office jump in and take over those investigations. Will it be cooperative investigations? It said, 'participate'. Does that mean that the county prosecutor and the Attorney General will work together? Does that mean some rules and regulations under the APA ruling, the Administrative Procedures Act, that is going to set it up because I understand from my lawyer friends in here that the Attorney General has the power to delegate these authori-

ties. If that is the case, then why don't the county prosecutors and the Attorney General sit down, work out what's the State's kuleana, work out what's the County's kuleana, publish it; I don't care, heck, meetings, however you are supposed to do it, if that is what a judicial branch is supposed to do, we're saying that they're an independent body here. We're passing legislation to increase and make more manifest the fact that they are an independent branch of the government. If that is the case, then why can't they do that? Because if you're not doing that, then why do you have county prosecutors for? There's no way on Earth that any rational person in here can convince me or anybody else in here with a straight face that that is what the circumstances are. We can't do that and that shouldn't be done. I can't believe the county prosecutors, under those circumstances, are going to cooperate with the Attorney General. How is it going to be paid for? We shouldn't pass up like this. Is it just to nail somebody? Do you seriously want to do that? Why do it at all? There's no question as to how this will work. It will not work at all except on political circumstances.

Let me go back to what has been taken out of the law. If I can refer you to page 2 of the bill, House draft 1, what we are taking out, and this is really the crazy part of it, 'unless otherwise provided by law.' These words say what all the duties and responsibilities of the Attorney General are. 'The department shall administer and render State legal services, including furnishing of written legal opinions to the Governor, Legislature and such State departments and officers as the Governor may direct; represent the State in all civil actions in which the State is a party; approve as to legality and form all documents relating to the acquisition of any land or interest in lands by the State; and, unless otherwise provided by law, prosecute cases involving violations of State laws and cases involving agreements, et cetera, et cetera, et cetera', and they say, 'shall be the chief law enforcement officer of the State.' What we're taking out is 'unless otherwise provided by law'.

Well, why do we provide by law what the county shall do and what the State shall do? He already has the opportunity in the existing law to do that. Let's define it but we're

not. And the poor Chairman is sitting here right now making notes as fast as he can because he knows that when he gets up to answer these kinds of questions, he will be in deep, deep trouble because there's not going to be any answers to it. How is he going to answer 'unless otherwise provided by law' when we can provide the law for it or the Attorney General can, however it works out. We are going to leave it completely open. 'Whenever the public interest so requires or such action is necessary to secure the enforcement of the laws of the State in order to promote and safeguard the public interest of the State.' Do you seriously believe that?

Take a good look at this situation which is geared completely towards the circumstance that now exists in the Governor's race, and to stand up and say this merely qualifies what is already being done is to say that the Legislature approves of political prosecutions, approves of a process in which political prosecutions can take place, whether or not, as I say, the present indictment of the Mayor is a valid one or not. We are setting up a procedure hereby wherein political prosecutions are allowed. What we should do is try to limit the possibilities in which political prosecutions can take place because I would pose this point to you in conclusion, that should the present Mayor of the City and County of Honolulu become the Governor, then, his Attorney General will have exactly the same right and will everybody in the other counties be especially happy about that when that happens - when the present Mayor of the City and County of Honolulu becomes Governor and he will be able to participate in any prosecution in the State with his Attorney General? With luck all around, I am sure he is going to remember everybody that voted this way - for it - and nobody will have any complaints.

Then, all of a sudden, at that point, we are going to have a flurry of legislative activity defining what is, in fact, county prosecution territory and what is State prosecution territory. Look, let us take the politics out of it. It doesn't matter what I think about the indictment of Frank Fasi or the Governor or anybody else. Let's take the politics out of it. We knock this bill off; give the Chairman an opportunity to slide it back into the Committee there with some other kind of bill. Do me a favor here, Mr. Chairman. Go back, work this thing out. If you want to delineate what the county should do and what the State should do, fine and dandy. But, please, let us not put ourselves in a position of approving this 'song and dance' that is going on in the politics outside this hall because that is exactly what's going on.

If anybody can show me how the county prosecutors are going to be anything less than flunkies for the State Attorney General, except under those circumstances where the State Attorney General finds it politically not in his or her interest entering into a case, I would like to hear it. I don't think such a case can be presented. I think all of us in here know it. I think all of us know this is a terrible way to do law. This is a terrible thing to present to the people, that in order to satisfy individual political circumstances, we put something on the books which is going to affect people, regardless of the individual's political circumstances, in time to come.

Let's not do it. Let's stay away from this and give the Chairman an opportunity to back off by virtue of defeating it."

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

"Mr. Speaker, in all of the hearings that we have had on this particular piece of legislation, I recognized some of the concerns that were brought out by the Representative from Manoa and in those hearings. . ."

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

"Mr. Speaker, I represent Makiki and Manoa."

The Chair stated:

"The record shall be so noted" and directed Representative Garcia to "proceed."

Representative Garcia continued his remarks, stating:

"Mr. Speaker, the Representative from that fairly large district and many times, I personally, and other members of the Committee, have posed the question of whether or not, under this particular proposed legislation, there is an expansion of power on the part of either the Attorney General or the prosecuting attorney and the answers that were forthcoming from the Deputy Attorney General who testified in this particular matter was 'no'.

Now, I have to admit that a representative from the City Administration was not present at either of those hearings, but that is not my concern, Mr. Speaker. If I should find out, in the future, if and when this particular legislation becomes law, that what they told me

is not the case, then I would like to change this particular statute.

When the House version of this bill was considered in the Judiciary Committee in early February, the Committee filed the bill. We felt that there were many problems with this particular legislation although the House version of the bill was very different. But when the Senate bill came over, we again had another hearing in which the same Deputy Attorney General appeared before the Committee and I again questioned, along with the others, whether or not this legislation expanded the powers of the Attorney General or the prosecuting attorney, and the same answer was forthcoming.

It does not, and I want to make it clear for the record that, in no way, does this bill expand the powers of the Attorney General or the county prosecutors of the various counties.

Now, the Representative who spoke earlier had said that, perhaps, one avenue that we should approach is to define what the role of the various county prosecutors are, and what the role of the Attorney General is in the prosecution of cases. I think he has made a very good point and I would like to recommend, at a later time, that we consider this particular aspect so that we can clearly delineate the lines of responsibility and authority. I would also like to recommend, at some later time, that he be involved in the discussion in this particular area.

But, Mr. Speaker, under this particular bill, if we look on page 2, on line 7, the current statutes now says that 'the Attorney General may represent the State in all civil actions in which the State is a party, approve as to legality and form all documents relating to the acquisition of any land. . . prosecute cases involving agreements, uniform laws, or other matters which are enforceable in the courts of the State.'

What this clearly tells us then is that the Attorney General has, right now, under the current statutes, that ability to supersede any county prosecutor in any particular case that is going on. That is currently in the statutes. But because of the problem that we have that was pointed out in this particular case that has gone to court, Sapienza versus State of Hawaii, we felt that, perhaps, a clarification of the statutes was required, and the result that you have before you is this qualification, and I want

to repeat that in no way does this particular bill expand the powers of the Attorney General or the county prosecutor.

For that reason, I would like to urge my colleagues to vote in favor of this bill."

Representative Sutton then rose in rebuttal, stating:

"Mr. Speaker, I will make this very fast. I realize that your soup for dinner is getting cold.

Mr. Speaker, I think that Mark Twain wrote a book called, 'Innocence Abroad' and I think if you will recall, he tried to buy things with dollar bills and he couldn't buy. You have to convert them to pounds; you have to convert them to franks, and we have not, in any way, shape or manner, done anything, but seeing a trip of 'Innocence Abroad' here.

In the first place, that case is not State of Hawaii versus Sapienza. It was specifically two individuals - Amemiya versus Sapienza - and I do hope the Clerk will correct that, Mr. Speaker."

The Chair interrupted:

"What you are saying will be in the Journal."

Representative Sutton continued, stating:

"Thank you very much, sir.

Now, in 1905, we became a Territory. For 70 years, we have had the Attorney General do his job. His job has been defined by what is the most sacred thing in law, and that is precedence. At no time, except during martial law, and martial law was subsequently held invalid in Duncan versus Kahanamoku, as you well know, at no time, except when we had martial law, were the prosecutors of the various counties superseded.

In the very Committee report which we have in front of us, it states, 'The proposed bill clearly specifies that the Attorney General may supersede a county prosecutor in any investigation, participate in any investigation, or initiate any investigation.' Let us look at the language of the bill. These words are words that are very clear. It gives a certain instance and then it says in such instances, 'The Attorney General shall be invested with all the rights, powers and privileges

of each and all the county prosecutors.' That means what it says - right there. It doesn't require any elaboration. We don't have to see which pea the pod is under or what pod the pea is under. We know right here that it can supersede.

This particular bill is misinterpreted entirely. Were anybody to think that the Attorney General is not given the power to supersede when the statutory language so states and, Mr. Speaker, as you very well know, the duties of the Attorney General have been primarily to be the adviser to the Governor. That's his job. He is appointed by the Governor. He is not an elected officer. Look at the terrifying situation the people of Hilo find themselves in. They elect their prosecutor and then an appointed man, appointed by someone and who never stood for public office, never had to be surveyed by the voters, is superseded by this appointee.

Now, if you will go back in your own history. As a legislator, when you were head of the Finance Committee, I can show you a memorandum of your own, Mr. Speaker, where you said, 'We're not going to cut a fine Circuit Court law.' I'll show it to you.

Now, are you going to tell me that this case of Amemiya versus Sapienza, which is only a Circuit Court case, should be codified at this junction; that we are usurping the functions of Chief Justice Richardson and his court? That is not our function. We are a legislative body but that is, in effect, what we are doing. So, Mr. Speaker, I would please ask you to vote 'no' and your colleagues to vote 'no'."

The Chair then stated:

"The Chair will accept your generous offer. Will you show the Chair?"

Representative Kamalii then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure for I feel it is important that we, at last, are able to define the duties of the Attorney General because he doesn't know what his duties are to begin with. I say this because of a letter that was written to me in request for an investigation that he was not the head, and the State law enforcing investigating officer, and I am very happy to hear, this afternoon, that the Judiciary Committee Chairman is now saying that the Attorney General has always been the head

of our State, as far as the investigating and prosecuting, and the State's supreme law enforcing officer. He doesn't seem to think so.

Therefore, in order that he understands what is in the statutes, I urge my colleagues to make it very clear and to specify his duties so when he is requested to investigate something, he will know that it is his job.

Thank you, Mr. Speaker."

Representative K. Yamada was recognized and he stated:

"Mr. Speaker, I rise to speak in favor of this bill and to advise this honorable body that the Chairman of the Judiciary Committee and I had just made up and we're back on the same side.

As the Committee report indicates, Mr. Speaker, the purpose of this bill is simply to codify existing laws - laws which were created through the common law and those which are currently in the rules and regulations of the Code of Penal Procedure of the court, and in any case, the Representative from Manoa has indicated that we are usurping the home rule. . ."

At this point, Representative Abercrombie interrupted:

"I really do mean it. It is not a matter of arbitrariness. It is Manoa and Makiki. Makiki is left out all the time."

The Chair stated:

"It will be so noted in the Journal."

Representative K. Yamada continued his remarks, stating:

"I have to correct myself too, Mr. Speaker. I was referring to the gentleman way out in right field from where you stand.

In any case, Mr. Speaker, this bill, in no way usurps the provisions of the home rule of the various counties. The duties of the prosecuting attorney are clearly specified within the orders of the various counties.

Again, I say, this bill only codifies what the Attorney General is supposed to do, and he has directed his attention on a number of occasions to the problems that are existing in Hilo and, Mr. Speaker, coming from that town, I can grant you that we have no problem in that town. I have spoken to the

prosecutor on a number of occasions and he recognizes the power that the Attorney General has, so I think his direction has been slightly misguided.

Mr. Speaker, he suggests that the prime job of the prosecutor is to advise the Governor. Again, I point out to page 2 of the bill. Mr. Speaker, the existing language clearly specifies that the Attorney General has the power to prosecute violations of State laws. That is already in the existing language, Mr. Speaker, and all we are trying to do is now codify those provisions which have been utilized by the Attorney General and by the courts under our common law system.

So I ask all of my colleagues to vote for this bill, Mr. Speaker.

Thank you."

Representative Cobb was recognized and he stated:

"Mr. Speaker, just a couple of very brief observations against the measure. I regret having to speak against it. I did sign the Committee report with reservations, and some of the discussions today has clarified my reservations as I was truly undecided until such time as I did hear the floor discussion.

On page 2 of the bill, or page 3, there is a great deal of underlining. If that is clarifying the Attorney General's power, it certainly is a great deal of clarification, and it seems to spell out in even more details what his power is, and I am afraid that with this kind of a measure before me, I would be reluctant to support it, and if we also had an elected Attorney General - elected statewide.

Secondly and finally, Mr. Speaker, we do have a case of precedence involved. One of the previous speakers mentioned, and I think the point is valid, that we are, in fact, legislating only the Circuit Court decision and it is my understanding, in the past, that this body, as a Legislature, has been reluctant to do so until such time as the matter has been settled by the Supreme Court, at least on the State level. So if we are going to feel free to legislate after a Circuit Court decision and, Mr. Speaker, if that is a precedent, it stands here and let it be a pride in other cases.

Thank you."

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

"Mr. Speaker, would you please inform the Representative from Hilo who referred to me as being in right field that Joe DiMaggio, Babe Ruth and Hank Aaron also played right field."

The Chair replied:

"The speaker did not mention any particular Representative on this floor."

At 6:15 o'clock p.m., on request by Representative Kondo, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:21 o'clock p.m.

The Chair then recognized Representative Abercrombie and he stated:

"Mr. Speaker, I want to reiterate points that may have been overlooked in the general discussion.

Who is going to pay for all of this? Where is the money going to come from when these cases are participated in, superseded, et cetera? Right now, we have one case that we are dealing with. The bill right now is \$275,000 - right now - \$225,000 is what came from a letter that was submitted. It wasn't even a bill. It was just a letter saying, by the way, would you please add another \$225,000 because I have a little case I am taking up; in fact, it didn't even speak about a case. The letter just said, give me the \$225,000 to the special prosecutor's office and the Attorney General's office there.

Now, is that what is going to happen? Is that how we are going to deal with it? Is the Governor, as he did in the first instance, going to say, I'm transferring, by the way, \$50,000 out of the office of the Governor into the Attorney General's office for the special prosecution? It's just one prosecution now. What happens if it's more than one? I am not kidding on this thing. Who is going to pay for it? How is it going to work? It's not an argument to stand up and say we are going to codify. We are not doing that.

I will tell you how we are not doing that. What this says is in the public interest and there is one case now. Now, anytime a prosecutor is interfered with, anytime, includ-

ing over in Hilo where they are getting along right now and they'll get along even better in 1978 with the election coming up. I can guarantee you they will be getting along real well.

Any time a prosecutor is interfered with by the Attorney General, you think that prosecutor is going to stand there and take that even if he or she is wrong? There is no way. You know why? Because they will look like an idiot to the people in the county they are in that they weren't handling the investigation. So what is going to happen? Every single case that the Attorney General interferes with, the county prosecutor is going to court just like Amemiya versus Sapienza and then they are going to take months and months and months to decide whether, in fact, it was in the public interest.

You want to talk about efficiency? We are going to put a situation where the courts of the State are endlessly going to deal with each case as it comes up when the county prosecutor says 'no'. It is not in the public interest with the Attorney General interfering with my case. Everyone of them is going to go to court; everyone of them is going to be defended back and forth. The counties are going to spend their money; the State is going to spend its money; lawyers are going to be involved and in the meantime, the case itself is going to get hung up. It is not going to go anywhere, and this is a real consideration. This is not a pipe dream. We don't know whether we are going to pay for any of this stuff. We don't have any mechanism in this bill to do it at all when we are not codifying anything except endless court litigation between the prosecutor and the Attorney General which could all be worked out if you delineated the delegation of authority from the Attorney General in the first place.

I am not going to stand here and argue about the Attorney General being the top guy in the State. That's in the law. I can see that. What I am trying to say is to make clear to me, by not only lawyers, but others who are on the Committee here, that the Attorney General also has, not only the opportunity, but I expect, the obligation then, to delegate such authorities that are going to be the counties' and otherwise.

Now, to put it in the other shoe - put the shoe on the other foot. If the State is not prosecuting something correctly, is the county prosecutor going to come up and participate,

and initiate, and intercede? No way that is going to happen. In fact, right now, the law says, 'no', that can't happen because the Attorney General is the top guy and can't work the other way.

Now, the county prosecutor, on the other hand, could initiate a proceeding against the State. They would involve the Attorney General alright, but as I read this here, the Attorney General could turn around and interfere in his own case and say, no, I am superseding you because I've got the power so you can't investigate me.

Now, if somebody wants to tell me, no, you can't do that, you can't say with assurance that he can't do it because they are going to court on it. That is what will happen. The county prosecutor, just as sure as I stand here, is going to do something like that and the Attorney General will turn right around and say, you can't investigate me. He is going to say, oh, yes, I can. They'll be in court and away we go again. So it all comes back to the point that if this is the case, and he has the authority right now, and this was stated by the Judiciary Committee Chairman; in fact, he says he has that power right now; then why are we adding on this additional language? We must not be sure that he has all that power right now. If he really has the power, my friends, then why are we adding a whole half a page of clarifications?

One of the previous speakers says, wor, that's a lot of clarification going on. That can't work so you got money situation and you've got the situation that if he's really got the authority right now, then why are we adding it and one other point from one of the previous speakers. . . I am hoping that the Representative from Waikiki will change her mind on this. If she says, 'he doesn't know what he is doing' and you are going to make him the supreme 'honcho' of this State, in terms of law enforcement, again, that's offering towards the individual.

Let us not do it that way. If this, in a sense, clarifies it, I understand her point that was made about wanting to have very clear as to who is running the show, and who isn't, and who investigates what, and the demand for answers has to come there. That's a separate question from what we are dealing with here - I believe a separate question. They's why

I asked that has to be defeated.

One last point, and I think this is the clincher, and I really mean this is the clincher - Page 2, second paragraph. Because this is what the House did to change this bill around: 'Whenever in the judgment of the Attorney General the public interest so requires or such action . . . has been amended to delete the reference to the judgment of the Attorney General', and I think that, given the context of the bill, the Judiciary Chairman and his Committee did the right thing because that is even more vague - 'in the judgment' which really means in the political judgment of the Attorney General, to move into the phrase, 'The deletion will enable reviewing courts to review the necessity of the Attorney General's actions as they relate to safeguarding the public interest' but this is my point. Read the last part of the phrase, 'a less subjective and arbitrary standard.'

It is still a subjective and arbitrary standard. It is just less so. Right in the Committee report itself, it admits that this is arbitrary standard that will be applied. It is just that it is less than the other one. In other words, he had measles, but we got inoculations for measles so now, we are just dealing with the flu, but nobody is saying that we are not still sick and that is exactly what this bill does. It is still a subjective and arbitrary standard and you know and I know that is just what is going to get exercised in.

The subjective and arbitrary standard will be politics and that is not good law. Not when you are dealing with the Judiciary; not when you are dealing with the possibility of someone being charged with a crime, including a felony. That is not the way to do things. I think we all know that. So what I am asking is that you consider this, that if we pass this bill, we will be passing a bill that even by the Committee's own estimate is still arbitrary and still subjective and that is not good law and not a good procedure for us to follow. So we don't know whether we are going to be able to afford it and still subjective and still arbitrary and we are in a situation in which endless legal battles are going to take place and God knows at how much cost to the detriment of the justice system of the State.

Thank you."

At this time, Representative Peters rose and asked whether or not the Chairman of the Judiciary Committee would yield to a question, to which Representative Garcia replied in the affirmative.

Representative Peters asked:

"Mr. Speaker, what I want to know is, if the crime is committed against the City and County, is it considered a crime against the County or crime against the State?"

Representative Garcia replied:

"It would be against the State, Mr. Speaker."

Representative Peters then stated:

"Thank you for the clarification. I would like to ask another question.

Mr. Speaker, what I would like to know is, the courts, it seems to me, would serve as a mechanism to determine whether the case of the Attorney General, possibly entering into a case that is, at that time, handled by the prosecuting attorneys from the City, wouldn't the courts, in that instance, determine whether the Attorney General would have standing or not?"

Representative Garcia answered:

"Mr. Speaker, that is correct, and I will address myself to that point in rebuttal.

Representative Garcia, in rebuttal, stated"

"Mr. Speaker, the very point that that Representative from Waianae brought out is true in this particular legislation.

Under the current statutes, as what has happened in Amemiya versus Sapienza, should the Attorney General wish to interfere in a county prosecution or vice versa, the determination as to whether or not standing or jurisdiction has to be determined in court. Mr. Speaker, that is true under the current statutes. That is also true in the bill before us.

I would like to point to page 2 of the bill which states that the Attorney General may supersede the county prosecutor. When the Attorney General tries to supersede in any given case, he will have to prove in a court of law, as is the case right now, that he acted in the public interest and it is the courts themselves that will determine whether or not that is the case. So it is no different under what we have now for what this bill merely specifies in the language before us.

Mr. Speaker, relating to the cost of an investigation that the Attorney General may initiate or supersede

in the case of a county prosecuting investigation. The cost, like in any other investigation, will have to be borne by the Attorney General's staff. In the particular instance referred to by the previous speaker, a request was made for additional funding to continue this particular case.

Now, I am not going to specify what happened as I think it is really irrelevant at this point in time. The decision was already made, but if the investigation will cost money to the taxpayers, and if the Attorney General will require additional appropriation for any additional investigation that may take place, then he is going to have to justify it and he is going to have to justify it to us, the policymakers, who make the decision as to whether or not we are going to give him that money and, Mr. Speaker, I will readily admit that that particular office has been reluctant to participate by providing us some information to make decisions on. Because that has happened in the past, I am not going to block legislation like this. We have communicated our concerns to that particular office and I believe that they will be followed through.

In the future, if the office does require funding for any specific project, I will expect then to come forward for justification and analysis and justify it before us.

Mr. Speaker, that is the reason why I think we should vote in favor of this bill."

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

"Mr. Speaker, did the Judiciary Chairman say that if the Attorney General institutes such an investigation that he would have to come to the Legislature for the funds?"

Representative Garcia replied:

"Mr. Speaker, if I did say that, I was mistaken. What I meant to say was that if the Attorney General would require funding, such as the case that he is doing now in any investigation, he will be required to come to the Legislature to get more funding so that he can continue any particular case that he has in mind.

In the case that was referred to earlier, the funding was appropriated to his litigation fund in the Attorney General's office."

Representative Abercrombie asked:

"That doesn't answer my question. Does that mean that the Legislature will decide whether the case can proceed or not?"

Representative Garcia replied:

"No, Mr. Speaker."

Roll call having been requested, the motion was put by the Chair and carried, and S.B. No. 1047, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ATTORNEY GENERAL", having been read through-out, passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Abercrombie, Baker, Cobb, Evans, Larsen and Sutton voting no.

The Chair directed the Clerk to note that S.B. Nos. 47 had passed Third Reading at: 58 o'clock p.m.; 246 at 3:16 o'clock p.m.; 577 at 3:33 o'clock p.m.; 1059 and 1370 at 3:40 o'clock p.m.; 1350 at 4:30 o'clock p.m.; and 1047 at 6:36 o'clock p.m.

The Chair then stated:

"It is intended that session will convene at 12:00 o'clock noon tomorrow."

At 6:37 o'clock p.m., on request by Representative Uwaine, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 6:40 o'clock p.m., the Chair corrected his earlier announcement, stating:

"The Chair would like to announce a correction. Tomorrow's session will convene at 11:30 o'clock a.m."

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

"Mr. Speaker, you have been standing at the Speaker's podium since about 10:00 o'clock this morning. It is quarter to seven at this time, so I would just like to thank you for your endurance, patience and sore feet."

The Chair replied:

"I appreciate your concern."

COMMITTEE REASSIGNMENT

The Chair, at this time, re-referred the following:

House Resolution No. 159 was re-referred to the Committee on State General Planning, then to the Committee on Legislative Management.

ADJOURNMENT

At 6:47 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Wednesday, March 30, 1977.

FORTY-NINTH DAY

Wednesday, March 30, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by the Reverend Olin Pendleton of the Kokokahi Church, after which the Roll was called showing all members present, with the exception of Representative Wakatsuki, who was excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Eighth Day.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 208 to 281) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 208) returning House Concurrent Resolution No. 39 which was adopted by the Senate on March 29, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 209) returning House Concurrent Resolution No. 41 which was adopted by the Senate on March 29, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 210) returning House Concurrent Resolution No. 42 which was adopted by the Senate on March 29, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 211) returning House Concurrent Resolution No. 115 which was adopted by the Senate on March 29, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 212) transmitting Senate Concurrent Resolution No. 75 requesting a feasibility study relating to an income supplementation

program for financially needy retirees and pensioners which was adopted by the Senate on March 29, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 213) transmitting Senate Concurrent Resolution No. 82, SD 1, urging extension of the community physician program to North Kohala, Hawaii, which was adopted by the Senate on March 29, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 214) transmitting Senate Concurrent Resolution No. 84 requesting review of the environmental causes of cancer and recommendation thereon which was adopted by the Senate on March 29, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 215) transmitting Senate Concurrent Resolution No. 87 requesting the development of educational programs on energy conservation practices and methods which was adopted by the Senate on March 29, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 216) transmitting Senate Concurrent Resolution No. 119 requesting continued efforts to encourage the development of ocean mineral resources which was adopted by the Senate on March 29, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 75, 82, SD 1, 84, 87 and 119 was deferred until tomorrow, March 31, 1977.

A communication from the Senate (Sen. Com. No. 217) returning House Bill No. 2, HD 1, which passed Third Reading in the Senate on March 29, 1977, by not less than two-thirds vote of all the members to which the Senate is entitled, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 218) returning House

Bill No. 5, HD 2, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 5, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 5, HD 2, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 219) returning House Bill No. 10, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 10, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 10, HD 1, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 220) returning House Bill No. 12, HD 2, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 12, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 12, HD 2, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 221) returning House Bill No. 15, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 15, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 15, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 222) returning House Bill No. 28, HD 2, which passed Third Reading in the Senate

on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 28, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 28, HD 2, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 223) returning House Bill No. 78, HD 2, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 78, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 78, HD 2, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 224) returning House Bill No. 84, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 84, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 84, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 225) returning House Bill No. 96, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 96, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 96, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 226) returning House Bill No. 113, HD 2, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 113, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 113, HD 2, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 227) returning House Bill No. 122, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 122, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 122, HD 1, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 228) returning House Bill No. 131, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 131, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 131, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 229) returning House Bill No. 132, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 132, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 132, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 230) returning House Bill No. 135, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 135, HD 1, as amended by the

Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 135, HD 1, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 231) returning House Bill No. 137, HD 2, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 137, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 137, HD 2, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 232) returning House Bill No. 151 which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 151, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 151, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 233) returning House Bill No. 154, HD 2, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 154, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 154, HD 2, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 234) returning House Bill No. 155, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 155, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State

of Hawaii, printed copies of H.B. No. 155, HD 1, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 235) returning House Bill No. 162, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 162, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 162, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 236) returning House Bill No. 168, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 168, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 168, HD 1, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 237) returning House Bill No. 171, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 171, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 171, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 238) returning House Bill No. 176, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 176, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 176, HD 1, SD 1, were

made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 239) returning House Bill No. 180 which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 180, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 180, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 240) returning House Bill No. 190 which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 190, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 190, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 241) returning House Bill No. 193 which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 193, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 193, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from Senate (Sen. Com. No. 242) returning House Bill No. 194 which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 194, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 194, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 243) returning House Bill No. 197, HD 1, which passed

Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 197, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 197, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 244) returning House Bill No. 199, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 199, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 199, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 245) returning House Bill No. 207, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 207, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 207, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 246) returning House Bill No. 210, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 210, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 210, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 247) returning House Bill No. 231, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended

form, was placed on file.

By unanimous consent, H.B. No. 231, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 231, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 248) returning House Bill No. 259, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 259, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 259, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 249) returning House Bill No. 261, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 261, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 261, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 250) returning House Bill No. 433, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 433, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 433, HD 1, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 251) returning House Bill No. 512, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 512, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 512, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 252) returning House Bill No. 672, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 672, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 672, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 253) returning House Bill No. 678, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 678, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 678, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 254) returning House Bill No. 727, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 727, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 727, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 255) returning House Bill No. 778, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 778, HD 1, as amended by the

Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 778, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 256) returning House Bill No. 805, HD 2, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 805, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 805, HD 2, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 257) returning House Bill No. 817, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 817, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 817, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 258) returning House Bill No. 833, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 833, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 833, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 259) returning House Bill No. 870, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 870, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State

of Hawaii, printed copies of H.B. No. 870, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 260) returning House Bill No. 879, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 879, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 879, HD 1, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 261) returning House Bill No. 892, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 892, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 892, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 262) returning House Bill No. 978, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 978, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 978, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 263) returning House Bill No. 998, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 998, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 998, HD 1, SD 1, were

made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 264) returning House Bill No. 1059, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1059, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1059, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 265) returning House Bill No. 1062, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1062, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1062, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 266) returning House Bill No. 1065, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1065, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1065, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 267) returning House Bill No. 1105, HD 1, which passed Third Reading in the Senate on March 29, 1977, in amended form, was placed on file.

By unanimous consent, H.B. No. 1105, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1105, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 268) returning House Bill No. 1143, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1143, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1143, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 269) returning House Bill No. 1153, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1153, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1153, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 270) returning House Bill No. 1173, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1173, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1173, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 271) returning House Bill No. 1198, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1198, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1198, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 272) returning

House Bill No. 1284, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1284, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1284, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 273) returning House Bill No. 1297, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1297, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1297, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 274) returning House Bill No. 1505, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1505, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1505, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 275) returning House Bill No. 1641, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1641, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1641, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 276) returning House Bill No. 1678, which passed Third Reading in the Senate on March 29,

1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1678, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1678, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 277) returning House Bill No. 1685, HD 2, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1685, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1685, HD 2, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 278) returning House Bill No. 1687, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1687, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1687, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 279) returning House Bill No. 1694, HD 2, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1694, HD 2, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1694, HD 2, SD 2, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 280) returning House Bill No. 1696, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1696, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1696, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 281) returning House Bill No. 1698, HD 1, which passed Third Reading in the Senate on March 29, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1698, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1698, HD 1, SD 1, were made available to the members of the House at 10:00 o'clock a.m.

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

Representative Sutton introduced sixty-two 6th grade students from Maemae School. They were accompanied by their teachers, Mrs. Mugushi, Mrs. Tome and Ms. Nakasone.

Representative Sutton then introduced Councilman Frank Loo and asked: "Will the Representative from Kauai please elaborate on the weight and fighting capability of Mr. Loo?"

Representative Kunimura then rose and stated:

"Mr. Speaker, we have amongst us a miracle man, just introduced, and I wish I could give him this bouquet of roses, but he is not that pretty to receive them.

You know, there's a good idea that a few of us, especially our counselor from Nuuanu, who is a counselor for the House Finance Committee and also a financial wizard; a man that was born naked and today is almost a millionaire, to make up the deficit of the State, then give the University what they want and everybody else.

I think we ought to promote a big contest with the other councilman at Aloha Stadium and I'm pretty sure with the television rights and everything else, it would be a non-polluting, I hope, maybe a little bloody, non-polluting for sure, like oil or any other mineral that some of the countries

mine or drill for.	582	Committee on Education
So, maybe tomorrow we'll have a resolution promoting this contest between Fearless Frank Loo, who used to be a member of this House and we used to call him 'Loo Loo'; it would be a pretty good match; so, tomorrow, Mr. Speaker, expect a resolution, and it will be Mr. Sutton's responsibility to prepare that resolution.	583	Committee on Energy and Transportation
Frank, welcome home."	584	Committee on Judiciary
Representative Shito introduced nine students from the Central Intermediate School student government and their teacher, Mr. Kerry Luning.	591	Committee on Education, then to the Committee on Energy and Transportation
Representative Inaba introduced twenty-three senior citizens from Kona. They were accompanied by their leaders, Mrs. Cookie Sato, Mrs. Kimie Masuda and Mr. Sidney Konno.	592	Committee on Energy and Transportation, then to the Committee on Legislative Management
Representative K. Yamada introduced eighteen members of the Big Island Council of Students and their advisors, Mr. Gilbert Paggett and Mrs. Lillian Salazar.	593	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Consumer Protection and Commerce
Representative K. Yamada then introduced Hawai County Councilman Tom Fujii.	594	Committee on Energy and Transportation, then to the Committee on Legislative Management
Representative Kunimura introduced two of Kauai's Councilmen, Jerome Hew and Burt K. Tsuchiya.	595	Committee on Energy and Transportation, then to the Committee on Finance
	596	Jointly to the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations
	597	Jointly to the Committees on Higher Education and Education
	601	Committee on Education, then to the Committee on Finance

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 577 to 584, 591 to 597 and 601) and concurrent resolutions (H.C.R. Nos. 111 to 114) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
577	Committee on Education
578	Jointly to the Committees on Consumer Protection and Commerce and Agriculture, then to the Committee on Finance
579	Jointly to the Committees on Public Employment and Government Operations and Higher Education, then to the Committee on Finance
580	Adopted
581	Committee on Education, then to the Committee on Finance

H.C.R. Nos.

111	Committee on Culture and the Arts, then to the Committee on Legislative Management
112	Jointly to the Committees on Public Employment and Government Operations and Higher Education
113	Committee on Judiciary
114	Committee on Energy and Transportation, then to the Committee on Finance

SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended for the purpose of allowing members to offer resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 602 to 606) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 602) congratulating Washington Intermediate School on its Golden Jubilee was jointly offered by Representatives Takamura, Uwaine, Blair, Stanley, Abercrombie, Ajifu, Aki, Baker, 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, Sutton, Suwa, Takamine, Toguchi, Uechi, Ueoka, Ushijima, D. Yamada, K. Yamada and Yuen.

On motion by Representative Takamura, seconded by Representative Uwaine and carried, H.R. No. 602 was adopted.

Representative Takamura then rose and stated:

"I believe that the resolution that has just been heard amply describes the important role that Washington Intermediate School played in the life of our community, particularly in terms of shaping the lives of many of Hawaii's leaders.

So, without further ado, at this time, with the assistance of Representatives Stanley, Blair and Uwaine, who will present leis and I will present certified copies of the resolution to the following honorees: Sterling Kaimimoku, president of the student government; Jane Hirata, vice president of the student government; Kathy Munimasa, secretary of the student government; Keith Kashiwada, treasurer of the student government; Susan Miyamoto and Paul Tsuchiya, district council representatives; David Moriyama, principal; Joy Mori, advisor; Ed Reagan, PTA president; and Ruth Farmer, chairperson of the Golden Jubilee celebration."

A resolution (H.R. No. 603) congratulating Kimberly Conrad, overall winner of the statewide art contest, was jointly offered by Representatives Evans, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka,

Naito, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Evans, seconded by Representative Say and carried, H.R. No. 603 was adopted.

Representative Evans then rose and stated:

"Mr. Speaker, it is indeed a pleasure for me to introduce to you, perhaps the youngest person that we have so honored, and I do believe that the resolution has said it all; and without further ado, I would like to introduce to you the brothers and sisters of Kimberly Conrad, who are seated in the gallery: Celeste, Robert, Richard and Denise; Mrs. Beverly Hansen, principal of Maunawili School; Ms. Irma Cunha, Friends of Iolani Palace; and Mr. and Mrs. Donald Conrad, parents of Kimberly."

At this time, Representatives Say and Ajifu presented certified copies of the resolution to the honoree and the above-mentioned persons and Representative Evans presented Kimberly Conrad with an Easter bouquet.

A resolution (H.R. No. 604) extending aloha and best wishes to the Nisei Week Queen and her court was jointly offered by Representatives Uwaine, Ushijima, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Carroll, Cayetano, Cobb, Dods, Evans, Fong, 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, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Uwaine, seconded by Representative Ushijima and carried, H.R. No. 604 was adopted.

A resolution (H.R. No. 605) congratulating and extending best wishes to the 1977 Cherry Blossom Court was jointly offered by Representatives Larsen, Cobb, Uwaine, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Carroll, Cayetano, Dods, Evans, Fong, Garcia, Ikeda, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka,

Ushijima, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Larsen, seconded by Representative Cobb and carried, H.R. No. 605 was adopted.

A resolution (H.R. No. 606) congratulating and extending best wishes to Deborah Miyuki Kodama, 1977 Cherry Blossom Queen was jointly offered by Representatives Uwaine, Campbell, Garcia, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Ikeda, 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, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Uwaine, seconded by Representative Campbell and carried, H.R. No. 606 was adopted.

Representative Naito then rose and stated:

"Mr. Speaker, it is with a great deal of pleasure that I rise to congratulate the winners of the Cherry Blossom Queen contest, particularly since I had the distinct delight of participating as a judge in this year's contest.

I can assure my colleagues that these decisions were no easy feat. The young women you see before you, whose grace, personality and beauty have enabled them to compete in this annual contest, deserve our recognition.

They are possessed of fine qualities, which are reflected in their obvious beauty, but they are not satisfied with this honor alone. All of these young women have high aspirations and all should be encouraged to attain them.

To them, participating in a festival like this, is only one event in a long line of ambitious activities, for among these women there are many different goals and ambitions, ideals and philosophies. There is nothing mutually exclusive about receiving honors for beauty and personality while also pursuing careers as executives in business or the professions. These young women before you have such intentions and goals. This should come as no surprise

and I have no doubt some of the young women today will be honored in future years for future contributions.

I hope that all of us here can see them in this total light and not just in the light of beauty queens. They are many faceted people, whose facets will sparkle many times during the course of their lives.

I am very pleased to be honoring them now and I look forward to seeing them again in coming years as they mature into doctors, executives, mothers and business people that they will become. They are to be congratulated."

Representative Uwaine then rose and stated:

"The roots of the Japanese culture in Hawaii was first planted by our ancestors on February 8, 1868. Their trials and tribulations, success and failures are now part of our rich cultural heritage and will be forever remembered. The aspirations and achievements of these pioneers are reflected in the Cherry Blossom Festival and its participants. They are representatives of the height of Japanese culture and beauty in America and contribute to the promotion of inter-cultural understanding and brotherhood.

Mr. Speaker, the selection of a queen climaxes the Cherry Blossom Festival; however, all contestants typify the essence of the beauty and the graciousness of the Japanese culture.

Mr. Speaker, on behalf of the House of Representatives, I would like to extend our congratulations to the Cherry Blossom Festival Queen and her court and their counterpart from the mainland, the Nisei Week Queen and her court."

Representative Uwaine then introduced the following: Richard Karimatsu, General Chairman of the 1977 Cherry Blossom Festival; Myra Higa, 1976 Cherry Blossom Festival Queen; Karen Tsuruta, Miss South Bay; Joanne Ono, Miss Komodachi; Margaret Bow, First Runnerup; Sandra Toshiyuki, Nisei Week Queen; Lorraine Haraga, Miss Popularity; Diane Furukawa, Frances Matsumoto and Loyce Kawamura, attendants; Patti Terada, princess; and Deborah Kodama, 1977 Cherry Blossom Queen.

Representatives Ueoka, Kunimura, Cayetano, Ushijima, Say, Cobb, Morioka, Yuen, Toguchi, Kawakami, Caldito, Uechi, Takamura, Larsen, Campbell, Uwaine and Kondo then presented

the honorees with bouquet roses and certified copies of their respective resolutions.

At this time, Representative Abercrombie rose and stated:

"Mr. Speaker, a great oversight has been made - this ceremony today recognizes those of us of Japanese ancestry, and, as you well know, a very significant minority of the people in Japan are known as hairy Ainus and I am the king of the hairy Ainus; however, in the spirit of the occasion, I will merely make my congratulations later."

The Chair then made the following introduction:

"We are privileged this morning in honoring the Cherry Blossom Queen and her court, and, at this time, I would like to have Deborah Kodama share with us her goals, ideals, ambitions and experiences by saying a few words to the members of the House and the audience."

The Chair appointed Representatives Dods, Suwa, Inaba, Medeiros and Abercrombie to escort Queen Deborah Kodama to the rostrum, thereupon she addressed the members by saying:

"I would like to present to you this book from the Japanese Junior Chamber of Commerce. We are happy to be here this afternoon and I want to thank you for having us and we hope to share all aspects of the Japanese culture here in Hawaii. Thank you very much."

At 12:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:25 o'clock p.m., the following introductions were made to the members of the House:

Representative Takamine introduced Mrs. Jean Matsuda, member of the Hawaii County Water Board, who was seated in the gallery with Mr. Harry Dulan, an employee of the Senate.

Representative Kamalii introduced Cheryl Ann and Ronald Logan.

Representative Yuen introduced Mr. William Pound, Director of State Services of the National Conference of State Legislatures.

Representative Mina introduced

By unanimous consent, the following resolutions (H.R. Nos. 607 to 614) and concurrent resolutions (H.C.R. Nos. 116 and 117) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 31, 1977:

A resolution (H.R. No. 607) relating to increased federal financial support for Hawaii's leprosy and tuberculosis screening and health care programs was jointly offered by Representatives Larsen, Segawa, Abercrombie, Baker, Caldito, Campbell, Carroll, Cobb, Dods, Evans, Machida, Medeiros, Narvaes, Poepoe, Say, Sutton, Toguchi and Uwaine.

A resolution (H.R. No. 608) requesting the United States Attorney General to vigorously enforce federal statutes prohibiting the interstate transportation of obscene material into Hawaii was jointly offered by Representatives Kamalii, Ajifu, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, D. Yamada, K. Yamada, Yuen and Wakatsuki.

A resolution (H.R. No. 609) requesting the appointment of an interim committee to review highway programs was offered by Representative Cayetano.

A resolution (H.R. No. 610) requesting cooperative efforts between the Department of Education and the Department of Educational Administration, College of Education at the University of Hawaii to provide a coordinated system of training for educational officers was offered by Representative Ushijima.

A resolution (H.R. No. 611) requesting the initiation of a program for the certification of reading teachers was offered by Representative Cayetano.

A resolution (H.R. No. 612) requesting an interim study on the establishment of Queen Liliuokalani's birthday as a State holiday was jointly offered by Representatives Suwa, Abercrombie, Aki, Blair, Caldito, Carroll, Dods, Ikeda, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Sutton, Ueoka, Ushijima and Uwaine.

A resolution (H.R. No. 613) requesting

the Department of Education to review the programs for the use of the various teacher specialists and resource teachers was jointly offered by Representatives Mizuguchi, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Evans, Fong, Ikeda, Kiyabu, Larsen, Lunasco, Medeiros, Morioka, Poepoe, Say, Uechi, Ueoka, Uwayne and K. Yamada.

A resolution (H.R. No. 614) submitting to the Legislature of the State of Hawaii for review of action taken by the Board of Land and Natural Resources on exchanges was offered by Representative Wakatsuki (by request).

A concurrent resolution (H.C.R. No. 116) relating to increased federal financial support for Hawaii's leprosy and tuberculosis screening and health care programs was jointly offered by Representatives Larsen, Segawa, Abercrombie, Baker, Caldito, Campbell, Carroll, Cobb, Dods, Evans, Machida, Medeiros, Narvaes, Poepoe, Say, Sutton, Toguchi and Uwayne.

A concurrent resolution (H.C.R. No. 117) requesting a management audit of the Family Court system as it relates to juvenile delinquency was jointly offered by Representatives Kamalii, Ajifu, Aki, Baker, Caldito, Carroll, Dods, Ikeda, Inaba, Kawakami, Kiyabu, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, Uwayne and D. Yamada.

A concurrent resolution (H.C.R. No. 118) commending the Daughters of Hawaii for their work and achievements and designating June 12-18, 1977 as 'Daughters of Hawaii Week' 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, Uwayne, D. Yamada, K. Yamada, Yuen and Wakatsuki and was read by the Clerk.

On motion by Representative Kamalii, seconded by Representative Evans and carried, H.C.R. No. 118 was adopted.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 919) informing the House that House Resolution Nos. 589 to 601, House Concurrent Resolution Nos. 114 and 115, and Standing Committee Report Nos. 920 to 929 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. 920) recommending that H.C.R. No. 40 be referred to the Committee on State General Planning.

On motion by Representative Caldito, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION PROVIDING FOR A DISTRICT PARK-CIVIC CENTER TO SERVE THE PRESENT AND PROJECTED RECREATIONAL AND CIVIC NEEDS OF THE COMMUNITY OF GREATER KAHALUU", was referred to the Committee on State General Planning.

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. 921) recommending that H.C.R. No. 88 be adopted.

On motion by Representative Caldito, seconded by Representative Blair and carried, the report of the Committees was adopted and H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ONOMEA BAY, HAWAII, BE DESIGNATED AS A MARINE LIFE OBSERVATION DISTRICT", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 922) recommending that H.R. No. 60, as amended in HD 1, be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 60, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF PUBLIC SERVICE PROGRAMS OF THE UNIVERSITY OF HAWAII", was adopted.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 923) recommending that H.R. No. 502 be adopted.

On motion by Representative Uechi, seconded by Representative Caldito and carried, the report of the Committees was adopted and H.R. No. 502, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF ESTABLISHING AN AGRICULTURAL PARK IN WAIMANALO, OAHU", was adopted.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 924) recommending that H.C.R. No. 92 be adopted.

On motion by Representative Uechi, seconded by Representative Caldito and carried, the report of the Committees was adopted and H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF ESTABLISHING AN AGRICULTURAL PARK IN WAIMANALO, OAHU", was adopted.

Representatives Uechi and Kawakami, for the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 925) recommending that H.R. No. 457, as amended in HD 1, be adopted.

On motion by Representative Uechi, seconded by Representative Caldito and carried, the report of the Committees was adopted and H.R. No. 457, HD 1, entitled: "HOUSE RESOLUTION RELATING TO STATE ENCOURAGEMENT OF PRIVATE INDUSTRY PAPAYA MARKETING PROGRAMS", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 926) recommending that H.R. No. 117, as amended in HD 1, be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 117, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A SYSTEM OF PRIORITIES FOR

AGRICULTURE COMMODITIES IN THE GRANTING OF LOANS THROUGH THE STATE FARM LOAN PROGRAM IN CONSONANCE WITH COMMODITY PRIORITIES ESTABLISHED BY THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE AND THE PROVISIONS OF ACT 198 OF 1976 AND OTHER APPLICABLE LAWS", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 927) recommending that H.R. No. 256 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 256, entitled: "HOUSE RESOLUTION REQUESTING AGENCIES OF THE PUBLIC SECTOR TO ASSIST THE SUGAR INDUSTRY", was adopted.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 928) recommending that S.B. No. 836 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. 836, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 31, 1977.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 929) recommending that S.B. No. 1411, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamura, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 1411, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVENTING LITTER FROM TRUCKS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 31, 1977.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 836 and 1411, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

At 12:33 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 900 on S.B. No. 574 (Deferred from March 29, 1977):

On motion by Representative Stanley, seconded by Representative Peters 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Wakatsuki being excused.

Stand. Com. Rep. No. 901 on S.B. No. 391, SD 1 (Deferred from March 29, 1977):

Representative Caldito moved that the report of the Committee be adopted and that S.B. No. 391, SD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

At 12:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:37 o'clock p.m., Representative Sutton rose to speak in favor of the bill, "with reservations", stating:

"I am confused by the committee report, by the fact that this bill allows the Department of Planning and Economic Development to waive the matching requirement for fragile or fledgling industries which do have a great potential for growth. This is a wonderful idea. There is a discretionary waiver of matching requirements allowed for the first years of any contract. The matching requirements for the fourth year of the contract is set at 20%, and for the fifth and all subsequent contract years, for 40%.

If you will read the third paragraph of the standing committee report, it says a matching requirement

in such case for the fourth year of any contract should be set at 20%; this 20% should be changed to 40% to conform with the statute which we have. That is the only objection I have."

The motion was put by the Chair and carried, and 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", having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Garcia and Wakatsuki being excused.

Stand. Com. Rep. No. 902 on S.B. No. 1139, SD 1 (Deferred from March 29, 1977):

On motion by Representative Suwa, seconded by Representative Peters 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Wakatsuki being excused.

Stand. Com. Rep. No. 903 on S.B. No. 1472, SD 1 (Deferred from March 29, 1977):

On motion by Representative Stanley, seconded by Representative Peters 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Wakatsuki being excused.

Stand. Com. Rep. No. 905 on S.B. No. 991, SD 1 (Deferred from March 29, 1977):

Representative Stanley moved that the report of the Committee be adopted and that S.B. No. 991, SD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, this bill, and I paraphrase from the Committee Report, creates a separate civil service system for the Judiciary Branch and grants to the Chief Justice the powers and duties assigned in personnel law to the Governor.

The Judiciary shall have a status co-equal with the Executive Branch of the State and with several counties for the purpose of developing, formulating and administering a personnel system. However, for purposes of collective bargaining, the Governor will remain the employer for the Judiciary.

Mr. Speaker, the purpose of the bill is complete autonomy. Yet, the Governor will remain the employer for purposes of collective bargaining. This is the exact opposite of the constitutional principles that this bill preaches about.

Mr. Speaker, proponents of this bill assert that in the case of collective bargaining, the Chief Justice, as employer, would create a possible conflict of interest. Mr. Speaker, if this concern is sincere, then why is this bill creating a possible conflict of interest in the selection of the personnel appeals board with the Chief Justice selecting all its members?

Mr. Speaker, this is a gross inconsistency. So let's put constitutional principles aside.

Mr. Speaker, the main reason for my opposition on this bill is the cost factor. With budget cut-backs, we are supposed to be streamlining government, creating efficiency, and eliminating duplication. But, here we are doing exactly the opposite. The steps proposed in this bill will have a financial cost for the hiring and training of new personnel, new selective processes, and the generation of new paperwork and administrative procedures. Thus, the creation of a duplicate civil service system will cause an additional drain on our taxpayers.

Mr. Speaker, the Department of Personnel Services is presently doing a commendable job. Let's leave it like that. Let's stop this talk of conforming with constitutional principles when we are not doing it in this bill. And, more importantly, let's not burden the people of our State with an unnecessary and additional system.

Mr. Speaker, with this in mind, I ask my colleagues to vote against this bill.

Thank you."

Representative Sutton, speaking against the bill, stated:

"Mr. Speaker, we have a personnel

system in this State. We have a classification system. We have a very fine administrator, Mr. Botelho. The concept of separation of powers enunciated in the Judiciary was done by a constitutional amendment ratified in the last election by the people. That concept of separation of powers does not require this minute differentiation, which is a distinction without a difference.

These employees can just as well continue as they have in the past in a uniform system of classification. Now, Mr. Speaker, we would have a very inherent conflict of interest if the courts and personnel and the Judiciary Department were to strike. One would then have to go before the Judiciary for an injunctive proceeding to cease and desist on the strike, but one would then find oneself appearing before the same body which was, in effect, now controlling this personnel. We would, therefore, have an inherent conflict of interest in getting the injunctive proceedings for any type of relief as spelled out by Act 971. We are, therefore, in a position where, for all intents and purposes, we must be consistent.

The prior speaker has shown that they go through all the procedures of setting up a certain personnel classification system falling under the Chief Justice and the administrator of the courts, and the last sentence, they say for collective bargaining, it falls under the Governor. There is no consistency in the bill. It is not needed. It is a cost element and it also may bring about various kuleana situations.

Suppose the Judiciary has a separate personnel, then why shouldn't the Transportation Department have a separate personnel? Why shouldn't the Health Department have a separate personnel? Before long you have different classifications; you establish rivalries; you establish jealousies of one person doing the same amount of work in one department and not another.

If you will read, sir, the uniform concept, and we have with us today a man who handles this and he's right in the audience, he will tell you that a concept is to have a uniform system for the entire State to work your job classifications; to work your job descriptions; and you have a system of promotion that follows an organized pattern of personnel administration.

We are headed off in the wrong direction. We are allowing empire-building and kuleana dictatorship. It seems to

me that my colleagues and you would do well to vote this down."

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

"Mr. Speaker, this bill is not an empire-builder, but primarily to improve the system as it exists now.

In the area of classification and reallocation, at the present time the Chief Justice has unlimited powers in requesting the Department of Personnel Services of any changes. The DPS, in turn, has 90 days to take action on the requests for reclassification or reallocation.

Primarily, Mr. Speaker, this does not in any way divert from that of the uniform classification. I think it will improve it. In the meantime, while this is being established; in the area such as general classification, such as secretary, typist, does not have additional duties or specialized field in the area of Judiciary, they will be contracting out with that of Personnel Services so that in the meantime will keep everything as uniform as possible.

But in the area of Judiciary, such as bailiff and other special classification, they will begin to improve, and by this way, Mr. Speaker, internally we will have legislative control.

I ask members to support this measure."

Representative Cobb, speaking against the bill, stated:

"Mr. Speaker, looking at the budget projections of the six-year financial plan of the Judiciary, covering the period 1973 to 1981, I would like the following figures entered as a matter for record for consideration by this House: that in 1973, personnel costs of the Judiciary was \$8½ million; now, under their financial plan, the figures for 1981 are \$26 million. Mr. Speaker, that's an increase of three times in eight years.

And, furthermore, Mr. Speaker, these reflect personnel costs only, not capital improvements, construction or other costs.

Mr. Speaker, if we are going to sunset various boards and agencies and departments, even within the government, this is proceeding in precisely the opposite direction. The contradictions and inconsistencies

have already been pointed out.

But, Mr. Speaker, I wonder how can we have the handle on the cost of this department when this particular bill is going to be enacted? It's difficult now because we recognize that under the constitutional amendment that was ratified, once the Judiciary passes the Legislature, it cannot be withheld or allocated by the government. It must be released in full and these cost figures that I just cited are what's staring us in the face, into the decade of the 1980's. For that reason, Mr. Speaker, I reluctantly cannot support this bill."

Rising to speak in favor of the bill, Representative Peters stated:

"I would like to point out what the previous speakers have talked about - the so-called separation of powers of the Constitution.

I don't know how contradictory we can be in our inaction to support a measure like this. For after all, Mr. Speaker, we've given the counties their own personnel departments; their own mechanism for determining what they need in terms of positions within their own particular kuleanas.

The Executive Branch has, as was identified earlier, a similar mechanism. And, in talking about that, Mr. Speaker, I noticed that one of the previous speakers talked about the possibility of giving transportation department a personnel, and maybe DPED, regulatory agency, and all the other respective departments in the State. Let me point out that those departments are executive branches and are part of the Executive Branch. They are not an independent component of the government, as is recognized by the Constitution.

And, as a matter of fact, Mr. Speaker, we also, as members of the Legislature, have our own mechanism for determining positions and personnel and the amount that we need to get things done within this process. We have our own mechanism. It seems to me that the Judiciary should have theirs as well - equal treatment right across the board.

Another speaker indicated that for the purposes of collective bargaining, the Governor has been recognized as the employer. Definitely so, because you know as well as I that in the cases of arbitration, if there isn't an agreement, it has to be taken to court. And in this case, in this kind of instance, it would be a direct conflict of interest on the part of the Judiciary to serve as an employer; this is why there

is that separation. However, in terms of assigning tasks and responsibilities throughout the processes within the Judiciary Department, the Chief Justice is the employer, but only for collective bargaining, which in my mind is very fair. The Governor will serve as the employer but not in terms of assigning responsibilities and making decisions within that process.

Now, there was another indication here, by way of some figures being tossed out in the millions, indicating that perhaps we are dealing with a runaway truck. Mr. Speaker, you know as well as I that as members of the Legislature we are responsible for determining the financial disposition of any activity and any component within this process. We determine that. And if we give them a runaway truck, it's our responsibility and we take that share of the burden.

I personally feel that when you talk about \$26 million over and beyond \$8½ that they are now having, I don't know where those figures come from and I personally would not be in favor of something like that. We determined that the amount of positions in every department, whether they are Judiciary in nature or whether they are part of the Executive branch, we control that and not one of us would be willing to say that we are going to give anybody, whether it's the Executive Branch, our branch here in the Legislature or the Judiciary, a runaway truck kind of situation.

So, let's stop playing games. Let's start being fair. And in that context, Mr. Speaker, I urge my colleagues to vote 'aye' on this measure."

Representative Cobb then rose in rebuttal, stating:

"Those figures came from the Judiciary's own budget, which was submitted to the Judiciary Committee, and are being quoted. And the position count was 685 positions in 1973 and 825 in 1981.

Furthermore, Mr. Speaker, I cannot recall an instance, as I have served in this Legislature or even before that time, that we have once, as a body, said no to the Judiciary's request for personnel cost; that is the implication of these figures.

And I'm also willing to take the bull by the horns and say no, at some point in the future. These

are the cost figures that stare us in the face today."

Representative Suwa, upon being recognized, stated:

"I will not deliberate this matter any longer, but as to also the control and the budget of the Judiciary, the Judiciary submitted the budget; we have reduced to a certain extent; and up to the present time, the percentage may be large, but I think we had to do a catch-up job in the Judiciary area, but from here on in, I think the Legislature has the right to scrutinize further and to keep the Judiciary budget in control."

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

"Mr. Speaker, I have listened closely and I can see some of the logics of the arguments, but I want to point out that part of the difficulty that we have here is not having clearly in mind where collective bargaining ends and authority begins.

I want to cite the Department of Education and the Board of Education in this instance. The Constitution makes quite clear, and this is what I was thinking about as I read through this bill very, very carefully and the committee report very carefully, to try to decide where I was on this. I think that the arguments made by the representative from the rural areas in Oahu is persuasive here. There is in fact this separation of powers. I wish we would exercise our separation of powers a little more. Perhaps if we pass this bill, we will have more of an impetus in this direction in the coming sessions.

The fact of the matter, as he stated, we do have the authority and control. If we don't exercise it, that is something that we must take the responsibility for.

I don't think we can start playing around with principles in the Constitution on the basis that we may not be doing our duty. If we are not doing our duty, that should be pointed out to us. It is essential that it be pointed out to us. I presume there are members with sufficient fidelity to the Constitution to do so. If we do not have it, then that is the failure of the talent in the room, not the failure of the Constitution.

There is supposed to be this separation. If the Judiciary does not exercise its responsibility correctly, it is up

to us to pull the chain on them financially. Yes, the Judiciary must have the money, under the present law. I understand it. But that is even more of a reason for the Judiciary Committee and the Finance Committee in this House to pay special attention to the Judiciary budget so that passage is what they truly believe to be in the interest of the State for that branch of government. Once it is in that branch of government, just as we have with the Executive, it seems to me that it's a little out of line for us to start telling them what to do inside.

Now, if you want to do that with the Judiciary, let's do it with the Executive too. That's fine with me. But, as I read the Constitution, for example, with the Board of Education, the Board of Education exercises the control over the executive implementation of budgetary matters and all other matters of principles within the Department of Education. Now, that is subject, right now, to some discussion as to how we are going to present the budget, the form of the budget and the way we are going to do it, as a result of the policies established by the House this term.

In other words, these things are always up to discussion. The problem is that it is not clear, entirely clear, in our own minds, I think, as well as perhaps in legal circles, as to exactly where the various responsibilities and authorities exist and how they should be exercised. My presumption is, and I will certainly urge it, that the constitutional convention, up-coming, address this question.

Now, the last part I want to draw your attention to is the collective bargaining aspect. There is no other way, under the present circumstances, except to treat it as it is in the bill, with the Governor being the employer for the purpose of collective bargaining. This causes problems.

Again, I refer you to the Board of Education situation, where they may make decisions and the Governor apparently, now has the right, or at least he says he has the right, to over-ride these decisions. I, myself, have questioned that. I don't believe that he does. He may have, under the rules and regulations - the APA. But, I don't believe he has it when it comes to policy. But, that's my opinion. He has another one; his attorney general apparently has backed him up on that.

So, we may have the same kind of situation arise with the Judiciary. I do not know. But that does not obviate, all those arguments do not obviate, the underlying constitutional principles of separation of powers and the organization within the various branches of government, as they see fit to do.

Our responsibility is to see that in terms of initial funding, initial finances or whatever is presented to us, that we have to act responsibly. It is a copy for the horse situation to say that we are afraid of what the Judiciary might do; therefore, let's not give them what should be theirs by virtue of their constitutional rights; that's our responsibility."

At 1:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:01 o'clock p.m.

The motion was put by the Chair and carried and the report 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", having been read throughout, passed Third Reading by a vote of 44 ayes to 5 noes, with Representatives Blair, Campbell, Cobb, Sutton and Uwayne voting no, and Representatives Garcia and Wakatsuki being excused.

At this time, Representative Say introduced Dr. John Popliei who is with the American Historic Buildings Site Survey Division with the Department of Interior. He is surveying different sites on the islands for historic preservation.

Stand. Com. Rep. No. 906 on S.B. No. 517, SD 2 (Deferred from March 29, 1977):

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 517, SD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"The purpose of this bill is to regulate the sale of franchises in the State of Hawaii. This bill proposes to amend Chapter 482e to bring the Hawaii Franchise Investment law more in line with the laws of other states. This is an objective which I do not think is appropriate.

We are very unique. We do not

adjoin any other states. We are out in the middle of the Pacific, and the franchise law in other states is because they have adjoining borders. We are not adjoining any other; we are 2,000 miles of water. And, the part that I particularly don't like about this is, the proposed amendments to this would modify the existing exemption by eliminating the requirement that franchises invest \$100,000 or more, converting the situation into a separate independent exemption. And it adds to exemptions for franchises that have and are already offering a situation where there are ten franchises or more in Hawaii.

And with respect to each of the exemptions, there is a very full disclosure that is required, but we are making an exception to the anti-trust laws when we bring in something which allows the conspiracy between franchisor and franchisee, which can occur therefor. In other words, we've tightened some parts of the franchise law and loosened other parts.

Now, I've talked to Mr. Williams and he said he thinks it would be much easier for them and the regulatory bodies, and that's his specific responsibility and I realize it's not Wayne Minami, but this is the man who actually handles it, and he said we would be much better without this franchise law and I agree with him.

Therefore, I would ask you, Mr. Speaker, and my colleagues to vote this down."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 517, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FRANCHISE", having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Garcia and Wakatsuki being excused.

Stand. Com. Rep. No. 907 on S.B. No. 247, SD 1 (Deferred from March 29, 1977):

On motion by Representative Cayetano, seconded by Representative Peters 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", having been read throughout, passed Third Reading by a

vote of 49 ayes, with Representatives Garcia and Wakatsuki being excused.

Stand. Com. Rep. No. 908 on S.B. No. 1299 (Deferred from March 29, 1977):

On motion by Representative Stanley, seconded by Representative Peters 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", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Wakatsuki being excused.

Stand. Com. Rep. No. 909 on S.B. No. 589 (Deferred from March 29, 1977):

On motion by Representative Say, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 589, entitled: "A BILL FOR AN ACT RELATING TO ETHNIC STUDIES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Wakatsuki being excused.

Stand. Com. Rep. No. 913 on S.B. No. 891, SD 1 (Deferred from March 29, 1977):

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 891, SD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, the bill simply changes \$15 million to \$25 million, the issuance of special facility revenue bonds; the whole thing it does is just raise it \$10 million. So what's \$10 million between friends?"

Well, I'll tell you what \$10 million between friends is. It is the entire budget of the University of Hawaii that's been cut down. That's what it is. Then all of a sudden we say, all right, fine, these special facility bonds can be increased to \$25 million. I say that we keep control of these things; let's not keep delegating them throwing them out.

The special facility bond was posed originally to be a very unique situation, sir. If you will turn to the original

concept in the bill, you will find that it says with the approval of the Governor and without public bidding; without public bidding; think of it. Public bidding is the basic concept of our government. When we go out to buy anything, we should bid. You know that stadium out there would have cost \$20 million less if we had some public bidding on it. But they lost the bid of the Hawaii Corporation in the middle of it. We ended up giving it to Dillingham Corporation of America and they made \$20 million on it, and was no public bidding. We do this same thing here - this concept of public bidding.

We had this down for specific contingency. Our job is to control expenses and the waste of public funds. And whenever we have that exception, without public bidding, we want to keep it there. But, all of a sudden, we raise it \$10 million. So, I would ask my colleagues and yourself, sir, to vote against this bill."

The motion was put by the Chair and carried and 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", having been read throughout, passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Blair, Narvaes and Sutton voting no, and Representatives Garcia and Wakatsuki being excused.

Stand. Com. Rep. No. 914 on S.B. No. 647, SD 2 (Deferred from March 29, 1977):

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 647, SD 2, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Cobb, at this time, rose and asked for a conflict ruling, stating:

"I work for a firm that does have a utility as a subsidiary."

The Chair ruled: "No conflict."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 647, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION

OF PUBLIC UTILITIES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 574 had passed Third Reading at 12:35 o'clock p.m.; S.B. Nos. 391, SD 1, and 1139, SD 1, at 12:39 o'clock p.m.; S.B. No. 1472, SD 1, at 12:40 o'clock p.m.; S.B. No. 991, SD 1, at 1:01 o'clock p.m.; S.B. Nos. 517, SD 2, 247, SD 1, and 1299 at 1:05 o'clock p.m.; S.B. No. 589 at 1:06 o'clock p.m.; S.B. No. 891, SD 1, at 1:09 o'clock p.m.; and S.B. No. 647, SD 2, at 1:10 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:

S.B. No. 330, SD 2:

On motion by Representative D. Yamada, seconded by Representative Cobb, S.B. No. 330, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES, passed Third Reading by a vote of 49 ayes, with Representatives Garcia and Wakatsuki being excused.

S.B. No. 867, SD 1:

Representative D. Yamada moved that S.B. No. 867, SD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"Mr. Speaker, this particular bill limits the liability of officers, directors, employees and agents of corporations by permitting their indemnification for their expenses, fines, judgments, settlements and legal action brought against them as corporate agents by other persons.

What we are doing is losing the basic concept of a corporation.

If you will follow me, Mr. Speaker, for a minute, a corporation is an entity that we have created; it is a separate entity; it is just like a person, but who does it belong to? It belongs to the stockholders and it is run by a group of individuals who have a fiduciary duty to those stockholders. Their job is very carefully defined through many, many years of corporate

law.

The State of California has a corporation code. Their corporation code does not have anything comparable to this. I have not checked other states, but I just would like to cite to you that the corporation code of the State of California has not given this complete indemnification for the acts of the individuals who run this corporate entity. They run it for whom? They run it for the stockholders. And here's the stockholders, finding themselves in a position where for all intents and purposes many of the acts of those corporate officers and directors could be something adverse to their interests. They cannot express it in a corporate annual meeting of stockholders because they do not hold more than 50%; the control of a corporation belongs to whoever has that 51%. And because we have that unique situation of corporate control, we must not reduce the fiduciary obligation.

We have seen Gulf Oil, all of the large oil companies, and I am giving you corporations away from Hawaii, engage in all sorts of under the table contributions, politically. The Federal Trade Commission now lists 113 corporations that have given in excess of \$100,000,000 under the table to bribe foreign officials.

We have seen the same thing happen with the SEC report. And, the SEC report, unfortunately, also brings some of our own corporations into focus.

Now, all of a sudden, we are asked to pass a bill and say these people can do no wrong, we absolve them. This is an absolute statutory concept in violation of the common law concept of a fiduciary duty. Should we, here, in this body, where we represent the electorate, where we really and truly represent the stockholders, should we make such a mockery of the corporation entity concept?

The corporation has been conceived of as the greatest legal concept ever evolved, and also the worst; and it is the best when it has the common law protection. But when you do this to it, you have lost all of the great common law concepts which preserved the integrity of the corporation as it related to the stockholders. We do disfavor, Mr. Speaker, to the stockholders by

so doing. So, I would urge my colleagues to vote against it."

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

"Mr. Speaker, I think someone has to get up and mention when we have erroneous information thrown out on the floor, very often. I know it appears in the Journal as fact and fiction if nothing else shows up, and one might get the idea that what has been said is completely true.

I would like to read part of this bill itself - when the previous speaker says we are protecting all these people from any kind of wrong-doing - but the bill itself says: 'no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of such person's duty'. And this is not taking away or putting the right to prosecute people who do things against the law. This is a matter of just addressing the present law and saying that all employees are now given the same protection that directors were before.

Thank you. I urge you to vote in favor."

Representative D. Yamada, upon being recognized, stated:

"Mr. Speaker, I rise to speak in favor of the bill by way of rebutting some of the statements of the representative from Nuuanu.

Mr. Speaker, I find some of the statements hard to rebut since I really don't see what they have to do with the bill. In no way do I see this bill reducing any of the fiduciary relationship between an officer or employee or corporation. And this bill in no way provides automatic indemnification to officers or employees or agencies of a corporation.

Under the tests outlined in sub-section b on page 2, sub-section c, it is fairly obvious that in criminal cases there will be no indemnification if the person is found in violation of a criminal act and is further qualified, that such person to be indemnified has to act in good faith and in the best interest of the corporation.

In civil actions, if the person is found negligent or any misconduct in the performance of his duty is found, there will be no indemnification unless the court, considering all the circumstances,

found that such person is fairly and reasonably entitled to be indemnified.

Really, that's all the bill does, and as far as all the other things, I have a hard time commenting on it and, just for the record, I would like to say a lot of the statements made by the prior speaker has no relevance and I urge all members to vote for this bill."

Representative Sutton then rose to speak in rebuttal and was directed by the Chair to "proceed".

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

"Mr. Speaker, he has already spoken twice on the same subject and only the chairman or the movant of the motion is permitted in final rebuttal."

At 1:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:22 o'clock p.m., the Chair recognized Representative Sutton, who then rose and stated:

"Mr. Speaker, I had had two chances. You are correct. I was so anxious to rebut the man from Kauai that I rose a third time. Excuse me."

Representative Cayetano then rose and asked:

"Mr. Speaker, do the rules permit me to give him my time to rebut?"

The Chair replied :

"No, Representative Cayetano."

At 1:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:23 o'clock p.m.

The motion to pass S.B. No. 867, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", was put by the Chair and carried by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Wakatsuki being excused.

At 1:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:25 o'clock

p.m., the Speaker assumed the rostrum.

S.B. No. 51, SD 1:

On motion by Representative Cayetano, seconded by Representative Takamura, S.B. No. 51, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Carroll and Kamalii being excused.

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

The House of Representatives reconvened at 1:27 o'clock p.m.

S.B. No. 758:

On motion by Representative Cayetano, seconded by Representative Takamura, S.B. No. 758, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER IMPROVEMENT PROGRAM", passed Third Reading by a vote of 51 ayes.

S.B. No. 484:

On motion by Representative Cayetano, seconded by Representative Takamura, S.B. No. 484, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE EQUIPMENT", passed Third Reading by a vote of 51 ayes.

S.B. No. 1194, SD 1:

On motion by Representative Kawakami, seconded by Representative Lunasco, S.B. No. 1194, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND EXCHANGES", passed Third Reading by a vote of 51 ayes.

S.B. No. 159:

On motion by Representative Kawakami, seconded by Representative Lunasco, S.B. No. 159, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed Third Reading by a vote of 51 ayes.

S.B. No. 530:

Representative Suwa moved that S.B. No. 530, having been read throughout, pass Third Reading, seconded by Representative Peters.

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

"Mr. Speaker, I just hate to see many of our public facilities used for the benefit of somebody making a profit with our facilities. I feel that we are using State facilities to allow a profit for an individual. Now, this could go on in other places too. I recognize that we have not enforced this 20¢ charge.

I'm a great friend of Red Morris and he testified as a witness"

Representative Yuen, on a point of order, stated:

"I don't see the name 'Red Morris' anywhere in the bill."

The Chair then stated:

"The Chair rules you out of order, Representative Sutton. Proceed with that in mind."

Representative Sutton continued, stating:

"I'm trying to say that the prior witness in this is a very competent individual and he has helped us a great deal in legislative bodies and I am very reluctant to take this position, but I do feel that the higher principle of not utilizing State facility for private benefit is something that we must all consider.

And, in my reservation on this, I cannot in all conscience do anything but vote against this particular bill.

Thank you."

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

"You, as a practicing attorney, do you pay for your transcript when you go to court?"

The Chair then questioned:

"Representative Sutton? You addressing this to the Chair?"

Representative Sutton then remarked:

"Sir, I'll answer for you."

The Chair remarked:

"I'm capable of answering my own questions." And he replied to Representative Kunimura's question: "We do."

Representative Kunimura then asked:

"Then, do you think the State of Hawaii should be providing these transcripts free?"

The Chair answered:

"The answer is quite obvious."

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

"Mr. Speaker, what this bill does, as my colleague from Nuuanu mentioned, this 20¢ fee charge is unenforceable. And, like people will be people, they will try to take advantage of the public facilities.

What this bill will be doing, Mr. Speaker, is charging a \$1.00 or so fee for the tracings. Because of our modern reproduction methods that we have today, that tracing can be taken to a xerox machine throughout our community and xeroxed for a minimum fee, or probably free.

And in return, Mr. Speaker, under the present statute, if that individual reproduces that tracing, he should be paying the State 20¢ per copy, but because of the reproductive methods used today, Mr. Speaker, it's unenforceable. And as it was explained to us in Finance Committee, they would rather see a front end charge rather than try to enforce this 20¢ fee because they just can't do it.

For that reason, Mr. Speaker, I ask my colleagues to vote in favor."

Representative Dods, speaking against the bill, stated:

"Mr. Speaker, I feel that the basic intent of this bill is good; however, the word 'may' is used throughout the bill.

'The Director of Taxation may contract with any person or firm for the use and disposition of tax map tracings . . . , under such terms and conditions as he may deem necessary and proper; he may charge a fee . . . ; he may regulate the prices . . . ; the director may, in his discretion, award the contract or contracts . . . by calling for public bid.'

This bill gives the Director of Taxation a free hand to do as he pleases in this area. This could lead to an abuse of his position by awarding the contract to a person or company of his won personal liking.

for the above reasons and in fairness to the general public and the map producing companies, I urge the members of this body to vote against Senate Bill No. 530.

Thank you."

The motion to pass S.B. No. 530, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR TAX MAP TRACINGS", was put by the Chair and carried by a vote of 46 ayes to 5 noes, with Representatives Abercrombie, Cayetano, Cobb, Dods and Sutton voting no.

S.B. No. 336:

On motion by Representative Suwa, seconded by Representative Peters, S.B. No. 336, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF THE COUNTIES", passed Third Reading by a vote of 51 ayes.

S.B. No. 1297:

Representative Suwa moved that S.B. No. 1297, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Sutton then rose to ask for a conflict ruling, stating:

"I own 1% of the HONOLULU ADVERTISER."

The Chair ruled: "No conflict."

Representative Takamura then rose and stated:

"I rise to speak in favor of the bill and I do so mainly to state some reservations.

During the lengthy hearings on Senate Bill No. 1297 that was held by the Finance Committee, I believe that a convincing case was made pertaining to the need to clarify the tax status of the newspapers.

However, at that hearing, we also heard testimony from the Tax Department in which a concern was expressed that the committee report be carefully worded in order that it could not be used against the Department in the event that a suit was brought by the newspaper association for the payment of back taxes.

Thus, I feel that it is important to state for the record the fact that the Finance Committee, in passing out this bill, did not intend in any way to make any kind of judgment

or interpretation regarding the actions taken by the previous Legislatures on this subject.

Thus, with that clarification, I would urge support of this bill."

The motion to pass S.B. No. 1297, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", was put by the Chair and carried by a vote of 50 ayes to 1 no, with Representative Lunasco voting no.

S.B. No. 745:

On motion by Representative Uechi, seconded by Representative Inaba, S.B. No. 745, entitled: "A BILL FOR AN ACT REPEALING CHAPTER 156, HAWAII REVISED STATUTES, RELATING TO THE FARM ADVISORY BOARD", passed Third Reading by a vote of 51 ayes.

S.B. No. 147:

Representative D. Yamada moved that S.B. No. 147, having been read throughout, pass Third Reading, seconded by Representative Cobb.

At this time, Representative Cobb asked for a conflict ruling, stating:

"I work for a firm that has a utility as a subsidiary."

The Chair ruled: "No conflict."

The motion to pass S.B. No. 147, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", on Third Reading was put by the Chair and carried by a vote of 51 ayes.

S.B. No. 854, SD 1:

On motion by Representative D. Yamada, seconded by Representative Cobb, S.B. No. 854, SD 1, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR AND DECEPTIVE PRACTICES", passed Third Reading by a vote of 51 ayes.

S.B. No. 1304, SD 1:

Representative D. Yamada moved that S.B. No. 1304, SD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"Mr. Speaker, we have devised four main types of saving corporations. One is a bank - most jurisdictions have what they call saving banks and commercial banks; we do not have that here; we have one type of bank, although we do have one national bank. Then we have savings and loan. Then we have industrial loans. And then we have credit unions.

Mr. Speaker, each one of these is devised to take care of a certain contingency. The second mortgage market is something that the industrial loan companies, a high risk situation, has been willing to undertake. The first mortgages are taken by banks and savings and loans. Therefore, statutory interest rate was devised upon the degree of risk.

Now, all of a sudden, we are saying the savings and loans can exact an additional percentage for their loans although they are not in the high risk area, and by equating various corporate activities with each other when they are not so equated by purpose and by the way they were designed by our predecessors here in this Legislative body, we have confused the various initial purposes for which they were created.

Therefore, I would ask that you and all my colleagues vote 'no'."

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

"Mr. Speaker, presently banks and industrial loan companies have the same usury rate ceiling and all this bill does is to extend parity to the saving and loan segment of our commercial lending field. Thank you."

The motion to pass S.B. No. 1304, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST RATES", was put by the Chair and carried by a vote of 49 ayes to 2 noes, with Representatives Narvaes and Sutton voting no.

The chair directed the Clerk to note that S.B. No. 330, SD 2, had passed Third Reading at 1:10 o'clock p.m.; S.B. No. 867, SD 1, at 1:22 o'clock p.m.; S.B. No. 51, SD 1, at 1:25 o'clock p.m.; S.B. Nos. 758 and 484 at 1:27 o'clock p.m.; S.B. Nos. 1194, SD 1, and 159 at 1:28 o'clock p.m.; S.B. Nos. 530 and 336 at 1:35 o'clock p.m.; S.B. Nos. 1297, 745 and 147 at 1:37 o'clock

p.m.; S.B. No. 854, SD 1, at 1:38 o'clock p.m.; and S.B. No. 1304, SD 1, at 1:41 o'clock p.m.

At 1:41 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 892, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Peters and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 892, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Peters, Vice Chairman; Caldito, Dods, Inaba, Kunimura, Larsen, Lunasco, Mina, Morioka, Takamura, Narvaes and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

COMMITTEE REASSIGNMENT

At this time, the Chair re-referred H.R. No. 548 to the Committee on Higher Education only.

The Chair then made the following announcement:

"The Chair would like to remind and request all chairmen to check the addendum on your Order of the Day, review the bills and the Senate amendments and be prepared to agree or disagree at the appropriate time."

Representative Shito, at this time, introduced Mr. Ralph Clemens from the Leeward School Advisory Board.

ADJOURNMENT

At 1:50 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Thursday, March 31, 1977.

FIFTIETH DAY

Thursday, March 31, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by the Reverend Warren Fujimoto of Soto Mission, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Ajifu, Caldito, Wakatsuki and D. Yamada, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Ninth Day.

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

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

Representative Takamura introduced 115 fifth grade students from Ala Wai Elementary School. They were accompanied by their teachers, Mrs. Thelma Odo, Mrs. Jean Dollar, Mrs. Betty Muraoka, Mrs. Alice Arakaki and Mrs. Paula Nelson.

Representative Takamura then introduced Mrs. Uwaine, mother of Representative Uwaine, and his sister and nephews, who were seated in the gallery.

Representative Ajifu introduced his cousin from Okinawa, Mr. Mokuei Kin, and his traveling companion, Mr. Koyei Ige. Accompanying them was Mr. Kiyoshi Sakai.

Representative Campbell introduced Mr. Carl J. Barrea, Vice President of the Hawaii Newspaper Agency, who is in charge of advertising.

Representative Aki then introduced members of the Kokua Council for Senior Citizens as follows: Dr. Robert Gibson, President; Dorcus Santos, Joe Morroco, Max Rufman, Bea Wilson and Sunao Miyamoto, who are "very familiar faces at our legislative hearings", and several other members who were seated in the gallery.

Representative Aki went on to state that "the Kokua Council is a volunteer senior citizens service organization that actively watches over various legislation that affects senior citizens throughout our State."

Representative Yuen then introduced four very good friends of Representative Kihano from Michigan: Ms. Marie Zimmer, Ms. Mary Murphy, Ms. Karen Amorello and Ms. Mary Wilson.

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

Upon reconvening at 11:44 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Ajifu and Caldito.

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. 615 and 616) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 615) congratulating and commending Radford High School on the performance of its athletic teams was jointly offered by Representatives Uechi, Wakatsuki, Garcia, Campbell, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Carroll, Cayetano, Cobb, Dods, Evans, Fong, 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.

On motion by Representative Uechi, seconded by Representative Garcia and carried, H.R. No. 615 was adopted.

At this time, Representative Uechi prefaced his introduction, stating:

"Mr. Speaker, permit me to introduce those representatives of Radford High School. You know, I would have loved to have the captains of the various

teams since the only championship that escaped them was the baseball team, and I thought Aiea was going to be taking that, but since we gave the stars to the University of Hawaii-- they are doing so well--I think that we contributed in that direction also.

When we first started this resolution, it was developed for the basketball team, but when we investigated, we found that Radford took champs in all of the other athletic events. They forgot one 'whereas' clause though. They forgot to mention that Representative Uechi was teaching at Radford when they opened up the school about twenty years ago. But John Velasco tells me that they are doing much better after I left over there."

Representative Uechi then introduced Mr. Andy Nii, Principal, "who was born and raised on Kauai", and Mr. John Velasco, Athletic Director.

Representative Campbell then presented certified copies of the resolution to the honorees, inasmuch as Radford High School is situated "between the 17th and 18th districts, but most of the students come from the 17th district."

A resolution (H.R. No. 616) congratulating Philip T. Gialanella, President of the Hawaii Publishers Association was jointly offered by Representatives Campbell, Aki, Caldito, Cayetano, Inaba, Kawakami, Kiyabu, Lunasco, Mizuguchi, Morioka, Naito, Peters, Say, Segawa, Shito, Suwa, Takamura, Ueoka, Ushijima and K. Yamada.

On motion by Representative Campbell, seconded by Representative Ushijima and carried, H.R. No. 616 was adopted.

Representative Campbell then introduced the honoree, stating:

"Mr. Speaker, and members of this body, it is indeed a pleasure for me to present to this honorable body a man whose leadership in the field of journalism is exceptional; a person whose contribution to community services in Hawaii is outstanding; an individual whose commitment to a better future for our State is undisputed, so it is an honor for me to present, at this time, Mr. Philip T. Gialanella, the publisher of the Honolulu Star-Bulletin."

A red carnation lei was then presented to the honoree by Representative

Evans and Representative Campbell presented him with a certified copy of the resolution.

At 11:51 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

The House of Representatives reconvened at 12:01 o'clock p.m.

At this time, Representative Peters introduced to the members of the House Mr. Palani Vaughan, "a young man whom I had the pleasure of serving some time with--in the service that is. Both he and I served in the 29th Brigade and I was serving as a cook there, and I used to draw him out of KP and ask him to play a few songs with the boys. . .Everybody knows him as one of the most outstanding musicians in this State because he has filled the hearts of so many people with his aloha spirit through his songs and, currently, he is devoting much of his life in studying the life of King Kalakaua and his times."

Representative Mina then introduced a group of people from the Kalihi area who are with the Susannah Wesley Community Center. They were accompanied by their coordinator, Mrs. Conchita Plemer.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 607 to 614) and concurrent resolutions (H.C.R. Nos. 116 and 117 and S.C.R. Nos. 75, 82, 84, 87 and 119) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
607	Committee on Health
608	Committee on Judiciary
609	Committee on Energy and Transportation, then to the Committee on Legislative Management
610	Jointly to the Committees on Higher Education and Education
611	Committee on Education
612	Committee on Culture and the Arts, then to the Committee on Public Employment and

- Government Operations, then to the Committee on Legislative Management
- 613 Committee on Education
- 614 Committee on Water, Land Use, Development and Hawaiian Homes
- H.C.R. Nos.
- 116 Committee on Health
- 117 Jointly to the Committees on Judiciary and Corrections and Rehabilitation, then to the Committee on Finance
- S.C.R. Nos.
- 75 Jointly to the Committees on Public Employment and Government Operations and Employment Opportunities and Labor Relations, then to the Committee on Finance
- 82 Committee on Health, then to the Committee on Finance
- 84 Committee on Health
- 87 Committee on Education, then to the Committee on Energy and Transportation
- 119 Jointly to the Committees on Ocean and Marine Resources and Water, Land Use, Development and Hawaiian Homes

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 931) recommending that H.R. No. 546 be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Carroll and carried, the report of the Committee was adopted and H.R. No. 546, entitled: "HOUSE RESOLUTION SUPPORTING THE CONSTRUCTION OF THE HANDBALL/RACQUETBALL COURTS ON THE MANOA CAMPUS OF THE UNIVERSITY OF HAWAII", 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. 932) recommending that H.C.R. No. 55, 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.C.R. No. 55, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES", was referred to the Committee on Finance.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 933) recommending that H.R. No. 519 be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.R. No. 519, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL", was referred to the Committee on Finance.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 934) recommending that H.C.R. No. 98 be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL", was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 935)

COMMITTEE REASSIGNMENT

H.R. No. 390 was re-referred to the Committee on Culture and the Arts, then to the Committee on Legislative Management.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 930) informing the House that House Resolution Nos. 602 to 614, House Concurrent Resolution Nos. 116 to 118, and Standing Committee Report Nos. 931 to 942, have been printed and distributed.

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

recommending that H.R. No. 544, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Say, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 544, HD 1, entitled: "HOUSE RESOLUTION RELATING TO THE HAWAII FOUNDATION FOR HISTORY AND THE HUMANITIES", was referred to the Committee on Legislative Management.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 936) recommending that H.R. No. 545, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Say, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 545, HD 1, entitled: "HOUSE RESOLUTION RELATING TO THE STATE FOUNDATION ON CULTURE AND THE ARTS", was referred to the Committee on Legislative Management.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 617 to 621) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 1, 1977:

A resolution (H.R. No. 617) requesting the Legislative Auditor to conduct an audit of the Department of Transportation's Highways Division and overall support for transportation facilities and services program was offered by Representative Cayetano.

A resolution (H.R. No. 618) requesting tourism trade regulation hearings in Hawaii was offered by Representative Yuen.

A resolution (H.R. No. 619) requesting a comprehensive coral management program was jointly offered by Representatives Toguchi, Blair, Ajifu, Baker, Caldito, Carroll, Dods, Evans, Garcia, Inaba, Kawakami, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Stanley, Suwa, Takamine, Uechi, Ueoka, Ushijima, Uwayne, K. Yamada and Yuen.

A resolution (H.R. No. 620) request-

ing the Department of Land and Natural Resources to establish marine parks was jointly offered by Representatives Toguchi, Kawakami, Caldito, Ajifu, Baker, Carroll, Dods, Evans, Garcia, Inaba, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Stanley, Suwa, Takamine, Uechi, Ueoka, Ushijima, Uwayne, K. Yamada and Yuen.

A resolution (H.R. No. 621) supporting the utilization of the Kamehameha V Post Office as the site for a Hawaii Music Preservation Hall and Academy was jointly offered by Representatives Say, Abercrombie, Aki, Baker, Caldito, Campbell, Carroll, Cayetano, Dods, Evans, Garcia, Inaba, Kawakami, Kiyabu, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Peters, Poepoe, Segawa, Shito, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwayne, D. Yamada and K. Yamada.

The following resolutions (H.R. Nos. 622 and 623) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 622) congratulating Kikuji Yamaguchi, President and founder of Japan Royal Jelly, Ltd., upon the opening of the company's first Hawaii office was jointly offered by Representatives Fong, Ajifu, Aki, Carroll, Evans, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Lunasco, Machida, Morioka, Nakamura, Narvaes, Say, Segawa, Sutton, Takamine, Ueoka, Ushijima, D. Yamada and Yuen.

On motion by Representative Fong, seconded by Representative Abercrombie and carried, H.R. No. 622 was adopted.

A resolution (H.R. No. 623) congratulating the Boys Club of America, Honolulu Chapter was jointly offered by Representatives Takamura, Uwayne, Baker, Blair, Caldito, Carroll, Cayetano, Cobb, Dods, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Narvaes, Peters, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, Ueoka, Ushijima, D. Yamada, Yuen and Wakatsuki.

On motion by Representative Takamura, seconded by Representative Uwayne and carried, H.R. No. 623 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 624 to 626)

and concurrent resolutions (H.C.R. Nos. 119 to 123) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 1, 1977:

A resolution (H.R. No. 624) urging Hawaii's Congressional delegation to carefully examine all facets of the proposed Air Transportation Regulatory Reform Act of 1977 (Cannon-Kennedy Bill S. 689 and Pearson Bill S. 292) as the outcome will have far-reaching effects upon all who depend on air transportation was jointly offered by Representatives Wakatsuki, Ajifu, Aki, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Evans, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

A resolution (H.R. No. 625) requesting the Department of Education to work with the respective county Police Departments to develop traffic safety standards for schools and provide police assistance for Junior Police Officers at schools experiencing difficult traffic problems was offered by Representative Medeiros.

A resolution (H.R. No. 626) requesting the County Councils to direct their attention to the problem of traffic safety standards for schools was offered by Representative Medeiros.

A concurrent resolution (H.C.R. No. 119) requesting the House Energy and Transportation Committee and the Senate Transportation Committee to monitor and review jointly the forthcoming renegotiation of Exhibit One of the airport-airline leases was offered by Representative Cayetano.

A concurrent resolution (H.C.R. No. 120) requesting the Legislative Auditor to conduct an audit of the Department of Transportation's Highways Division and overall support for transportation facilities and services program was offered by Representative Cayetano.

A concurrent resolution (H.C.R. No. 121) urging Hawaii's Congressional delegation to carefully examine all facets of the proposed Air Transportation Regulatory Reform Act of 1977 (Cannon-Kennedy Bill S. 689 and Pearson Bill S. 292) as the outcome will have far-reaching effects upon

all who depend on air transportation was jointly offered by Representatives Wakatsuki, Ajifu, Aki, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Evans, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

A concurrent resolution (H.C.R. No. 122) requesting the administration to conduct a study and prepare a report on the use of a residential development control system as a population growth management tool was jointly offered by Representatives Wakatsuki, Ajifu, Aki, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Garcia, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

A concurrent resolution (H.C.R. No. 123) requesting the Governor to take appropriate steps to develop and implement a selective growth program was jointly offered by Representatives Wakatsuki, Ajifu, Aki, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Garcia, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

At 12:07 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:08 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Yamada.

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. 836:

On motion by Representative D. Yamada, seconded by Representative Cobb, S.B. No. 836, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

S.B. No. 1411, SD 1:

On motion by Representative Cayetano, seconded by Representative Takamura, S.B. No. 1411, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVENTING LITTER FROM TRUCKS", passed Third Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. Nos. 836 and 1411 had passed Third Reading at 12:10 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 937) recommending that H.R. No. 358, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.R. No. 358, HD 1, entitled: "HOUSE RESOLUTION RELATING TO A ROADWAY NOISE ABATEMENT STUDY", was referred to the Committee on Finance.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 938) recommending that H.R. No. 383, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.R. No. 383, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ESTABLISHMENT OF A PAPER RECYCLING PROGRAM", was referred to the Committee on Finance.

Representative Kiyabu, for the

Committee on State General Planning, presented a report (Stand. Com. Rep. No. 939) recommending that H.R. No. 159, as amended in 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. 159, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF THE PRELIMINARY GOALS, OBJECTIVES, AND POLICIES DOCUMENT OF THE STATE PLAN", was referred to the Committee on Legislative Management.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 940) recommending that H.R. No. 373, as amended in HD 1, be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 373, HD 1, entitled: "HOUSE RESOLUTION CONCERNING COURSE NUMBERING PROCEDURES AT THE COMMUNITY COLLEGES IN THE UNIVERSITY OF HAWAII SYSTEM", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 941) recommending that S.B. No. 856, SD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 941 on S.B. No. 856, SD 1, was deferred until tomorrow, April 1, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 856, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 942) recommending that S.B. No. 572, SD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 942 on S.B. No. 572, SD 1, was deferred until tomorrow, April 1, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 572, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

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

Upon reconvening at 12:30 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Wakatsuki.

The Speaker then assumed the rostrum.

At this time, Representative Cayetano gave notice of his intention to agree to House Bill No. 162, HD 1, SD 1, tomorrow, April 1, 1977.

DISPOSITION OF MATTER PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 2, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Peters and carried, the House disagreed to the amendments proposed by the Senate to House Bill No. 2, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Peters, Vice Chairman; Caldito, Dods, Inaba, Kunimura, Larsen, Lunasco, Mina, Morioka, Takamura, Narvaes and Sutton were appointed as Managers on the part of the House at such conference.

At 12:25 o'clock p.m., on request by Representative Kunimura, the

Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

COMMITTEE REASSIGNMENTS

The following were re-referred as follows:

H.R. No.

579 Committee on Public Employment and Government Operations, then to the Committee on Finance

H.C.R. No.

112 Committee on Public Employment and Government Operations, then to the Committee on Finance

At 12:51 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:53 o'clock p.m.

ADJOURNMENT

At 12:54 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:15 o'clock a.m. tomorrow, Friday, April 1, 1977.

FIFTY-FIRST DAY

Friday, April 1, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:15 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Donald J. Cavey of the Holy Trinity Church, after which the Roll was called showing all members present.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 282 to 284) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 282) returning House Concurrent Resolution No. 118, which was adopted by the Senate on March 31, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 283) transmitting Senate Concurrent Resolution No. 52 requesting a study of applying Chapters 516 and 519, Hawaii Revised Statutes, to horizontal property regimes, which was adopted by the Senate on March 31, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 284) transmitting Senate Concurrent Resolution No. 53 urging prompt use of the land exchange powers of Chapter 516, Hawaii Revised Statutes, which was adopted by the Senate on March 31, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 52 and 53 was deferred until later in the calendar.

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

Representative Sutton introduced Mr. and Mrs. Ed. Bikes from Alberta, Canada; Mr. and Mrs. Floyd H. Broecker from St. Paul, Minnesota; and Mr. and Mrs. John H. Connors and their daughter from Iowa. Mr. Connors is a member of the Iowa House of Representatives, a Democrat, Chairman of their Labor Committee and President of the Golden Gloves Association of Iowa. Accompanying the Connors' is Mr. Ralph Breier, trainer of the Golden Gloves Association of Iowa.

Representative Kiyabu introduced fifteen fourth and fifth grade students from Liholiho School. They were accompanied by their teacher, Mrs. Betty Wakabayshi. He also introduced Susan Oneyoshi, who is home from New York City.

Retired Army General Harry Brooks, "who takes care of government affairs for AmFac, Inc.," was introduced by Representative Kihano.

Representative Kihano also introduced some of his constituents from Mililani, Jovita Zimmerman, Mr. Salve and Vickie Bunye.

Representative Baker introduced fifty-seven second grade students from the Hongwanji Mission School with their teachers, Beverly Inouye, Mrs. Kimi and Mrs. Matsuda.

Representative Naito, at this time, made the following addition to a previous introduction:

"There are many of us here whose greatest dreams, whose secret ultimate desire is to some day become a judge; I'm sure you're aware of that, Mr. Speaker. Last week my dream was fulfilled as I had the greatest honor bestowed on me, that of being a judge at the Cherry Blossom Festival.

Mr. Speaker, I would like to introduce another person who had the dream come true and who was a fellow judge, and that, again, is Major General Brooks. Would you stand again and take another bow."

Representative Peters introduced fifty-four fourth grade students from Nanaikapono Elementary School, who were accompanied by their teachers, Mrs. Arlene Yoshimura, Miss Patricia Isobe and Miss Glenda Miyashiro.

Hawaiian Homes Commission member

from Maui, Jubilee Moikeha, was introduced by Representative Ueoka.

then to the Committee on Finance

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 617 to 621 and 624 to 626) and concurrent resolutions (H.C.R. Nos. 119 to 123 and S.C.R. Nos. 52 and 53) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
617	Committee on Energy and Transportation, then to the Committee on Finance
618	Committee on Tourism
619	Jointly to the Committees on Ocean and Marine Resources and Ecology and Environment
620	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Ecology and Environment
621	Committee on Culture and the Arts
624	Committee on Energy and Transportation
625	Committee on Education
626	Committee on Energy and Transportation

H.C.R. Nos.

119	Committee on Energy and Transportation, then to the Committee on Legislative Management
120	Committee on Energy and Transportation, then to the Committee on Finance
121	Committee on Energy and Transportation
122	Jointly to the Committees on State General Planning and Housing
123	Committee on State General Planning

S.C.R. Nos.

52	Jointly to the Committees on Consumer Protection and Commerce and Housing,
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53	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Housing
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SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended for the purpose of allowing members to introduce resolutions.

INTRODUCTION OF RESOLUTIONS

At this time, House Concurrent Resolution No. 115, which was already adopted by the House, was read through-out by the Clerk.

Representative Machida then rose and stated:

"Mr. Speaker, Aloha Week festival, in it's thirty-first year of existence, has played a major role in maintaining the unique quality of our people, more commonly known as the aloha spirit.

The festival brings together the blend of the many ethnic cultures of our State.

In the spirit of aloha, I would like to introduce to you, Mr. Speaker, and members of this House and the audience, two very fine people. First of all, a gracious lady, Anna May Kaanehi, executive secretary of Aloha Week; and the distinguished looking gentleman is Mr. Louis Kai, president of Aloha Week."

Representative Stanley presented Mr. Kai with a white carnation lei and Representative Dods presented Mrs. Kaanehi with a red carnation lei and Representative Machida presented them with certified copies of the resolution.

A resolution (H.R. No. 627) welcoming the members of Rotary District 410 from Sonora, Mexico, was jointly offered by Representatives Ushijima, 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, Uechi, Ueoka, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki and was read

by the Clerk.

On motion by Representative Ushijima, seconded by Representative Kunimura and carried, H.R. No. 627 was adopted.

Representative Ushijima then rose and made the following introduction:

"Mr. Speaker, it is certainly a pleasure for me this morning to introduce to you and the members of this honorable body, several key members from District 410 from Sonora, Mexico. May I introduce to you, Salvador Castillo Trasvina, Governor's representative and past District Governor of District 410; Francisco J. F. Valencia, Director General of School of Commerce of Navojoa; Carlos Herberto P. Rodriguez; Hector C. Lam; and Ruben M. Gomez."

At this time, Representative Naito presented the above-mentioned honorees with leis and Representative Ushijima presented them with certified copies of the resolution.

Representative Ushijima continued by introducing the following:

"Mr. Speaker, in addition to the key members on the floor, there are several people whom I would like to take this opportunity to introduce: Mrs. Juan Del Campo and Miss Hortensia Albillar. Mr. Speaker, accompanying the group this morning is Mr. and Mrs. Bill Dodge from the Hawaii District. Thank you."

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

Upon reconvening at 11:57 o'clock a.m., Representative Kondo introduced thirty-two students from the Aloha Club of Baldwin High School. They were accompanied by their advisor, Mrs. Kamizuka.

Representative Kunimura, upon being recognized, stated:

"May I make a few observations this morning?"

First of all, Mr. Speaker, I do not want to do our laundry in the presence of our guests, but now that our guests have left, I would like to say that you must be 'Speedy Gonzales' the way you call for the vote, because you did not give us an opportunity this morning to vote properly.

And, second, this observation,

Mr. Speaker, from this angle and from this distance, I wonder if you forgot to take your pajama top off this morning."

The Chair remarked:

"With age, blindness sets in."

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 941 on S.B. No. 856, SD 1 (Deferred from March 31, 1977):

Representative Say moved that the report of the Committee be adopted and that S.B. No. 856, SD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Cayetano then rose and stated:

"On behalf of Representatives Kihano, Caldito, Mina, Lunasco and myself, I ask for a conflict ruling, please."

The Chair replied:

"No conflict for all members."

Representative Abercrombie then rose and stated:

"I understand there was some discussion in the community as to whether the representatives just named were to be included in part of the anniversary congratulations. That was the problem."

The Chair remarked:

"He has an appeal procedure to follow."

The motion was put by the Chair and carried and 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", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 942 on S.B. No. 572, SD 1 (Deferred from March

31, 1977):

On motion by Representative Kawakami, seconded by Representative Peters 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", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 856, SD 1, and 572, SD 1, had passed Third Reading at 12:01 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 943) informing the House that House Resolution Nos. 615 to 626, House Concurrent Resolution Nos. 119 to 123 and Standing Committee Report Nos. 944 to 953 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. 944) recommending that H.R. No. 226 be adopted.

On motion by Representative Blair, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 226, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ENACT RULES AND REGULATIONS GOVERNING ISSUANCE OF PERMITS FOR SHORE WATER EVENTS", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 945) recommending that H.R. No. 267, as amended in HD 1, be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, H.R. No. 267, HD 1, entitled: "HOUSE RESOLUTION REQUESTING GREATER EMPHASIS ON JOB PLACEMENT PROGRAM AND ACTIVITIES BY THE PLACEMENT AND CAREER PLANNING OFFICES THROUGHOUT THE UNIVERSITY OF HAWAII SYSTEM", was adopted.

Representative Ushijima, for the

Committee on Higher Education, presented a report (Stand. Com. Rep. No. 946) recommending that H.R. No. 547 be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 547, entitled: "HOUSE RESOLUTION REQUESTING IDENTIFICATION CARDS FOR ALL SECURITY PERSONNEL AT THE UNIVERSITY OF HAWAII, MANOA CAMPUS", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 947) recommending that H.R. No. 65, as amended in HD 1, be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 65, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF POLICIES AND PRACTICES RELATING TO THE PLANNING AND DEVELOPMENT OF CAMPUSES WITHIN THE UNIVERSITY OF HAWAII SYSTEM", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 948) recommending that H.C.R. No. 96, 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. 96, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO HOLD A SECOND CONFERENCE ON IMMIGRATION", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 949) recommending that H.R. No. 517 be adopted.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.R. No. 517, entitled: "HOUSE RESOLUTION REQUESTING INCLUSION OF THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS IN THE DELIBERATIONS OF THE STATE PLAN POLICY COUNCIL", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 950) recommending that H.C.R. No. 94 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. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING INCLUSION OF THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS IN THE DELIBERATIONS OF THE STATE PLAN POLICY COUNCIL", was adopted.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 951) recommending that H.R. No. 493, HD 1, be adopted.

On motion by Representative Say, seconded by Representative Stanley 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 adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 952) recommending that H.C.R. No. 56, as amended in HD 1, be adopted.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.C.R. No. 56, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE U.S. CONGRESS TO ENACT LEGISLATION TO COMPENSATE OR TO MAKE REPARATION TO HAWAIIANS FOR DAMAGES SUFFERED BY THEM AT THE TIME OF ANNEXATION", was adopted.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 953) recommending that H.R. 390, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.R. No. 390, entitled: "HOUSE RESOLUTION REQUESTING AN EXAMINATION OF THE PROCEDURES, MATERIALS, AND PRACTICES OF THE STATE ARCHIVES", was referred to the Committee on Legislative Management.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 628 to 631) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 628) congratulating Boy Scout Troop 10 on the occasion of its 60th anniversary and scoutmaster Masao Miyamoto for serving scouting for more than 53 years was jointly offered by Representatives Kiyabu, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mina, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, H.R. No. 628 was adopted.

A resolution (H.R. No. 629) commemorating Robert M. Kawate for his years of dedicated service to the State of Hawaii upon his retirement was jointly offered by Representatives Segawa, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Segawa, seconded by Representative Takamine and carried, H.R. No. 629 was adopted.

A resolution (H.R. No. 630) extending condolences and deepest sympathies to the family of the late Warren S. Hayashi was jointly offered by Representatives Wakatsuki, 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, Uechi, Ueoka, Ushijima, Uwayne, D. Yamada, K. Yamada and Yuen.

On motion by Representative Kihano, seconded by Representative Kondo and carried, H.R. No. 630 was adopted.

A resolution (H.R. No. 631) extending condolences and deepest sympathy to the family of Mr. and Mrs. Edward A. Bolles was jointly offered by Representatives Larsen, Cobb, Ajifu, Aki, Blair, Campbell, Carroll, Dods, Evans, Inaba, Kamalii, Kawakami, Kihano, Kondo, Kunimura, Lunasco, Machida, Mina, Mizuguchi, Naito, Narvaes, Poepoe, Segawa, Shito, Stanley, Suwa, Takamura, Uechi, Ushijima and Yuen.

On motion by Representative Larsen, seconded by Representative Cobb and carried, H.R. No. 631 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 632 to 637) were referred to the Committee on Legislative Management and further action was deferred until Monday, April 4, 1977:

A resolution (H.R. No. 632) requesting the Governor to release funds for general and road improvements in the Kalihi Valley area was offered by Representative Mina.

A resolution (H.R. No. 633) requesting the Department of Education to conduct a review of music education programs in the public schools of Hawaii was jointly offered by Representatives Mizuguchi, Abercrombie, Aki, Campbell, Carroll, Cayetano, Evans, Kiyabu, Segawa, Takamine, Toguchi and Ushijima.

A resolution (H.R. No. 634) requesting Department of Land and Natural Resources to postpone eviction of businesses located in path of proposed new Sand Island parkway and to postpone construction of that portion of the parkway was jointly offered by Representatives Garcia and Campbell.

A resolution (H.R. No. 635) supporting the adequate funding of the Department of Economics, University of Hawaii, was jointly offered by Representatives Narvaes, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Kamalii, Kawakami, Kiyabu, Larsen, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Peters, Poepoe, Say, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 636) supporting federal action for a comprehensive negative income tax was jointly offered by Representative Narvaes, Ajifu, Aki, Caldito, Campbell, Carroll, Dods, Evans, Fong, Garcia, Ikeda, Kamalii, Kawakami, Kiyabu, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Peters, Say, Segawa, Sutton, Suwa, Takamine, Toguchi, Uechi, Ushijima, D. Yamada and K. Yamada.

A resolution (H.R. No. 637) requesting the United States Congress not to pass Senate Bill Nos. 292 and 689 was offered by Representative Carroll.

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

Representative Kunimura introduced Mr. Joseph Bruhn, "a hard working community worker and solid citizen of the UPW".

Representative Cayetano introduced Gene and Shari Dorney, "good friends visiting from Los Angeles".

Representative Suwa introduced Mr. Kiyoshi Nagata, Hilo UPW representative and his "area coordinator for my election".

At 12:09 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 15, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Peters and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 15, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Peters, Vice Chairman; Caldito, Dods, Inaba, Kunimura, Larsen, Lunasco, Mina, Morioka, Takamura, Narvaes and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 12, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Peters and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 12, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Suwa, Chairman; Peters, Vice Chairman; Caldito, Dods, Inaba, Kunimura, Larsen, Lunasco, Mina, Morioka, Takamura, Narvaes and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 28, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 28, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Garcia, Chairman; Blair, Kunimura, Lunasco, Morioka, Suwa, Uechi, Ueoka, Uwaine, Ikeda and Medeiros were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 137, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative Peters and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 137, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Takamine, Chairman, Mina, Mizuguchi, Peters, Stanley and Ikeda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1678, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Shito, seconded by Representative Nakamura and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1678 and

requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Shito, Chairman; Aki, Segawa, Ueoka, Ushijima and Narvaes were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 96, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Aki, seconded by Representative Campbell and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 96, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Aki, Chairman; Campbell, Shito, Segawa, Ushijima and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1297, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Segawa, seconded by Representative Shito and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1297 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Segawa, Chairman; Aki, Shito, Ueoka and Sutton were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 5, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 5, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Stanley and Suwa, Co-Chairmen; Dods, Machida, Peters and Medeiros were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No.

193, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 193 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Stanley, Chairman; Abercrombie, Kunimura, Mizuguchi, Say and Ikeda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 512, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 512, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Stanley, Chairman; Cayetano, Takamura, Say, Uwaine and Ikeda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 817, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 817, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Stanley, Chairman; Dods, Machida, Mina, Mizuguchi and Medeiros were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1065, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Blair, seconded by Representative Larsen and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1065, HD

1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Blair, Chairman; Larsen, Lunasco, Toguchi and Poepoe were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 833, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 833, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kawakami, Chairman; Inaba; Larsen, Lunasco, Toguchi and Carroll were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 672, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 672 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kawakami, Chairman; Caldito, Garcia, Lunasco, Morioka and Poepoe were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1173, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1173, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kawakami, Chairman; Caldito, Garcia, Morioka, Uechi and Poepoe were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. Nos. 678, HD 1; 727, HD 1; 1153, HD 1; 1198, HD 1; 1284, HD 1; 1685, HD 2; and 1698, HD 1, as amended by the Senate, were taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the House disagreed to the amendments proposed by the Senate to H.B. Nos. 678, HD 1; 727, HD 1; 1153, HD 1; 1198, HD 1; 1284, HD 1; 1685, HD 2; and 1698, HD 1, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, H.B. No. 1062, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1062, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Mizuguchi, Chairman; Campbell, Kawakami, Kiyabu, Ushijima and Evans were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 84, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Say, seconded by Representative Stanley and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 84, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Say, Chairman; Abercrombie, Kawakami, Segawa, Shito, Toguchi, Ushijima and Evans were appointed as Managers on the part of the House for the consideration of said amendments.

At 12:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:42 o'clock p.m.

By unanimous consent, H.B. No. 180, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 180, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Uechi, Chairman; Garcia, Morioka, Suwa, K. Yamada and Poepoe were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 1059, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 1059, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Uechi, Chairman; Inaba, Kawakami, Larsen, Lunasco and Fong were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 154, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 154, HD 1, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House was deferred.

By unanimous consent, H.B. No. 155, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 155, HD 1, and requested a conference on the subject matter of said amendments.

By unanimous consent, naming of the conferees on the part of the House

was deferred.

By unanimous consent, H.B. No. 433, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 433, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Peters, Chairman; Garcia, Kunimura, Naito, Ueoka and Medeiros were appointed as Managers on the part of the House for the consideration of said amendments.

At 12:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

By unanimous consent, H.B. No. 171, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 171, HD 1, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Garcia, Chairman; Blair, Cobb, Uwayne, K. Yamada and Medeiros were appointed as Managers on the part of the House for the consideration of said amendments.

At 12:53 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

By unanimous consent, H.B. No. 805, HD 2, as amended by the

Senate, was taken from the Clerk's desk.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the House disagreed to the amendments proposed by the Senate to H.B. No. 805, HD 2, and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Garcia, Chairman; Baker, Naito, Nakamura, K. Yamada and Ikeda were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H.B. No. 162, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Takamura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 162, HD 1, and H.B. No. 162, HD 1, as amended, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 162, HD 1, SD 1, had passed Final Reading at 1:04 o'clock p.m.

COMMITTEE REASSIGNMENT

The Chair re-referred H.R. No. 620 jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Ocean and Marine Resources.

At 1:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

ADJOURNMENT

At 1:23 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 11:00 o'clock a.m. on Monday, April 4, 1977.

FIFTY-SECOND DAY

Monday, April 4, 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 Michael Rymer of Saints Constantine and Helen, after which the Roll was called showing all members present with the exception of Representatives Aki, Cayetano, Kunimura, Takamura and Wakatsuki, who were excused.

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

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 9 and 10) were read by the Clerk and were disposed of as follows:

A communication from Wayne Minami, Director, Department of Regulatory Agencies (Dept. Com. No. 9) acknowledging receipt of a copy of House Resolution No. 165, was placed on file.

A communication from Wayne Minami, Director, Department of Regulatory Agencies (Dept. Com. No. 10) acknowledging receipt of a copy of House Resolution No. 256, was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 285 to 328) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 285) informing the House that the amendments proposed by the House to Senate Concurrent Resolution No. 64, were agreed to by the Senate of the Ninth Legislature, Regular Session of 1977, and said Concurrent Resolution, as thus amended, was Finally adopted on April 1, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 286) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2, HD 1, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Yamasaki, Hara, Hulten, King, Kuroda, O'Connor, Toyofuku, Yim, Young, Anderson, Henderson, Soares and Nishimura were appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 287) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 892, HD 1, and the request for a conference on the subject matter of said amendments, the President will name the conferees at a later date for the consideration of said amendments, was placed on file.

A communication from the Senate (Sen. Com. No. 288) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 3, SD 1, and that the conferees will be named by the President at a later date for the consideration of said amendments, was placed on file.

A communication from the Senate (Sen. Com. No. 289) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 246, SD 1, and that the conferees will be named by the President at a later date for the consideration of said amendments, was placed on file.

A communication from the Senate (Sen. Com. No. 290) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1203, SD 1, and that the conferees will be named by the President at a later date for the consideration of said amendments, was placed on file.

A communication from the Senate (Sen. Com. No. 291) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1452, SD 1, and that the conferees will be named by the President at a later date for the consideration of said amendments, was placed on file.

A communication from the Senate (Sen. Com. No. 292) informing the

House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 74, HD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators R. Wong, Chairman; Young and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 293) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 140, SD 1, and had requested a conference on the subject thereof, in consequence of which Senators Toyofuku, Chairman; Taira and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Stanley, Chairman; Mizuguchi, Suwa, Machida, Takamine and Ikeda as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 294) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 237, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators Toyofuku, Chairman; Taira and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Stanley, Chairman; Machida, Mizuguchi, Kiyabu, Medeiros and Peters as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 295) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 251, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators O'Connor, Chairman; R. Wong and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 296) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 485, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators O'Connor, Chairman; Hulten and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 297) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 533, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators O'Connor, Chairman; Takitani and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 298) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 563, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators O'Connor, Chairman; Hara and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 299) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 577, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators King, Chairman; Chong, Nishimura and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 300) informing the

House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1047, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators Nishimura, Chairman; Taira, Ching and Leopold were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Garcia, Chairman; Blair, D. Yamada, K. Yamada and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 301) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1059, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators Nishimura; Chairman, O'Connor, Hara, Kawasaki, Chong, Ching, F. Wong, George and Saiiki were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 302) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1074, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators Nishimura, Chairman; O'Connor, Hara, Chong and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives K. Yamada, Chairman; Cobb, Uechi, Ueoka and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 303) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1100, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators R. Wong, Chairman; F. Wong and Soares were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the

House was deferred.

A communication from the Senate (Sen. Com. No. 304) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1193, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators R. Wong, Chairman; F. Wong and Anderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 305) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1202, and had requested a conference on the subject matter thereof, in consequence of which Senators Nishimura, Chairman; King, Hulten, F. Wong and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 306) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1209, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators Yim, Chairman; Yamasaki and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 307) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1350, SD 1, and had requested a conference on the subject matter thereof, in consequence of which Senators Toyofuku, Chairman; Taira and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Stanley and Garcia, as co-Chairpersons; Blair, Kiyabu, Takamine and Ikeda as Managers

on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 308) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1371, and had requested a conference on the subject matter thereof, in consequence of which Senators Nishimura, Chairman; O'Connor, F. Wong and Saiki were appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Garcia, Chairman; Naito, Ueoka and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 309) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1308, SD 2, and had requested a conference on the subject matter thereof, in consequence of which Senators R. Wong, Chairman; Nishimura, Yim and Anderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 310) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1407, SD 2, and had requested a conference on the subject matter thereof, in consequence of which Senators R. Wong, Chairman; O'Connor and Henderson were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 311) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1464, SD 2, and had requested a conference on the subject matter thereof, in consequence of which Senators R. Wong, Chairman; King, Kuroda, Hara, O'Connor and George were appointed as Managers on the part of the Senate at such conference, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 312) returning House Bill No. 164, entitled: "A BILL FOR AN ACT RELATING TO UNLICENSED ACTS", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 313) returning House Bill No. 170, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON MANPOWER AND FULL EMPLOYMENT", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 314) returning House Bill No. 177, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 315) returning House Bill No. 178, entitled: "A BILL FOR AN ACT RELATING TO EXPORTS OF FLOWERS AND FOLIAGE", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 316) returning House Bill No. 187, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 317) returning House Bill No. 208, entitled: "A BILL FOR AN ACT RELATING TO EXTENDING THE WORK HOURS LIMITATION OF MINORS UNDER 16 YEARS OF AGE AND AMENDING CHAPTER 390 OF THE HAWAII REVISED STATUTES", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 318) returning House Bill No. 212, entitled: "A BILL FOR AN ACT RELATING TO THE PAYMENT OF WAGES AND OTHER COMPENSATION", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 319) returning House Bill No. 213, entitled: "A BILL FOR AN ACT RELATING TO WITHHOLDING

OF WAGES", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 320) returning House Bill No. 215, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 321) returning House Bill No. 217, entitled: "A BILL FOR AN ACT RELATING TO PREPAID HEALTH CARE", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 322) returning House Bill No. 218, entitled: "A BILL FOR AN ACT RELATING TO THE WAGE AND HOUR LAW", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 323) returning House Bill No. 841, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT OF WAGES BY PAYROLL CHECK", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 324) returning House Bill No. 1060, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS AND AMENDING CHAPTER 155, HAWAII REVISED STATUTES", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 325) returning House Bill No. 1247, entitled: "A BILL FOR AN ACT RELATING TO MILK CONTROL", which passed Third Reading in the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 326) transmitting Senate Concurrent Resolution No. 19, SD 1, requesting the President of the United States to take action to protect the domestic sugar industry, which was adopted by the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 327) transmitting

Senate Concurrent Resolution No. 93, SD 1, to promote the importance of health education, positive health maintenance, and preventive medicine in government programs, which was adopted by the Senate on April 1, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 328) transmitting Senate Concurrent Resolution No. 114, SD 1, establishing a joint advisory committee on nutrition and preventive health, which was adopted by the Senate on April 1, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 19, SD 1; 93, SD 1; and 114, SD 1, was deferred until Wednesday, April 6, 1977.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 18 to 30) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Spark Matsunaga, United States Senator (Misc. Com. No. 18) acknowledging receipt of a copy of House Resolution No. 95, relating to a proposal for the development of a National Income Maintenance Program, was placed on file.

A communication from the Honorable Cec Heftel, Member of Congress (Misc. Com. No. 19) acknowledging receipt of a copy of House Resolution No. 316, relating to the high air freight rates for shipment of flowers from and within the State of Hawaii, was placed on file.

A communication from William T. Manley, Acting Administrator (Misc. Com. No. 20) acknowledging receipt of House Resolution No. 316, relating to air freight rates from Hawaii to overseas destinations on cut flowers, was placed on file.

A communication from the Honorable Thomas P. O'Neill, Jr., Speaker, U.S. House of Representatives (Misc. Com. No. 21) acknowledging receipt of a copy of House Resolution No. 337, was placed on file.

A communication from the Honorable Spark Matsunaga, United States Senator (Misc. Com. No. 22) acknowledging receipt of a copy of House Resolution No. 337, relating to certain proposed amendments to the Internal Revenue Code as they relate to the sale of residential

land subject to leaseholds, was placed on file.

A communication from the Honorable Spark Matsunaga, United States Senator (Misc. Com. No. 23) acknowledging receipt of House Resolution No. 477, relating to the proposal to establish a Farmers Home Administration office in Hawaii, was placed on file.

A communication from the Honorable Thomas P. O'Neill, Jr. (Misc. Com. No. 24) acknowledging receipt of House Resolution No. 234, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 25) acknowledging receipt of a copy of House Resolution No. 337, was placed on file.

A communication from the Honorable Daniel K. Inouye (Misc. Com. No. 26) acknowledging receipt of House Resolution No. 477, relating to the proposal to establish a Farmers Home Administration office in Hawaii, was placed on file.

A communication from Jack H. Watson, Jr. (Misc. Com. No. 27) acknowledging receipt of House Resolution No. 95, was placed on file.

A communication from Lynn M. Daft, Policy Staff, The White House (Misc. Com. No. 28) acknowledging receipt of House Resolution No. 477, relating to the proposal to establish a Farmers Home Administration office in Hawaii, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 29) acknowledging receipt of House Resolutions Nos. 166, 234 and 351, was placed on file.

A communication from Alec Waterhouse, Island Camera and Gift Shops, Inc. (Misc. Com. No. 30) acknowledging receipt of a copy of House Resolution No. 559 honoring Mr. Arthur Woolaway, was placed on file.

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

Representative Narvaes introduced a group of 14 people from the Kalihi-Palama Immigrant Service Center. They were accompanied by Mrs.

Cabanban and her staff, Ms. Squeely, Ms. Lee, Ms. Asuaga and Mr. Song.

Representative Kawakami then introduced Mr. Takeshi Furutani, "a person who has dedicated himself to the sport of baseball. During his playing days, he was always a threat on the mound and now, he has dedicated himself to Little League and high school baseball on the island of Kauai." He was accompanied by his son, Carl.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 632 to 637) were disposed of as follows:

H.R. Nos.

- | | |
|-----|--|
| 632 | Committee on Energy and Transportation, then to the Committee on Finance |
| 633 | Committee on Education |
| 634 | Committee on Water, Land Use, Development and Hawaiian Homes |
| 635 | Committee on Higher Education, then to the Committee on Finance |
| 636 | Committee on Finance |
| 637 | Committee on Energy and Transportation |

COMMITTEE REASSIGNMENTS

The following resolutions (H.R. Nos. 12 and 17) were re-referred as follows:

H.R. Nos.

- | | |
|----|---|
| 12 | Committee on Judiciary, then to the Committee on Legislative Management |
| 17 | Committee on Youth and Elderly Affairs, then to the Committee on Judiciary, then to the Committee on Legislative Management |

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 954) informing the House that House Resolution Nos. 627 to 637, and Standing Committee Report Nos.

955 to 958, have been printed and distributed.

On motion by Representative Lunasco, seconded by Representative Morioka 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. 955) recommending that H.C.R. No. 11, as amended in HD 1, be referred to the Committee on State General Planning.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.C.R. No. 11, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEVELOPMENT OF A DIAMOND HEAD-FORT RUGER LAND USE PLAN", was referred to the Committee on State General Planning.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 956) recommending that H.R. No. 19, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 19, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW AND STUDY OF HAWAII STATUTES TO DETERMINE COMPLIANCE WITH THE EQUAL RIGHTS AMENDMENT", 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. 957) recommending that H.R. No. 151 be referred to the Committee on Legislative Management.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the majority of the Committee was adopted and H.R. No. 151, entitled: "HOUSE RESOLUTION REQUESTING CONSIDERATION OF A MANAGEMENT BY OBJECTIVE APPROACH FOR STATE EXECUTIVE AND SUPERVISORY MANAGEMENT", was referred to the Committee on Legislative Management.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com.

Rep. No. 958) recommending that H.R. No. 248, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Garcia, seconded by Representative Yuen and carried, the report of the majority of the Committee was adopted and H.R. No. 248, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF CREATING A NEW GOVERNMENTAL SYSTEM COMPRISING ALL OR PART OF WINDWARD OAHU", was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 639) congratulating Coach Les Murakami and the University of Hawaii Baseball team on their outstanding performance and extending them best wishes for success in the Third Annual Rainbow Easter Baseball Tournament was jointly offered by Representatives Ushijima, Mizuguchi, 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, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki and was read by the Clerk.

On motion by Representative Ushijima, seconded by Representative Mizuguchi and carried, H.R. No. 639 was adopted.

At this time, Representative Ushijima introduced the honorees, stating:

"Mr. Speaker, it is certainly a pleasure for me this morning to introduce to you and members of this honorable body the honorees of the resolution we had just adopted. They are truly the 'unsung heroes' of the University of Hawaii. I must admit and I am glad to hear, nonetheless, that the community and the State, as a whole, is taking notice of the fine, outstanding performances of all of the members of the University of Hawaii Baseball team."

Representative Ushijima then introduced Mr. Les Murakami, Head Coach; and co-captains, Gerald Ako, pitcher; and Paul Meyers, shortstop.

Representative Stanley presented red carnation leis to the honorees and certified copies of the resolution were presented by Representative Mizuguchi.

Representative Ushijima introduced the other members of the team who were seated in the gallery and then remarked:

"I would like to point out that, subsequent to the introduction of the resolution, the team had played four additional games. We lost two and won two, so consequently, the true record today stands at 35 wins and 8 losses. The latest win was last evening against the University of Southern California, and the University of Southern California is a nationally ranked baseball team, so you can imagine the caliber of ball players we do have."

At 11:17 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honorees.

Upon reconvening at 11:40 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Aki, Cayetano, Kunimura, Takamura and Wakatsuki.

The Speaker then assumed the rostrum.

By unanimous consent, the following resolutions (H.R. Nos. 638, 640 to 651) and concurrent resolution (H.C.R. No. 124) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 5, 1977:

A resolution (H.R. No. 638) requesting an interim committee to review the findings of the Harbor Task Force was offered by Representative Cayetano.

A resolution (H.R. No. 640) requesting a study on the need and feasibility of a statute on wiretaps was jointly offered by Representatives Garcia and K. Yamada.

A resolution (H.R. No. 641) requesting a study on the grand jury system was jointly offered by Representatives Garcia and K. Yamada.

A resolution (H.R. No. 642) requesting review and study of women's rights and the law was jointly offered by Representatives Garcia and K. Yamada.

A resolution (H.R. No. 643) requesting a study on the firearms law was jointly offered by Representatives Garcia and K. Yamada.

A resolution (H.R. No. 644) requesting a study of employment preparedness and labor standards was jointly offered by Representatives Garcia and K. Yamada.

A resolution (H.R. No. 645) requesting the Speaker of the House of Representatives to appoint an interim committee to study the establishment of native Hawaiian corporations was offered by Representative Peters.

A resolution (H.R. No. 646) requesting the Department of Education to place high priority on the installation of air-conditioning or other noise-abatement system at Kaahumanu School was jointly offered by Representatives Stanley, Blair and Mizuguchi.

A resolution (H.R. No. 647) requesting an assessment and determination of the resources needed to adequately implement the Fisheries Conservation and Management Act of 1976 in Hawaiian waters was offered by Representative Yuen.

A resolution (H.R. No. 648) requesting the establishment of a bikeway along Kalaniana'ole Highway in Waimanalo was offered by Representative Yuen.

A resolution (H.R. No. 649) requesting a study of an adult dental care benefits plan for public employees was offered by Representative Stanley.

A resolution (H.R. No. 650) requesting the establishment of a baccalaureate degree program in Hawaiian language was jointly offered by Representatives Poepoe, Ushijima and Mizuguchi.

A resolution (H.R. No. 651) requesting an audit of transportation studies done by and for the Department of Transportation was offered by Representative Ajifu.

A concurrent resolution (H.C.R. No. 124) requesting the Speaker of the House of Representatives and the President of the Senate to appoint an interim committee to study the establishment of native Hawaiian corporations was offered by Representative Peters.

The following resolutions (H.R. Nos. 652 and 653) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 652) recognizing April, 1977 as Cancer Control Month was jointly offered by Representatives Segawa, Aki, Baker, Campbell, Carroll, Cobb, Kiyabu, Kunimura, Mizuguchi, Morioka, Naito, Peters,

Shito, Suwa, Takamine, Takamura, Ueoka and Uwaine.

On motion by Representative Segawa, seconded by Representative Shito and carried, H.R. No. 652 was adopted.

A resolution (H.R. No. 653) congratulating the winners of the 1977 Keep Hawaii Clean Poster Contest was jointly offered by Representatives Blair, Stanley, Ajifu, Aki, Baker, Campbell, Carroll, Evans, Ikeda, Inaba, Kamalii, Kawakami, Kunimura, Larsen, Lunasco, Medeiros, Morioka, Naito, Shito, Takamine, Takamura, Ushijima, Uwaine and D. Yamada.

On motion by Representative Blair, seconded by Representative Stanley and carried, H.R. No. 653 was adopted.

At this time, Representative Ueoka introduced some relatives of his, stating:

"There has been a great deal of talk about limiting the population within the State of Hawaii, but I am going to tell you, Mr. Speaker, that the Ueoka family does not believe in this" and introduced his three nieces, Mrs. Gertrude Ueoka, Mrs. Shirley-Ann Kimizuka and Mrs. Irene Uyeno, and their children.

At 11:43 o'clock a.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:44 o'clock p.m.

SUSPENSION OF RULES

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

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 194, SD 1, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 194, and H.B. No. 194, SD 1, having been read throughout, pass Final Reading, seconded by

Representative Peters.

Representative Suwa then explained the amendments, stating:

"Mr. Speaker, as to the intent of the bill, the Retirement System can look to some other areas where they can increase their retirement benefits so that the employees will have the necessary contribution if the investment is increased as anticipated.

As to the other Senate amendment made, it is a minor technical change, inserting the existing statutory language that was inadvertently left out. The words 'of any' were inserted after the word 'district' in line 17 of page 4, and a comma was inserted after the word 'worth' in line 4 of page 8."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 194, and H.B. No. 194, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS OF RETIREMENT SYSTEM FUNDS IN INSURANCE COMPANY CONTRACTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 261, HD 1, SD 1, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H.B. No. 261, HD 1, and H.B. No. 261, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Peters.

Representative Suwa then explained the amendments made by the Senate, stating:

"Mr. Speaker, this bill relates to the general excise tax pertaining to some real estate brokers and salesmen. As to the Senate amendment, they put an 's' after the word 'commission'. That is all the change made by the Senate.

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 261, HD 1, and H.B. No. 261, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", having been read throughout; passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

By unanimous consent, H.B. No. 231, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Peters and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 231, HD 1, and H.B. No. 231, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 151, SD 2, was taken from the Clerk's desk.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 151, and H.B. No. 151, SD 2, entitled: "A BILL FOR AN ACT RELATING TO POLICY PLANNING", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 131, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Toguchi, seconded by Representative Morioka and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 131, HD 1, and H.B. No. 131, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COORDINATION OF MARINE AFFAIRS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 190, SD 1, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 190, and H.B. No. 190, SD 1, 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 CORRECTIONS OFFICERS", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative

Sutton voting no.

By unanimous consent, H.B. No. 176, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 176, HD 1, and H.B. No. 176, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 78, HD 2, SD 1, was taken from the Clerk's desk.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 78, HD 2, and H.B. No. 78, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BASIC SKILLS AND REAL-LIFE SKILLS IN THE PUBLIC SCHOOLS", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Ajifu and Evans voting no.

By unanimous consent, H.B. No. 197, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 197, HD 1, and H.B. No. 197, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 113, HD 2, SD 2, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 113, HD 2, and H.B. No. 113, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No.

778, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 778, HD 1, and H.B. No. 778, HD 1, SD 1, entitled: "A BILL FOR AN ACT TO AMEND SECTION 188-25(e) HAWAII REVISED STATUTES, RELATING TO SPEAR FISHING", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Narvaes voting no.

By unanimous consent, H.B. No. 870, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 870, HD 1, and H.B. No. 870, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FISH AND GAME", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1505, HD 1, SD 1, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H.B. No. 1505, HD 1, and H.B. No. 1505, HD 1, SD 1, having been read throughout, pass Final Reading, seconded by Representative Caldito.

At 11:55 o'clock a.m., on request by Representative Yuen, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:56 o'clock a.m., Representative Kawakami explained the amendment, stating:

"Mr. Speaker, I would like to explain the confusion here.

This bill makes reference to the same section of the law as far as the House and Senate position is concerned but, then, the Senate has picked up its amendment from the original Hawaii Revised Statutes and not from the supplement and I hope that the Revisor of Statutes will be able to clear this matter up."

The motion was put by the Chair

and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1505, HD 1, and H.B. No. 1505, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1105, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Segawa, seconded by Representative Shito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1105, HD 1, and H.B. No. 1105, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1694, HD 2, SD 2, was taken from the Clerk's desk.

On motion by Representative Segawa, seconded by Representative Shito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1694, HD 2, and H.B. No. 1694, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 122, HD 1, SD 2, was taken from the Clerk's desk.

On motion by Representative Blair, seconded by Representative Larsen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 122, HD 1, and H.B. No. 122, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 199, SD 1, was taken from the Clerk's desk.

On motion by Representative Blair, seconded by Representative Larsen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 199, and H.B. No. 199, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", having been read throughout, passed

Final Reading by a vote of 49 ayes to 2 noes, with Representatives Ajifu and Evans voting no.

By unanimous consent, H.B. No. 998, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 998, HD 1, and H.B. No. 998, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BIKEWAYS AND THE OPERATION OF BICYCLES", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1687, SD 1, was taken from the Clerk's desk.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1687, and H.B. No. 1687, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT AND HARBOR REVENUE BONDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 259, SD 1, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 259, and H.B. No. 259, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESMEN", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 978, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 978, HD 1, and H.B. No. 978, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1143, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1143, HD 1, and H.B. No. 1143, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1641, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Yamada, seconded by Representative Cobb and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1641, HD 1, and H.B. No. 1641, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 194 had passed Final Reading at 11:45 o'clock a.m.; H.B. No. 261 at 11:47 o'clock a.m.; H.B. No. 231 at 11:48 o'clock a.m.; H.B. No. 151 at 11:49 o'clock a.m.; H.B. Nos. 131 and 190 at 11:50 o'clock a.m.; H.B. No. 176 at 11:51 o'clock a.m.; H.B. No. 78 at 11:52 o'clock a.m.; H.B. Nos. 197 and 113 at 11:53 o'clock a.m.; H.B. No. 778 at 11:54 o'clock a.m.; H.B. No. 870 at 11:55 o'clock a.m.; H.B. No. 1505 at 11:59 o'clock a.m.; H.B. Nos. 1105 and 1694 at 12:01 o'clock p.m.; H.B. Nos. 122 and 199 at 12:02 o'clock p.m.; H.B. No. 998 at 12:03 o'clock p.m.; H.B. No. 1687 at 12:04 o'clock p.m.; H.B. Nos. 259 and 978 at 12:05 o'clock p.m.; and H.B. Nos. 1143 and 1641 at 12:06 o'clock p.m.

COMMITTEE REASSIGNMENTS

The following resolutions (H.R. Nos. 410 and 504) and concurrent resolution (H.C.R. No. 64) were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
410	Committee on Public Employment and Government Operations
504	Jointly to the Committees on Public Employment and Government Operations and Employment Opportunities and

Labor Relations, then to
the Committee on Finance

H.C.R. No.

64 Committee on Public Employ-
ment and Government
Operations

At 12:07 o'clock p.m., on request
by Representative Kamalii, the Chair
declared a recess, subject to the
call of the Chair.

The House of Representatives
reconvened at 12:09 o'clock p.m.

APPOINTMENT OF
CONFERENCE COMMITTEES

In accordance with the disagreeing
vote of the House to the amendments
proposed by the Senate in H.B.
No. 155, HD 1, SD 2, and the request
for a conference on the subject
matter of said amendments, Representa-
tives Kiyabu, Chairman; Mina,
Machida, Mizuguchi, Say, Stanley
and Medeiros were appointed as
Managers on the part of the House
at such conference.

In accordance with the disagreeing
vote of the House to the amendments
proposed by the Senate in H.B.
No. 154, HD 2, SD 2, and the request
for a conference on the subject
matter of said amendments, Representa-
tives Kiyabu, Chairman; Mina,
Dods, Machida, Stanley and Medeiros
were appointed as Managers on
the part of the House at such conference.

In accordance with the disagreeing

vote of the Senate to the amendments
proposed by the House in S.B. No.
1074, SD 1, HD 1, and the request
for a conference on the subject matter
of said amendments, Representatives
K. Yamada, Chairman; Cobb, Uechi,
Ueoka and Medeiros were appointed
as Managers on the part of the House
at such conference.

In accordance with the disagreeing
vote of the Senate to the amendments
proposed by the House in S.B. No.
1350, SD 1, HD 1, and the request
for a conference on the subject matter
of said amendments, Representatives
Stanley and Garcia, co-chairpersons;
Blair, Kiyabu, Takamine and Ikeda
were appointed as Managers on the
part of the House at such conference.

At 12:13 o'clock p.m., the Chair
declared a recess, subject to the call
of the Chair.

The House of Representatives recon-
vened at 12:14 o'clock p.m.

The Chair then made the following
announcement:

"The Chair would like to remind
all chairmen appointed to conference
committees to get started with your
conferences."

ADJOURNMENT

At 12:15 o'clock p.m., on motion
by Representative Yuen, seconded
by Representative Kamalii and carried,
the House of Representatives adjourned
to 11:00 o'clock a.m. tomorrow, Tuesday,
April 5, 1977.

FIFTY-THIRD DAY

Tuesday, April 5, 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 Stanley Kain of the Council of Churches, after which the Roll was called showing all members present.

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

GOVERNOR'S MESSAGES

A message from the Governor (Gov. Msg. No. 94A) informing the House that on April 1, 1977, he signed House Bill No. 230 as Act 2, entitled: "RELATING TO INDUSTRIAL-LOAN COMPANIES", was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 329 to 336) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 329) transmitting Senate Concurrent Resolution No. 102, SD 1, requesting a change in rates for use of the Neal S. Blaisdell Center which was adopted by the Senate on April 4, 1977, was placed on file.

By unanimous consent, action was deferred until tomorrow, April 6, 1977.

A communication from the Senate (Sen. Com. No. 330) informing the House that on April 4, 1977 the Senate reconsidered its action in disagreeing to the amendments proposed by the House to Senate Bill No. 1203, SD 1, was placed on file.

A communication from the Senate (Sen. Com. No. 331) informing the House that on April 4, 1977 the Senate discharged Senator Mary

George as Manager on the part of the Senate to consider the amendments proposed by the House to Senate Bill No. 1074, SD 1, and had appointed Senator John Leopold as the Manager on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 332) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 892, as amended, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Stanley Hara, John Hulthen, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, Mamoru Yamasaki, T.C. Yim, Patsy Young, D.G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

A communication from the Senate (Sen. Com. No. 333) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 3, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Richard Wong, Chairman; Mamoru Yamasaki, Stanley, Hara, John Hulthen, Jean King, Joseph Kuroda, Dennis O'Connor, George Toyofuku, T. C. Yim, Patsy Young, D. G. Anderson, Richard Henderson and W. Buddy Soares had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Suwa, Chairman; Peters, Caldito, Dods, Inaba, Kunimura, Larsen, Lunasco, Mina, Morioka, Takamura, Narvaes and Sutton as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 334) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 246, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Richard Wong, Chairman; Dennis O'Connor and Richard Henderson had been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair

appointed Representatives Cayetano, Chairman; Dods, Kunimura, Takamura and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 335) informing the House that the Senate had reconsidered its action taken and had disagreed to the amendments proposed by the House to Senate Bill No. 475, SD 2, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Donald Nishimura, Chairman; Dennis O'Connor, Anson Chong and Mary George had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives Garcia, Chairman; Naito, Nakamura, K. Yamada and Ikeda as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 336) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1452, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Donald Nishimura, Chairman; Dennis O'Connor, Francis Wong, Robert Taira, Anson Chong, Mary George and John Leopold had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives Garcia, Chairman; Blair, Cobb, D. Yamada, K. Yamada and Fong as Managers on the part of the House at such conference.

At this time, Representative Suwa extended birthday greetings to Representative Sutton on behalf of the members of the House. He was presented with leis by the female members of the House.

The Chair then remarked:

"The Chair was under the impression that the Kentucky Derby was run in May and not in April."

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

Representative Machida introduced the following school secretaries

from Maui: Julie Kaiama, Kay Shimada, Roy Shimada, Katherine Hew and her daughter Luanne, Evelyn Kamasaki, Marion Watanabe and Ethel Ujie; from Oahu: Pauline Onouye, Haruyo Kodani, Margaret Nakagawa, Mildred Hosaka, Lois Shimoda, Sharon Ikeda and Dorothy Takizawa. They have just completed a conference of the Hawaii School Office Services Association.

Representative Kawakami introduced the following secretaries from Kauai: Helen Ebisu, Chiyoko Kaneshige and Lacey Arruda.

Seventy 7th and seventy 8th grade students from the Holy Family School were introduced by Representative Campbell. They were accompanied by their chaperones, Sister Dolores, Sister Judith, Mrs. Pool, Mrs. Souza, Mrs. Springer, Mrs. York, Mrs. Wood, Mrs. Zimmick, Mrs. Sulina, Mrs. Larkin, Mrs. Webster, Mrs. Walston and Mrs. Josina.

Representative Segawa introduced Shizuko Kato and Kanae Kuramitsu, who were also here for the Hawaii School Office Services Association conference.

Representative Blair introduced thirty-four 8th grade students from Cathedral School. They were accompanied by Sister Roselani and Mrs. Mitsukawa.

ORDER OF THE DAY

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 959) informing the House that House Resolution Nos. 638 to 653, House Concurrent Resolution No. 124 and Standing Committee Report Nos. 960 to 965 have been printed and distributed.

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

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 960) recommending that H.R. No. 409 be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.R. No. 409, entitled: "HOUSE RESOLUTION REQUESTING

A STUDY OF THE 'SUNSET' CONCEPT", 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. 961) recommending that H.C.R. No. 63 be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE 'SUNSET' CONCEPT", was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 962) recommending that S.C.R. No. 96 be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and S.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO MAINTAIN THE CURRENT LEVEL OF AID TO FEDERALLY IMPACTED AREAS FOR EDUCATIONAL PROGRAMS IN THE STATE OF HAWAII", was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 963) recommending that H.R. No. 442 be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 442, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO RESTORE A \$5.5 MILLION DOLLAR CUT IN HAWAII'S SHARE OF FEDERAL FUNDS FOR IMPACTED SCHOOL DISTRICTS", was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 964) recommending that H.R. No. 12, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative K. Yamada, seconded by Representative Yuen and carried, the report of

the Committee was adopted and H.R. No. 12, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF NEED FOR AND FEASIBILITY OF THE CREATION OF AN APPELLATE COURT WITHIN THE HAWAII JUDICIARY", was referred to the Committee on Legislative Management, with Representative Cobb voting no.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 965) recommending that H.R. No. 17, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative K. Yamada, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 17, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF MINORS' RIGHTS", was referred to the Committee on Legislative Management.

At 11:15 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:22 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 654 to 656) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 654) congratulating and thanking the Huki Like Council, the women inmates at the Halawa Facility, and the Corrections Division administration was jointly offered by Representatives Naito, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Evans, Fong, Garcia, Ikeda, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Naito, seconded by Representative Ueoka and carried, H.R. No. 654 was adopted.

Representative Naito then addressed the members, stating:

"Mr. Speaker and members of the House, when the Committee on Corrections and Rehabilitation discussed the question of whether to invite inmates to give testimony on certain bills and resolutions

which would directly affect their day-to-day lives, there was no unanimity. There were some who argued that the inmates would use the opportunity to air grievances not relevant to the measures being considered; or that however responsible the inmates might be, the media might sensationalize the event or misinterpret the motives of the Committee; or that inmates would exploit the situation by playing to the emotions of those assembled; or that they were, after all, convicted felons not deserving of the right to express their views before such an august body as this.

Mr. Speaker, it is my distinct honor to rise this morning and report that none of these fears proved justified. The purpose of this resolution is to congratulate these men and women for performing duties of citizenship so impressively. Even those of us who were advocates of inmate testimony from the first, were overwhelmed by the sense of responsibility, dedication and perseverance they displayed. The contribution they made to our hearings exceeded our greatest expectations.

There is a tendency, I believe, for members of the public - ourselves included - to dismiss from thought the people incarcerated in our correctional institutions. At best, we think of them as one collective unit, without names or faces. At worst, we don't think of them at all. That makes it easier for us to shut them away and then forget about them. It is a great pity, I think, that all of you did not have the opportunity that my Committee had to listen to the lucid and insightful testimony of each of these individuals, to hear the clear and forthright way they answered the Committee's questions, to watch them utilize their few hours of liberty to enlighten us as to the realities of their existence and the remedies they hope for to improve the lot of their fellow inmates. It was as impressive a display of the democratic process as any I have seen, and one which other citizens of our State might well emulate.

The prison administration is also to be commended. Though some had misgivings in the beginning, they cooperated with the Committee to the utmost, providing the transportation and security for hearings which were hard and long, sometimes lasting well into the night.

All of the people who wondered about the advisability of having these inmates testify must no longer doubt either the advisability or the absolute necessity of having all people, even those who have temporarily lost certain of the rights enjoyed by other citizens, participate in the making of the laws that will directly affect them. Otherwise, the doctrine that 'government derives its just powers from the consent of the governed' would be an empty slogan. The conscientious and responsible behavior of Antone Olim, William Oku, Leroy Aipopo, Willie Moore, Clyde Canida and Dorothea Yaros makes that clear.

Mr. Speaker, members of this House, it gives me great pleasure to be introducing these representatives of the Huki Like Council, the women inmates, and the prison administration to you. Would you please stand as I call your name: Leroy Aipopo, Clyde Canida, Dorothea Yaros, Antone Olim and William Oku.

Thank you."

At this time, Representatives Stanley and Ikeda presented leis to the male honorees and Representative Ueoka presented a lei to Ms. Yaros, while Representative Naito presented them with certified copies of the resolution.

A resolution (H.R. No. 655) commending the members of the SOS for their many contributions to Hawaii and wishing them a successful tour of the Philippines was jointly offered by Representatives Kihano, Abercrombie, Ajifu, Aki, Baker, Blair, Caidito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, 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 Kihano, seconded by Representative Medeiros and carried, H.R. No. 655 was adopted.

Representative Kihano then rose and stated:

"Mr. Speaker, we are privileged this morning to have with us the members of the Society of Seven visiting with us.

Mr. Speaker, their trip to the Philippines on April 25th will be their first trip

home, performing for the people in the Philippines. They will be performing for the First Lady of the Philippines and it excites me, as well as the members of the Society of Seven, where they will go back to the Philippines, where some of their members and ancestors are back in the Philippines. I am pretty sure that they are awfully proud of the success that they have developed here in the United States and will give them the kind of welcome that families in the Philippines will want to welcome them with.

Mr. Speaker, we have the members of the group here this morning and I would like to introduce them to you.

First of all, I would like to mention, Mr. Speaker, some of the members of the House had heard that we were going to honor the members of the Society of Seven and several of them had requested that they participate in the honoring of the Society of Seven, so the leis that are presented here this morning, Mr. Speaker, were given by Representatives Lunasco, Mina, Caldito, Kihano, Kunimura, Ushijima and Cayetano. The reason for their wanting to participate, Mr. Speaker, is, if you will recall, several years ago we called on the Society of Seven to perform for us when we had the Student Observer Program and they never hesitated in wanting to perform for the students of our high schools here at the State Capitol. And, for this reason, Mr. Speaker, we are very, very proud, and I know the representatives of the House are very proud, to be honoring the Society of Seven this morning."

At this time, Representative Ikeda presented Terry Lucido with a white carnation lei; Representative Kamalii presented Bert Sagum with a pink carnation lei; Representative Stanley presented Don Gay with a pink carnation lei; Representative Naito presented Alfredo Romero with a white carnation lei; Representative Evans presented Jun Polistico with a pink carnation lei; and Linda Nakasone (from Representative Kihano's office) presented red carnation leis to Billy Rivera and Tony Ruivivar.

The following members of the House presented the honorees with certified copies of the resolution: Representative Kunimura to Terry Lucido; Representative Caldito to Bert Sagum; Representative Mina to Don Gay; Representative Cayetano to Alfredo Romero; Representative

Lunasco to Jun Polistico; Representative Ushijima to Billy Rivera; and Representative Kihano to Terry Ruivivar.

Representative Kihano then introduced Aunty Ethel who is the "backbone of the Society of Seven and has been very instrumental with the group" and was seated in the gallery.

At 11:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:09 o'clock p.m.

A resolution (H.R. No. 656) congratulating Jackson Ah Chin upon his retirement as Division Director of the United Public Workers, Hawaii County, was jointly offered by Representatives K. Yamada, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cobb, Dods, Garcia, Inaba, Kawakami, Kihano, Kiyabu, Larsen, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ueoka and D. Yamada.

On motion by Representative K. Yamada, seconded by Representative Segawa and carried, H.R. No. 656 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 657 to 660) and concurrent resolution (H.C.R. No. 125) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 6, 1977:

A resolution (H.R. No. 657) requesting the Governor and the Department of Transportation to initiate immediate action on the Piilani Highway Project, Maui, was jointly offered by Representatives Caldito, Kondo, Machida and Ueoka.

A resolution (H.R. No. 658) requesting study of the causes and disposition of real property tax assessment appeals was jointly offered by Representatives Peters, Caldito, Kunimura, Suwa and Takamura.

A resolution (H.R. No. 659) relating to Kahoolawe was jointly offered by Representatives Peters, Abercrombie, Say, Cayetano, Takamura, Evans, Campbell, Caldito, Kamalii, Machida, Poepoe, Ueoka and Yuen.

A resolution (H.R. No. 660) requesting study of the feasibility of creating an agricultural park on State lands in Kuliouou Valley, Oahu, was jointly

offered by Representatives Ikeda and Dods.

A concurrent resolution (H.C.R. No. 125) requesting the establishment of a baccalaureate degree program in Hawaiian language was jointly offered by Representatives Poepoe, Ushijima and Mizuguchi.

APPOINTMENT OF CONFERENCE COMMITTEES

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 577, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Blair, Chairman; Caldito, Lunasco, Larsen and Fong were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1202, and the request for a conference on the subject matter of said amendments, Representatives Blair, Chairman; Kawakami, Garcia, Inaba, Larsen and Carroll were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1464, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Blair, Chairman; Larsen, Naito, Morioka and Poepoe were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1685, HD 2, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Uwaine, Cayetano, Takamura and Ikeda were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1698, HD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada and Baker, Co-Chairmen; Uwaine, Aki and Ikeda were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing

vote of the Senate to the amendments proposed by the House to S.B. No. 251, SD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Uwaine, Cayetano, Takamura and Ikeda were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 485, SD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Uwaine, Cayetano, Takamura and Ikeda were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1059, SD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Garcia, Ueoka, K. Yamada, Uechi and Medeiros were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 678, HD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Cobb, Blair, Naito and Ikeda were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 727, HD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Garcia, Ueoka, K. Yamada and Ikeda were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1153, HD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Cobb, Baker, Nakamura and Medeiros were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1198, HD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Cobb, Naito, Nakamura and Fong were appointed as Managers on the part of the House

at such conference.

In accordance with the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1284, HD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Blair, Ueoka, Uwaine and Ikeda were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 563, SD 1, and the request for a conference on the subject matter of said amendments, Representatives D. Yamada, Chairman; Cayetano, Uechi, K. Yamada, Takamura and Ikeda were appointed as Managers on the part of the House at such conference.

At 12:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 74, and the request for a conference on the subject matter of said amendments, Representatives Shito, Chairman; Segawa, Aki, Ueoka, Ushijima and Narvaes were appointed as Managers on the part of the House at such conference.

At 12:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:40 o'clock p.m., Representative Kunimura rose and said:

"Mr. Speaker."

The Chair replied:

"May I finish more announcements, Representative Kunimura?"

Representative Kunimura then asked:

"Then you will recognize me before we adjourn?"

The Chair answered:

"The Chair will ask you a question: 'For what purpose do you rise?'"

Representative Kunimura again asked:

"But, you will recognize me before we adjourn?"

The Chair replied:

"Yes."

Representative Cayetano then rose and said:

"Mr. Speaker."

And the Chair asked:

"Representative Cayetano, for what purpose do you rise?"

Representative Cayetano answered:

"I make the same request as the previous speaker."

The Chair replied:

"Request will be granted."

The Chair then continued with the announcing of conferees.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1308, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Garcia, Chairman; Naito, Peters, Dods, Blair and Medeiros were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 246, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Cayetano, Chairman; Takamura, Dods, Kunimura and Medeiros were appointed as Managers on the part of the House at such conference.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1407, SD 2, and the request for a conference on the subject matter of said amendments, Representatives Cayetano, Chairman; Takamura, Say, Uwaine and Medeiros were appointed as Managers on the part of the House at such conference.

At 12:44 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:05 o'clock p.m.

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1193, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Machida, Chairman; Dods, Mina, Stanley, Morioka and Medeiros were appointed as Managers on the part of the House at such conference.

COMMITTEE REASSIGNMENT

The Chair, at this time, re-referred the following:

<u>H.R. No.</u>	<u>Re-referred to:</u>
43	Committee on Education, then to the Committee on Legislative Management
49	Committee on Education, then to the Committee on Legislative Management

H.C.R. No.

5	Committee on Higher Education, then to the Committee on Legislative Management
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The Chair then recognized Representative Kunimura, who rose and stated:

"This morning, I rise to defend the good name my father gave me. I was born almost 54 years ago next week Tuesday or Wednesday, not too sure. But, I came into this world from a very humble family. I didn't have much and when my father passed away"

The Chair stated:

"Representative Kunimura"

Representative Kunimura interrupted and stated:

"Mr. Speaker, I'm trying to explain to you why I'm rising."

The Chair continued, asking:

"This is a question of personal privilege, am I correct?"

Representative Kunimura answered:

"I'm not hitting that subject yet, Mr. Speaker. I rise on a point of personal privilege. . . ."

The Chair then stated:

"Let the Chair rule that in the past the Chair has ruled that the question of personal privilege is a very restrictive one; that any person aggrieved, must have been aggrieved by the action on the floor of this House and if it's not on the floor of this House that the person's character, reputation or otherwise being questioned must directly relate to the question of his right as a member to sit as a representative on this floor or in any committee."

As Representative Abercrombie kept calling 'point of information', Representative Cobb rose on a point of order and stated:

"Point of information may not interrupt a speaker."

The Chair then stated:

"That is correct. The Chair rules you out of order, Representative Abercrombie."

Representative Kunimura was directed to continue, and he stated:

"Then, Mr. Speaker, this may not be serious to anyone except myself. Maybe our rules are a little tight. But if a man has only his name to defend, because he owes it to his parents, then maybe this House can give special dispensation."

Mr. Speaker, you know I have been here now for fifteen years. I try to stand for what I believe to be right and right by the people and for the people."

Representative Yuen then rose on a point of order and when asked by the Chair to "state your point", he stated:

"He has not stated his personal privilege."

Representative Kunimura then stated:

"That I understand, but I'm trying to appeal to the Chair before I make my point, that maybe he ought to, because, Mr. Speaker, you said you're going to rule me out of order even before I was recognized, okay."

There was a lot of huddling going on, checking into the rules, but if this House wants to be cruel because we want to be strict by the rules, then I beg you hereafter be careful because I'm going to hold you to it and this whole House. Okay? I am tired of following because sometimes you got to give to receive; but hereafter,

from today on, Mr. Speaker, this is a notice that I am not going to give any more."

The Chair then stated:

"The Chair would like to state that in the past and in the future, the Chair would like to run this House according to the rules applying to everyone, and everyone should also abide by that; and if the Chair does not so do, then anyone has the right to question the Chair's ruling."

Representative Kunimura then stated:

"I agree, Mr. Speaker. Okay? And, I hope, in the future, you don't have to defend your name."

Representative Abercrombie then rose on a point of order and when asked to "state your point" by the Chair, he stated:

"I believe that you indicated that activities taking place on the floor are the basis for rising on a point of personal privilege."

The Chair responded by saying:

"If the person is aggrieved through his character and reputation."

Representative Abercrombie then said:

"That's correct. My point of order is that the representative from Kauai was acting on exactly that basis."

The Chair then stated:

"The Chair rules you out of order, Representative Abercrombie."

Representative Abercrombie asked:

"On what basis?"

The Chair answered:

"That the previous speaker has abided by the Chair's ruling."

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

"Mr. Speaker, you mentioned in your ruling on the representative from Kauai that you have been consistent in the past and in the future about your interpretation on personal privilege.

Mr. Speaker, personal privilege

is a very gray area and I have seen on many occasions since the first day of this session where people have stood up, my fellow colleagues, and have stated or stood up on a point of personal privilege that have never stated their point and you have let them proceed."

Representative Yuen then rose on a point of order, and when directed to "proceed" by the Chair, he stated:

"Mr. Speaker, if the prior speaker had been aggrieved by your decision, he ought to appeal."

Representative Uwaine continued, stating:

"Mr. Speaker, may I direct your attention to Cushing's Manual?"

Upon being directed to "proceed", Representative Uwaine stated:

"On page 56, Equality of Members, it states that: 'Every member, however humble he may be, has the same right with every other and, on the other hand, it is the duty of everyone so to conduct himself, both in debate, and in his general deportment in the assembly, as not to obstruct any other member, in the enjoyment of his equal rights.'

Mr. Speaker, in this Journal right here, in this Journal there's many times that some of my colleagues have stood up on a point of personal privilege and you have been very lenient and considerate in letting them proceed, so I cannot understand this ruling over the representative from Kauai."

The Chair then stated:

"The Chair rules you out of order, Representative Uwaine."

Representative Cayetano then rose and stated:

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

Mr. Speaker, somewhat related to the point made by Representative Uwaine, I would like to know why the Chair has allowed, for example, the telling of jokes on this floor and yet so narrowly restricted the representative from Kauai from speaking? What is the difference, please?"

The Chair answered, stating:

"The Chair had allowed members to rise and say jokes, if you will,

not for that particular purpose. But very often members stand and make a remark, and that has been an accepted practice here in the past. The Chair has not ruled on the question because I don't believe I had the occasion where the Chair, or someone, requested to stand to be allowed to say a few jokes.

I recall on St. Patrick's Day we had allowed Representative Carroll to tell his joke with the consent of the House. I had always prefaced my remarks that 'if there is no objection, you may proceed'."

Representative Cayetano, upon being recognized, asked:

"Mr. Speaker, are you saying that you put levity on a higher plane than the individual reputation of a member of this House?"

The Chair replied:

"I think it is the chairman's prerogative whether to allow certain levity to permeate this House on the question of debate. The Chair intends to follow the rules of the House and the Chair's rulings."

Representative Cayetano then said:

"Then, Mr. Speaker, I rise on a point of personal privilege."

The Chair then asked Representative Cayetano to "state your point of personal privilege."

Representative Cayetano answered, stating:

"Mr. Speaker, I am aggrieved. I am aggrieved by the participation in this debate of Representative Cobb."

Representative Yuen then rose on a point of order, while Representative Cayetano was saying: "May I state why I am aggrieved, Mr. Speaker?"

But, the Chair directed Representative Yuen to "state your point" and Representative Yuen stated:

"Personal privilege is a personal privilege. He cannot speak for another person of this assembly unless he has been personally aggrieved."

The Chair then remarked:

The Chair has often stated that

one should be recognized before taking the floor to speak. I think that is basic parliamentary rules of procedure and the Chair expects all of you to abide by that. Representative Cayetano."

Representative Cayetano then stated:

"May I state my reasons why I am aggrieved by Representative Cobb's participation in this debate, Mr. Speaker?"

I feel personally insulted that this man, whose integrity I question, should get up and act as a hatchet man for the Speaker when we are trying to defend the reputation of another member of this House."

The Chair then stated:

"Representative Cayetano, the Chair rules you out of order."

Representative Cobb then rose and stated:

"The last time I rose, Mr. Speaker, on the previous point of order, I was defending the right of the representative from Kauai to speak without interruption."

Representative Cayetano then stated:

"That is not my recollection."

With Representative Abercrombie calling "Mr. Speaker", the Chair asked:

"Representative Abercrombie, for what purpose do you rise?"

Representative Abercrombie replied:

"Point of order. My point of order is that the statement that was just made is not my recollection. Will the speaker refresh my memory."

The Chair asked Representative Abercrombie, "Will you state your question, please?"

Representative Abercrombie stated:

"A point of order was raised by the previous speaker, in a statement made by the previous speaker, concerning what he did in his point of order. My point of order is that I do not recollect it that way and would not have it left by the speaker that that, in fact, occurred, if it did not."

Representative Cobb then stated:

"Mr. Speaker, the previous point I raised was"

Representative Abercrombie, on a point of order, stated:

"Mr. Cobb is not the one recognized. I'm the one that's recognized."

The Chair then stated:

"You've made your point, Representative Abercrombie. The Chair recognizes Representative Cobb at this time."

Representative Cobb then proceeded, saying:

"Mr. Speaker, the previous speaker"

Representative Abercrombie, again on a point of order, stated:

"Mr. Speaker, you have not ruled on my point of order."

The Chair answered, stating:

"Your point of order was the question of whether the statement made, or you do not recollect the statement made, and the Chair rules you out of order, at this time, Representative Abercrombie."

Representative Abercrombie then said:

"Thank you."

Representative Cobb then stated:

"Mr. Speaker, the tenor of the remarks that I made earlier was that a point of information is not sufficient to interrupt a speaker while speaking, that only a point of order may do so, and that was said in deference to the right of the representative from Kauai to speak."

Representative Cayetano, upon being recognized, stated:

"I rise on a point of personal privilege."

Mr. Speaker, like the representative from Kauai, I feel that I have been personally insulted by actions of members on this House floor.

I feel that with respect to the particular piece of legislation involved, committee members on my committee have been vilified; their reputations have been questioned; and I rise not only to defend my reputation, but the reputation of those members."

The Chair then stated:

"The Chair, at this time, Representative Cayetano, rules you out of order."

The Chair had indicated that it has to go to the question of your capacity to sit on this floor as a member of this House. The question of being insulted by members of this body, based on their actions, based on what they may have said, the Chair has ruled that that is not the question that can or extend to the question of personal privilege. And, the reason for that is quite obvious. It opens the Pandora's box for all of us to rise on a point of personal privilege when one feels that he or she is insulted by words or conduct that may not be, in fact, the truth of the matter."

Representative Cayetano then asked:

"Is this a gag rule, Mr. Speaker?"

The Chair answered:

"This is not a gag rule; this is to rule on the question of personal privilege."

Representative Cayetano then asked:

"Mr. Speaker, will any member of this House ever have the opportunity, under your . . . shall I say I'm trying to find a proper word, leadership - maybe I should say, dynasty - to ever defend his personal reputation on this floor?"

The Chair replied:

"At the proper time and at the proper moment. When the occasion arises, that person may have that privilege."

Representative Cayetano then asked:

"Mr. Speaker, will you, then, for my future edification, tell me what would be the proper time and what conditions would be proper for me to get up and defend my reputation?"

The Chair answered:

"The Chair is not in a position to debate with any representative on this question. The Chair has ruled."

Representative Cayetano then said:

"Mr. Speaker - I almost called you your honor."

The Chair remarked:

"That has long been past decided."

Representative Cayetano continued, stating:

"Mr. Speaker, I am asking, on a point of information, under what conditions may we do so? Would you please set out the ground rules so that in the future, Mr. Speaker, those of us who feel that we have something important to say regarding our personal reputation and integrity can judge when and where we should talk?"

At 1:23 o'clock p.m., upon the request of Representative Uechi, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:30 o'clock p.m., the Chair stated:

"Representative Cayetano, you have the floor."

Representative Cayetano then said:

"Thank you.

Mr. Speaker, I believe I asked a question about you stating for us the conditions under which a member of this House would be able, under your leadership, to defend his personal integrity and reputation?"

The Chair replied by saying:

"The Chair has already made his position quite clear earlier when Representative Kunimura was recognized. I think it's written in the Journal, Representative Cayetano."

Representative Cayetano then asked:

"Mr. Speaker, is this point covered in Cushing's? Can you point out the section to me?"

The Chair answered:

"On the question of personal privilege, the Chair has ruled on the basis of Mason's Legislative Manual in the past and is now doing the same."

Representative Cayetano asked:

"Pardon me, Mr. Speaker, what manual was that?"

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

"Mr. Speaker, I am reading from Mason's, 'Questions of privilege of a member must relate to a person

as a member of the body or relate to charges against his character which would, if true, incapacitate him for membership in this body and he is not entitled to the floor on a question of personal privilege unless the subject which he proposes to present relates to him in his representative capacity and the chance to lose his membership in this body'.

Thank you."

Representative Cayetano, upon being recognized, stated:

"Mr. Speaker, under that definition, it would seem to me that the representative from Kauai should be allowed to defend his reputation."

The Chair stated:

"The Chair has ruled, Representative Cayetano."

Representative Cayetano asked:

"Mr. Speaker, may I have a short recess? I want to figure out how to appeal the ruling of the Chair."

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

The House of Representatives reconvened at 1:32 o'clock p.m.

Representative Cayetano then stated:

"Mr. Speaker, upon reconsideration, I do not intend to appeal the Chair's ruling. I would like to, at this time, yield to Representative Kunimura."

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

"Did I hear you correctly that you accepted the reading for the rule by the representative from Nuuanu?"

The Chair replied:

"The Chair stated that the Chair has relied on Mason's Legislative Manual; that that has been the basis of my ruling in the past and in the future.

The question that Representative Cayetano asked was the point where in the Cushing's Manual had such a ruling, and Representative Sutton arose on a point of order to state that particular section.

Representative Kunimura."

Representative Kunimura then stated:

"Yes. Then, Mr. Speaker, I have every right to speak on a point of personal privilege because what I have been accused of by the opponents of the House Resolution in the Committee would definitely affect my right to sit here, because I cannot represent anybody else; my position is to represent the people of the State and I wanted that to be cleared; and if you want to deny me, I understand.

Mr. Speaker, you are trying to cut it narrow, but I say, God save those who will be accused in the future, because they would have no recourse in the chambers that they hold so dearly and respect so much.

Thank you."

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

"My point of information cannot be pursued unless the Chairman of the Energy and Transportation will yield to a question."

The Chair then stated:

"The question that you want to raise must be on the subject that is before this House."

Representative Abercrombie replied:

"It is a subject before this House."

The Chair then asked:

"Representative Cayetano, will you yield?"

Representative Cayetano replied in the affirmative and Representative Abercrombie then asked:

"The subject, Mr. Speaker, so that it does not appear to be subterfuge, is the manner in which resolutions or bills appear on this floor, and as a signator of a resolution, I want to ask the Chairman of the Energy and Transportation why H.R. No. 391, which I signed, free and clear, and which I was given to understand would appear on this floor, has not done so?"

The Chair then stated:

"The Chair rules you out of order at this time, Representative Abercrombie."

Representative Abercrombie asked:

"On what basis?"

The Chair replied:

"That the House Resolution that you refer to is not on the House floor for any debate, question or discussion."

Representative Abercrombie then said:

"Then I rise on a point of personal privilege."

The Chair asked Representative Abercrombie to "state your point of personal privilege."

Representative Abercrombie stated:

"That the Speaker has ruled quite clearly that activities taking place on this floor are subject to the point of personal privilege as to whether someone may or may not be able to represent his constituents and represent himself or herself in this body."

The Chair replied:

"That is not correct."

The Chair ruled that that particular question must substantially go to the question of your right to sit on this floor as a representative, not the question of whether you are adequately representing your constituents or not; therefore, the Chair rules you out of order."

Representative Abercrombie then stated:

"I rise on a point of personal privilege, still then. Perhaps you didn't understand my point. My right to sit on this floor is severely compromised, and aggrievedly so, if the rules of the House are not obeyed; my rights mean nothing; they are wind; they are sound and mean nothing if I have to . . ."

Representative Yuen then rose on a point of order, and when asked to "state your point", stated:

"Mr. Speaker, the prior speaker is debating the issue. He is not stating . . ."

At this point, Representative Kunimura kept saying: "Mr. Speaker, point of order", and the Chair stated:

"May I rule on Representative Yuen's point of order?"

Representative Kunimura asked:

"May I rise on a point of order because it is immediate and necessary?"

The Chair then asked Representative Kunimura to "state your point."

Representative Kunimura answered:

"I do not take lightly a Majority Floor Leader judging what a man is saying. He's the leader of this House on the floor; it's not his interpretation that counts."

Representative Yuen then rose on a point of order, and when asked to "state your point", stated:

"I feel, Mr. Speaker, that as a member of this House, I have every right to express my opinion."

Amidst shouting, the Chair asked:

"May we have some order?"

Representative Kunimura then stated:

"Mr. Speaker, you can go to hell, you understand?"

The Chair then said:

"May we have some order in this House?"

Representative Kunimura then said:

"You damn right we better have some order. You start with your damn bloody leadership."

The Chair then stated:

"The Chair, at this time, requests"

Representative Kunimura interrupted with:

"Eh Speaker, you can go to hell, you understand?"

At 1:37 o'clock p.m., upon the request of Representative Kihano, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:32 o'clock p.m., the Chair recognized Representative Kunimura.

Representative Abercrombie then

rose on a point of order and stated:

"I had the floor."

The Chair then stated:

"The Chair, at this time, Representative Abercrombie, when we recessed, I don't believe that you had the floor."

Representative Abercrombie stated:

"I had the floor."

The Chair replied:

"Representative Cayetano had the floor; you were up there on a point of order."

Representative Abercrombie then said:

"And I was recognized and the point of order was made by the Majority Floor Leader in respect of the comments that I was making. I had the floor. God dammit."

At 2:32 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:35 o'clock p.m.

The Chair then stated:

"The Chair, upon checking the records, realizes that the record will show that Representative Abercrombie had the floor on a point of order. Representative Kunimura, will you yield?"

Representative Abercrombie remarked:

"I don't see how anyone else can yield the floor when I already have it. What I wanted to do was to yield the floor, which I do at this time. If anybody had asked me, that's what I would have done."

Representative Kunimura then stated:

"Thank you, Mr. Speaker and Representative Abercrombie.

Mr. Speaker, I would like to apologize for my behavior on the floor today. It was uncalled for. I feel I should be censured for such outburst and irresponsible action.

But, Mr. Speaker, when it comes to"

At this point, Representative Kunimura left the chambers.

At 2:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:37 o'clock p.m., the Chair made the following request:

"The Chair, at this time, will entertain a motion, with the consent

of the previous speaker, to adjourn."

ADJOURNMENT

At 2:38 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Wednesday, April 6, 1977.