

## FIFTY-FOURTH DAY

Wednesday, April 6, 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 Norman Hammer of Prince of Peace Lutheran Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Caldito, Ikeda, Kamalii, Kunimura, Larsen, Morioka and D. Yamada.

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

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 337 to 389) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 337) transmitting Senate Concurrent Resolution No. 28, SD 1, requesting Hawaii's Congressional delegation to provide subsidies for cruise ship fleets between the mainland United States and Hawaii, which was adopted by the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 338) transmitting Senate Concurrent Resolution No. 111, SD 1, relating to an agricultural park at Keahole, Kona, which was adopted by the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 339) transmitting Senate Concurrent Resolution No. 118, urging Federal contracting agencies in Hawaii to require their contractors to comply with the requirements of Chapter 444, Hawaii Revised Statutes, which was adopted by the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 340) transmitting

Senate Concurrent Resolution No. 120, SD 1, urging greater efforts to protect Hawaii's taro industry through the preservation of agricultural lands in the relatively few areas where taro can be commercially grown, which was adopted by the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 341) transmitting Senate Concurrent Resolution No. 126, SD 1, requesting a feasibility study on the proposal to provide for retirement of State and county employees after 30 years of service regardless of age without loss of benefits, which was adopted by the Senate on April 5, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 28, SD 1; 111, SD 1; 118, 120, SD 1; and 126, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 342) transmitting Senate Concurrent Resolution No. 145, commending Dean John W. Shupe for his contribution to Hawaii's alternate energy efforts and on his selection for a one year assignment in Washington, D.C. on solar, geothermal and advanced energy systems, which was adopted by the Senate on April 5, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 145 was adopted.

A communication from the Senate (Sen. Com. No. 343) transmitting Senate Concurrent Resolution No. 148, in recognition of 'Deaf Awareness Week', which was adopted by the Senate on April 5, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 148 was adopted.

A communication from the Senate (Sen. Com. No. 344) returning House Concurrent Resolution No. 83, urging that State of Hawaii determinations of prevailing wages be accepted as the minimum wages that must be paid on Federal projects for purposes of the Davis-Bacon Act, which was adopted by the Senate on April 5, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 345) returning House Concurrent Resolution No. 84, urging prohibition of use of foreign labor on federally funded projects in the south and western Pacific areas unless such qualified personnel are not readily available first from Hawaii and subsequently, the mainland United States, which was adopted by the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 346) returning House Concurrent Resolution No. 89, requesting the Congress of the United States to enact legislation to cancel the indebtedness of the states to the Federal account in the Unemployment Compensation Trust Fund for advances to pay unemployment benefits, which was adopted by the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 347) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 5, HD 2, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Toyofuku, Yim, Kuroda and Henderson 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. 348) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 12, HD 2, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Yamasaki, Yim and Henderson 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. 349) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 15, HD 1, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Nishimura and Anderson 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. 350) informing the House that pursuant to the disagree-

ment of the House to the amendments proposed by the Senate to House Bill No. 28, HD 2, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Nishimura, Hulten and George 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. 351) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 96, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; Chong and Henderson 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. 352) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 137, HD 2, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Toyofuku and Anderson 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. 353) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 154, HD 2, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; F. Wong, King and Soares 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. 354) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 155, HD 1, and the request for a conference on the subject matter of said amendments, Senators F. Wong, Chairman; King and Soares 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. 355) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 171, HD 1, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; Chong and George 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. 356) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 180 and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; F. Wong, O'Connor and Soares 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. 357) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 193 and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Toyofuku and Henderson 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. 358) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 433, HD 1, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Nishimura, Yamasaki and Anderson 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. 359) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 512, HD 1, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Toyofuku and Anderson 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. 360) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 672 and the request for a conference on the subject matter of said amendments, Senators Young, Chairman; Yim and Anderson 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. 361) informing the House

that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 805, HD 2, and the request for a conference on the subject matter of said amendments, Senators Nishimura, Chairman; Taira, Chong and Leopold 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. 362) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 817, HD 1, and the request for a conference on the subject matter of said amendments, Senators Toyofuku, Chairman; Taira and Henderson 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. 363) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 833, HD 1, and the request for a conference on the subject matter of said amendments, Senators F. Wong, Chairman; Hara and Soares 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. 364) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1059, HD 1, and the request for a conference on the subject matter of said amendments, Senators F. Wong, Chairman; Hulten, Yim and Saiki 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. 365) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1062, HD 1, and the request for a conference on the subject matter of said amendments, Senators Hara, Chairman; Yim, Kuroda and Yee 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. 366) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1065, HD 1, and the request for a conference on the subject matter of said amendments, Senators King, Chairman; Chong, Hulten and George 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. 367) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1173, HD 1, and the request for a conference on the subject matter of said amendments, Senators R. Wong, Chairman; Young, Yim and Anderson 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. 368) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1297 and the request for a conference on the subject matter of said amendments, Senators Toyofuku, Chairman; R. Wong and Soares 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. 369) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1678 and the request for a conference on the subject matter of said amendments, Senators Young, Chairman; R. Wong and Henderson 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. 370) informing the House that the amendments proposed by the House to Senate Bill No. 122 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 371) informing the House that the amendments proposed by the House to Senate Bill No. 144 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 372) informing the House that the amendments proposed by the House to Senate Bill No. 244, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate

on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 373) informing the House that the amendments proposed by the House to Senate Bill No. 245, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 374) informing the House that the amendments proposed by the House to Senate Bill No. 416 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 375) informing the House that the amendments proposed by the House to Senate Bill No. 454 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 376) informing the House that the amendments proposed by the House to Senate Bill No. 462, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 377) informing the House that the amendments proposed by the House to Senate Bill No. 731, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 378) informing the House that the amendments proposed by the House to Senate Bill No. 761, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 379) informing the House that the amendments proposed by the House to Senate Bill No. 799 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 380) informing the House that the amendments proposed by the House to Senate Bill No. 804, SD 2, were agreed to by the Senate

and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 381) informing the House that the amendments proposed by the House to Senate Bill No. 1203, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 382) informing the House that the amendments proposed by the House to Senate Bill No. 1226, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 383) informing the House that the amendments proposed by the House to Senate Bill No. 1368, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 384) informing the House that the amendments proposed by the House to Senate Bill No. 1369, SD 2, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 385) informing the House that the amendments proposed by the House to Senate Bill No. 1370 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 386) informing the House that the amendments proposed by the House to Senate Bill No. 1443, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 387) informing the House that the amendments proposed by the House to Senate Bill No. 1460, SD 1, were agreed to by the

Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 388) informing the House that the amendments proposed by the House to Senate Bill No. 1479 were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 389) informing the House that the amendments proposed by the House to Senate Bill No. 1489, SD 1, were agreed to by the Senate and said bill, as thus amended, passed Final Reading in the Senate on April 5, 1977, was placed on file.

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

Representative Sutton introduced Mrs. Cathy L'Amour, wife of the famous Western writer, Louis L'Amour; her son, Beau, and daughter, Angelique.

Representative Mina introduced 23 sixth grade students from Saint John's (Kalihi) Baptist Church and their teacher, Ms. Diana Norman.

Representative Garcia introduced 15 Brownies of Troop 349 from Hickam Air Force Base. They were accompanied by their troop leaders, Mrs. Mary Stevens and Ms. Betty Ohara, and chaperones, Mr. Stevens, Mr. Woodward and Mrs. Connie Hudson.

Representative Kihano introduced 15 members of the Y.M.C.A. who are presently participating in the Youth Legislature, and who were seated in the gallery.

Representative Kihano then introduced the State officers of the Youth Legislature, as follows: Edward A. Taketa, Youth Governor (Waiakea YMCA); Colin K. Watanabe, House Speaker (Waiakea YMCA); Amy S. Reinhardt, House Clerk (West Oahu YMCA); Karl T. Tao, House Sergeant-at-Arms (Waiakea YMCA); Randy K. Yamashita (Waiakea YMCA); Peter Kubota (Waiakea YMCA); and Phillip Hidalgo (Central YMCA), House Attorneys.

Representative Segawa then introduced Mr. and Mrs. Hubert Imamura and their daughter from the Big Island (Hawaii).

At this time, the Chair directed

the Clerk to note the presence of Representatives Abercrombie, Caldito, Ikeda, Kunimura, Larsen and Morioka.

#### SUSPENSION OF RULES

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

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 661, 670 and 671) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 661) congratulating and commending the Pohai Nani swimming team was jointly offered by Representatives Evans, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Fong, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, 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 and K. Yamada.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 661 was adopted.

At this time, Representative Evans introduced the following: Mr. Jack Wakayama, Mr. Frank Gibbs and Mr. Harry Komuro, members of the Pohai Nani Residents Advisory Board, and the cheering section of the swimming team who are residents of Pohai Nani.

Representative Evans then introduced the honorees, as follows: Jerry Bennett, Captain of the team (butterfly and freestyle); Gratia McConkey (breast stroke); Olive Newton (freestyle); Agnes Sullivan (freestyle); and Jamie Cameron, who set Hawaii records for the 50-yard backstroke and freestyle events. Accompanying the team was Mr. Ken Curry, Assistant Administrator of Pohai Nani.

Leis were then presented to the honorees by Representatives Abercrombie, Campbell, Carroll, Sutton and Uwaine, and Representative Ikeda presented a lei to Mr. Curry.

Representatives Ajifu and Evans presented the honorees with certified copies of the resolution.

A resolution (H.R. No. 670) congratulating Theodore Takashi Fukushima for his admirable service as Athletic Director at Kaiser High School was jointly offered by Representatives Ikeda, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, 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 Ikeda, seconded by Representative Dods and carried, H.R. No. 670 was adopted.

Representative Ikeda then introduced the honoree, Mr. Ted Fukushima, stating:

"Mr. Speaker, it gives me great pleasure, this morning, to introduce a man to this body who, I think, epitomizes the missing ingredient that makes for a great school versus a mediocre one; a fellow who has given unselfishly of his time and effort, and has really been the catalyst behind the entire Kaiser High School athletic program."

Representative Ikeda then introduced Mrs. Ann Fukushima and their daughter, Shelley.

A carnation lei was presented to Mr. Fukushima by Representative Dods.

Representative Dods then remarked:

"Mr. Speaker, I think, as time goes on, we all change a little, and I hope for the better. I don't know if most of you know it, but I live right next door to Kaiser High School, and being a prime mover in getting Fukushima to water the field a little bit more, and we have been on the opposite side of the fence for a long time, and it gives me a great deal of pleasure to congratulate him now for his outstanding efforts.

Thank you very much."

A resolution (H.R. No. 671) welcoming Louis L'Amour to Hawaii was offered by Representative Sutton.

On motion by Representative Sutton, seconded by Representative Kihano and carried, H.R. No. 671 was adopted.

Representative Sutton then presented the honoree, Louis L'Amour, to the members of the House, stating:

"Mr. Speaker, could I have your attention for a minute to these beautiful words: 'He rode on, walking his horse on uncertain trail; night when it came, was cold. He made his camp by moonlight and looked out across the vast blackness towards the stars; how many lovely campfires? How much incense offered the Gods of desolation from his nightly resting places, and how many more to come?'"

Mr. Speaker, this is a sample of how the most popular Western writer of all times, including Zane Grey, writes beautiful prose, and he draws scenes that immediately bring into your imagination the exact scenes of our beloved West.

We, in Hawaii, are the farthest West. We are the pioneers. Therefore, Mr. Speaker, it gives me great pleasure to introduce to this body the greatest Western writer of all times, Louis L'Amour."

A red carnation lei was then presented to Mr. L'Amour by Representative Ikeda, and a certified copy of the resolution was presented to him by Representative Fong, who is also a personal friend of Mr. L'Amour.

At 11:23 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

Upon reconvening at 11:55 o'clock a.m., the Chair directed the Clerk to note the presence of Representative D. Yamada.

At this time, the Vice Speaker assumed the rostrum.

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

Representative Shito introduced 3 special education teachers, Lorraine Young, Thelma Yamamoto and Diane Suzuki.

Representative Naito introduced a dedicated teacher, Ms. Jean Ishikawa.

Representative Carroll introduced a friend of his, "a dedicated jeweler, President and owner of Hawaiian Heritage", Ray Tatro.

Representative Cobb introduced a former colleague, Mr. Kenneth Lee.

Representative Narvaes introduced a personal friend of his, Mr. John Miranda.

## ORDER OF THE DAY

### DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 638, 640 to 651 and 657 to 660) and concurrent resolutions (H.C.R. Nos. 124 and 125 and S.C.R. Nos. 19, 28, 93, 102, 111, 114, 118, 120 and 126) were disposed of as follows:

H.R. Nos.	Referred to:
638	Committee on Energy and Transportation, then to the Committee on Legislative Management
640	Committee on Judiciary, then to the Committee on Legislative Management
641	Committee on Judiciary, then to the Committee on Legislative Management
642	Committee on Judiciary, then to the Committee on Legislative Management
643	Committee on Judiciary, then to the Committee on Legislative Management
644	Committee on Employment Opportunities and Labor Relations
645	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Legislative Management
646	Committee on Education
647	Committee on Water, Land Use, Development and Hawaiian Homes
648	Committee on Energy and Transportation
649	Committee on Health, then to the Committee on Public Employment and Government Operations
650	Committee on Higher Education

651	Committee on Energy and Transportation, then to the Committee on Finance	printed and distributed.
657	Committee on Energy and Transportation	On motion by Representative Kunimura, seconded by Representative Lunasco and carried, the report of the Committee was adopted.
658	Committee on Finance	Representative Machida, for the majority of the Committees on Tourism and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 967) recommending that H.R. No. 554, as amended in HD 1, be referred to the Committee on Finance.
659	Committee on Judiciary	
660	Jointly to the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes	
<u>H.C.R. Nos.</u>		Representative Machida moved that the report of the majority of the Committees be adopted, and H.R. No. 554, HD 1, be referred to the Committee on Finance, seconded by Representative Kawakami.
124	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Legislative Management	
125	Committee on Higher Education	Representative Abercrombie then rose and stated:
<u>S.C.R. Nos.</u>		"Mr. Speaker, I rise to speak against this resolution.
19	Committee on Agriculture	Mr. Speaker, the reason I oppose this and have written 'I do not concur' is that the language again, as had happened so often in respect of tourism bills and resolutions this year, is so vague as to open up the possibility of a good deal of skulduggery on the part of the hotel industry and hotel resort development people. I have read and listened to testimony by the hotel resort people on this area, and concerning capital, I do not believe it. I think this is strictly a propagandistic move.
28	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Tourism	
93	Committee Health	
102	Committee on Consumer Protection and Commerce	
111	Jointly to the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes	
114	Committee on Health	I am referring now to the fourth paragraph in the Committee Report: 'Your Committees are further aware that the attraction of capital to build new hotels is probably the greatest problem facing Hawaii's visitor industry, next to attracting visitors.' I don't think we have a problem attracting visitors, and I don't think we have a problem attracting capital. The profitability of hotels in Hawaii is well known. It seems to me that what this allows is for the kind of special interest legislation such as is now being proposed in the Senate and would allow certain individuals in the State to get the opening wedge on being able to take advantage of that kind of special interest legislation, or in the guise of aiding and assisting the tourist hotel resort development area, and all in the general context of the scare tactics and the general 'red-herring' approach to the hotel tourist resort development area that is going on right now.
118	Committee on Consumer Protection and Commerce	
120	Jointly to the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes	
126	Committees on Public Employment and Government Operations, then to the Committee on Finance	

## STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 966) informing the House that House Resolution Nos. 654 to 660, House Concurrent Resolution No. 125, and Standing Committee Report Nos. 967 to 985, have been



The public is being fed a steady diet of propaganda concerning this resort development situation by the people who stand most to benefit from the various so-called tax incentives which are really another way of ripping off the public here. So I don't think it should be referred to Finance because, I think, its intent is obvious. Its intent involves the possibility of special interest in the resort developer area being able to pursue this skulduggery, as far as tourism is concerned.

For that reason, I think that we should oppose it."

Representative Cobb then rose and stated:

"Mr. Speaker, a brief observation in favor of the resolution and, perhaps, a reservation for the Finance Committee to consider, to be in the package previously mentioned by the speaker from Manoa/Makiki.

There was no reference at all to the requirement that any kind of development incentive adhere to planning considerations or zoning for the type of area that would be eligible for such aid. I think if we are going to consider and address assisting any industry in this context, we should also consider the planning aspects that would be involved.

With that caveat, I would urge the referral of the resolution to Finance for their consideration."

Representative Garcia then rose and stated:

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

Although I do not sit on this particular Committee, I would like to point out that the Committee amended the resolution to also direct that other alternative industries, not only that for tourism, but an even more important aspect relating to this resolution, as far as study for capital investment, is most of us recognize that tourism is the number one industry, and it cost upwards of \$50,000 per hotel room to rebuild in the State, and it is considered to be one of the major employers so, I think, this particular resolution is direly needed to look into this area and, perhaps, make recommendations for next session."

The motion was put by the Chair and carried, and the joint report

of the majority of the Committees was adopted and H.R. No. 554, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON ALTERNATIVES FOR ATTRACTING CAPITAL INVESTMENT", was referred to the Committee on Finance, with Representative Abercrombie voting no.

Representatives Mizuguchi and Ushijima, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 968) recommending that H.R. No. 414, as amended in HD 1, be adopted.

On motion by Representative Mizuguchi, seconded by Representative Ushijima and carried, the joint report of the Committees was adopted and H.R. No. 414, HD 1, entitled: "HOUSE RESOLUTION URGING THE STATE BOARD FOR VOCATIONAL EDUCATION AND THE STATE BOARD OF EDUCATION TO ACCORD THE HIGHEST PRIORITY IN RESOURCE ALLOCATION AND PROGRAM PLANNING AND DEVELOPMENT FOR VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS AND TO REDOUBLE EFFORTS IN INTER-AGENCY ARTICULATION", was adopted.

Representatives Mizuguchi and Ushijima, for the Committees on Education and Higher Education, presented a joint report (Stand. Com. Rep. No. 969) recommending that H.C.R. No. 67, as amended in HD 1, be adopted.

On motion by Representative Mizuguchi, seconded by Representative Ushijima and carried, the joint report of the Committees was adopted and H.C.R. No. 67, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE BOARD FOR VOCATIONAL EDUCATION AND THE STATE BOARD OF EDUCATION TO ACCORD THE HIGHEST PRIORITY IN RESOURCE ALLOCATION AND PROGRAM PLANNING AND DEVELOPMENT FOR VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS AND TO REDOUBLE EFFORTS IN INTER-AGENCY ARTICULATION", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 970) recommending that H.R. No. 241 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 241, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PROGRAM INVOLVING TEENAGERS IN HELPING SOLVE PROBLEMS RELATING TO SCHOOL VIOLENCE AND VANDALISM", was adopted.

Representatives Takamine and Aki, for the Committees on Employment Opportunities and Labor Relations and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 971) recommending that H.R. No. 505, as amended in HD 1, be adopted.

On motion by Representative Takamine, seconded by Representative Aki and carried, the joint report of the Committees was adopted and H.R. No. 505, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE EFFECTIVENESS OF VOCATIONAL EDUCATION AND EMPLOYMENT TRAINING FOR YOUTH", was adopted.

Representatives Takamine and Aki, for the Committees on Employment Opportunities and Labor Relations and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 972) recommending that H.C.R. No. 93, as amended in HD 1, be adopted.

On motion by Representative Takamine, seconded by Representative Aki and carried, the joint report of the Committees was adopted and H.C.R. No. 93, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE EFFECTIVENESS OF VOCATIONAL EDUCATION AND EMPLOYMENT TRAINING FOR YOUTH", was adopted.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 973) recommending that H.R. No. 553 be adopted.

On motion by Representative Machida, seconded by Representative Dods and carried, the report of the Committee was adopted and H.R. No. 553, entitled: "HOUSE RESOLUTION RELATING TO CONTINUING GROUP INCLUSIVE TOUR FARES BY THE AIRLINES", was adopted.

Representatives Shito and Segawa, for the Committees on Housing and Health, presented a joint report (Stand. Com. Rep. No. 974) recommending that H.R. No. 557 be adopted.

On motion by Representative Shito, seconded by Representative Segawa and carried, the joint report of the Committees was adopted and H.R. No. 557, entitled: "HOUSE RESOLUTION REQUESTING ACTION TO ADAPT U.S. FARMERS' HOME ADMINISTRATION HOUSING LOAN PROGRAMS TO LOCAL CONDITIONS

IN HAWAII", was adopted.

Representatives Cayetano and Uechi, for the Committees on Energy and Transportation and Agriculture, presented a joint report (Stand. Com. Rep. No. 975) recommending that H.R. No. 437 be adopted.

On motion by Representative Cayetano, seconded by Representative Uechi and carried, the joint report of the Committees was adopted and H.R. No. 437, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO PROVIDE ADEQUATE FACILITIES FOR AIR CARGO HANDLING AT ALL AIRPORTS IN THE STATE", 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. 976) recommending that H.C.R. No. 78, as amended in HD 1, be adopted.

Representative Uechi moved that the joint report of the Committees be adopted and H.C.R. No. 78, HD 1, be adopted, seconded by Representative Kawakami.

Representative Larsen then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Concurrent Resolution No. 78. I would like to give you a little history first concerning this whole subject.

In 1976, the Legislature passed a well thought out bill which set up priorities for helping three diversified agriculture crops. These were papaya, anthuriums, and ornamentals. This bill became Act 198 when the Governor signed it in June, 1976. This Act recognizes the difficulty of marketing and transporting these fragile crops and appropriates \$924,000 to help solve some of these critical problems. So far, nothing has been done.

In 1976, papaya prices dropped to an average of 11.8¢ per pound, below break even for many small farmers, especially those on the neighbor islands. Production costs are currently running closer to 13-14¢ per pound. These 1976 low prices were a direct result of a proliferation of small farm cooperatives and companies selling papaya in a limited market--primarily Los Angeles.

Recently, Castle and Cooke proposed a marketing cooperative for papaya

growers. Their suggested base price of 17¢ a pound would allow expansion for the papaya industry at prices that would allow small growers to sell at a profit.

A unified marketing plan run by a major produce marketing organization is essential for price stability and continued expansion in this papaya industry. The Castle and Cooke proposal is especially important because fresh papayas would be marketed under the Dole label. This label is strongly identified with pineapple from Hawaii and would extend aptly over a third tropical fruit. The other, of course, is bananas. Such a marketing proposal would encourage small growers to produce on contract for sale under a well organized Dole marketing effort.

This proposed marketing cooperative would use the Castle and Cooke produce marketing organization which presently covers the United States and Canada. This organization employs 200 people in a highly competitive field. Market expansion for papaya would proceed for three to five years. During this time, the company would invest in advertising and promoting papayas before they would realize a profit from this new product line.

This kind of effort could not be duplicated by the State or small grower cooperatives without spending literally millions of dollars.

There are presently 3,500 acres of papaya planted in our State. Long range projections indicate that this is a potential market to absorb 20,000 acres. At this level, papaya production would create over 1,500 farm units, a tremendous assist for employment and broadening our agricultural base.

Mr. Speaker, we have been lax in not pushing more firmly for support of such a marketing proposal. Without a firm commitment from the Administration to solve the papaya marketing dilemma, our present papaya industry could waste away and this potential for papaya expansion could be lost.

I urge all members to support this resolution."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and H.C.R. No. 78, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION

RELATING TO STATE ENCOURAGEMENT OF PRIVATE INDUSTRY PAPAYA MARKETING PROGRAMS", was adopted.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 977) recommending that S.B. No. 460, SD 1, pass Third Reading.

By unanimous consent, action on S.B. No. 460, SD 1, was deferred until tomorrow, April 7, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 460, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 978) recommending that S.B. No. 346, SD 1, pass Third Reading.

By unanimous consent, action on S.B. No. 346, SD 1, was deferred until tomorrow, April 7, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 346, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 979) recommending that S.B. No. 1367 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 1367, entitled: "A BILL FOR AN ACT RELATING TO NAMES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 7, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 980) recommending that S.B. No. 348 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 348, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 7, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 981) recommending that S.B. No. 243 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative Yuen and carried, the report of the Committee was adopted and S.B. No. 243, entitled: "A BILL FOR AN ACT RELATING TO BASIC RULE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 7, 1977.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 1367, 348 and 243 were made available to the members of the House at 11:00 o'clock a.m.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 982) recommending that H.R. No. 43 be referred to the Committee on Legislative Management.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING THE COMMITTEE ON EDUCATION TO REVIEW THE PROGRAM DESIGN AND DELIVERY SYSTEM FOR IMMIGRANT STUDENT PROGRAM", was referred to the Committee on Legislative Management.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 983) recommending that H.R. No. 49 be referred to the Committee on Legislative Management.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 49, entitled: "HOUSE RESOLUTION REQUESTING THE REVIEW OF POLICIES AND PRACTICES OF THE DEPARTMENT OF EDUCATION TO ENSURE THAT ALL MINORITY GROUPS ARE PROVIDED WITH EQUAL OPPORTUNITY TO WORK, TO BE HEARD, AND TO LEARN", was referred to the Committee on Legislative Management.

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

Upon reconvening at 12:13 o'clock

p.m., the Speaker resumed the rostrum.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 984) recommending that the report on State policies on senior centers be filed.

By unanimous consent, action on Stand. Com. Rep. No. 984 was deferred until tomorrow, April 7, 1977.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 985) recommending that H.C.R. No. 111, 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.C.R. No. 111, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PARTICIPATION OF THE STATE OF HAWAII IN THE FORMATION OF A JOINT IOLANI PALACE CELEBRATION COMMITTEE", was referred to the Committee on Legislative Management.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 662 to 664) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 7, 1977:

A resolution (H.R. No. 662) calling upon the President of the United States and the Congress of the United States to enact urgently needed legislation to stabilize the prices and supply of sugar in the United States was jointly offered by Representatives Machida, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kunimura, Lunasco, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

A resolution (H.R. No. 663) requesting implementation of State policy on senior centers was jointly offered by Representatives Aki, Baker, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Kihano, Kiyabu, Kunimura, Machida, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Ueoka, Ushijima, Uwaine, D. Yamada,

K. Yamada and Yuen.

A resolution (H.R. No. 664) urging the Department of Land and Natural Resources to accelerate their tree planting program was jointly offered by Representatives Takamine, Inaba, Segawa, Suwa and K. Yamada.

The following resolution (H.R. No. 665) was read by the Clerk and was disposed of as follows:

A resolution (H.R. No. 665) extending congratulations to the Honokaa Community Federal Credit Union for being awarded the National Credit Union Thrift Honor Award was jointly offered by Representatives Takamine, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Takamine, seconded by Representative Suwa and carried, H.R. No. 665 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 666 to 669) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 7, 1977:

A resolution (H.R. Nos. 666 to 669) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 7, 1977:

A resolution (H.R. No. 666) requesting implementation of a land exchange program in the North Kohala district, island of Hawaii was jointly offered by Representatives Takamine, Inaba, Segawa, Suwa and K. Yamada.

A resolution (H.R. No. 667) requesting the College of Agriculture to continue research to find control measures for taro corm soft rot disease in Waipio Valley was jointly offered by Representatives Takamine, Inaba, Segawa, Suwa and K. Yamada.

A resolution (H.R. No. 668) requesting the Department of Transportation to recommend improvements to that portion of Kahekili and Kamehameha Highways between Likelike Highway

and Laie was jointly offered by Representatives Toguchi, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Garcia, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Peters, Say, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

A resolution (H.R. No. 669) requesting that the month of November be dedicated to honor the memory of King David La'amea Kalakaua was jointly offered by Representatives Peters and Kunimura.

The following resolutions (H.R. Nos. 672 to 675) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 672) commending the officers and enlisted men of the 68th Medical Detachment, 25th Infantry Division, also known as Military Assistance to Safety and Traffic (MAST), for their meritorious work to the people of the 21st District was jointly offered by Representatives Aki, Peters, Baker, Caldito, Cobb, Kihano, Kiyabu, Kunimura, Medeiros, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Poepoe, Shito, Sutton, Takamine, Takamura, Ushijima, D. Yamada and K. Yamada.

On motion by Representative Aki, seconded by Representative Peters and carried, H.R. No. 672 was adopted.

A resolution (H.R. No. 673) congratulating Waianae High School on winning the Oahu Interscholastic Association (OIA) Junior Varsity (JV) Basketball Division Championship was jointly offered by Representatives Aki, Peters, Baker, Caldito, Cobb, Kihano, Kiyabu, Kunimura, Medeiros, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Poepoe, Shito, Sutton, Takamine, Takamura, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Aki, seconded by Representative Peters and carried, H.R. No. 673 was adopted.

A resolution (H.R. No. 674) recognizing Yew Char on this fiftieth year since earning the distinction of being the first American citizen of pure Chinese ancestry to have been accorded a seat in the House of Representatives of the Territorial Legislature of Hawaii was jointly offered by Representatives Ajifu, Abercrombie, Aki, Baker, Blair, Caldito, 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 Ajifu, seconded by Representative Evans and carried, H.R. No. 674 was adopted.

A resolution (H.R. No. 675) memorializing workers who died of work-related accidents and illnesses in Hawaii in 1976 was jointly offered by Representatives Abercrombie, Cobb, Say, Toguchi and Yuen.

On motion by Representative Abercrombie, seconded by Representative Takamine and carried, H.R. No. 675 was adopted by a rising vote.

By unanimous consent, the following resolutions (H.R. Nos. 676 to 685) and concurrent resolutions (H.C.R. Nos. 126 and 127) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 7, 1977:

A resolution (H.R. No. 676) requesting the Director of Transportation to review and modify policies and regulations to permit independent commercial photography at Honolulu International Airport was offered by Representative Abercrombie.

A resolution (H.R. No. 677) requesting the Tax Department to investigate alleged claims of unreported taxes involving construction work by parties for cash was jointly offered by Representatives D. Yamada, Baker, Blair, Cobb, Fong, Garcia, Ikeda, Medeiros, Naito, Nakamura, Uechi, Ueoka, Uwaine and K. Yamada.

A resolution (H.R. No. 678) requesting a study of citizens rights to maintain actions on compliance with environmental policies and environmental impact assessment procedures was offered by Representative Blair.

A resolution (H.R. No. 679) observing the month of April as Samoan Cultural Awareness Month was jointly offered by Representatives Peters and Aki.

A resolution (H.R. No. 680) relating to requesting the Congress to amend the Marine Mammal Protection Act was jointly offered by Representatives

Poepoe, Kawakami, Blair, Caldito, Carroll, Fong, Garcia, Inaba, Larsen, Lunasco, Medeiros, Morioka, Toguchi and Uechi.

A resolution (H.R. No. 681) urging Congress to consider a right to life amendment to the Federal Constitution was jointly offered by Representatives Sutton and Aki.

A resolution (H.R. No. 682) requesting a re-examination of the fixed guideway system for Honolulu was offered by Representative Cayetano.

A resolution (H.R. No. 683) expressing legislative policy with respect to food and beverages at open-air stadia or similar facilities was offered by Representative Abercrombie.

A resolution (H.R. No. 684) requesting Hawaii's Congressional delegation to obtain joint military-civilian use of Barbers Point NAS as a general aviation airport site was offered by Representative Cayetano.

A resolution (H.R. No. 685) relating to State planning was jointly offered by Representatives Kiyabu, Abercrombie, Baker, Blair, Caldito, Campbell, Cobb, Dods, Inaba, Kihano, Kunimura, Lunasco, Mina, Mizuguchi, Morioka, Nakamura, Peters, Say, Segawa, Shito, Stanley, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, D. Yamada and K. Yamada.

A concurrent resolution (H.C.R. No. 126) relating to requesting the Congress to amend the Marine Mammal Protection Act was jointly offered by Representatives Poepoe, Kawakami, Blair, Caldito, Carroll, Fong, Garcia, Larsen, Lunasco, Medeiros, Morioka, Toguchi and Uechi.

A concurrent resolution (H.C.R. No. 127) urging Congress to consider a right to life amendment to the Federal Constitution was jointly offered by Representatives Sutton and Aki.

#### APPOINTMENT OF CONFERENCE COMMITTEES

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House in Senate Bill No. 1209, SD 1, HD 1, and the request for a conference on the subject matter of said amendments, Representatives Kawakami, Chairman; Lunasco, Morioka, Toguchi, Uechi 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 in Senate Bill No. 533, SD 1, HD 2, and the request for a conference on the subject matter of said amendments, Representatives Cayetano, Chairman; Abercrombie, Dods, Garcia, Uwaine and Medeiros were appointed as Managers on the part of the House at such conference.

At 12:20 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 12:21 o'clock p.m.

#### SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Ajifu 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 THE CLERK'S DESK

By unanimous consent, H.B. No. 135, HD 1, SD 2, was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative Peters and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 135, HD 1, and H.B. No. 135, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYMENT SECURITY LAW", having been read throughout, passed Final Reading by a vote of 44 ayes to 6 noes, with Representatives Abercrombie, Baker, Cobb, Narvaes, Sutton and Uwaine voting no, and Representative Kamalii being excused.

By unanimous consent, H.B. No. 207, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative Peters and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 207, HD 1, and H.B. No. 207, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENFORCEMENT OF THE EMPLOYMENT PRACTICES LAW AND AMENDING CHAPTER 378,

HAWAII REVISED STATUTES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Kamalii being excused.

By unanimous consent, H.B. No. 210, SD 1, was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative Peters and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 210, and H.B. No. 210, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Kamalii being excused.

By unanimous consent, H.B. No. 1696, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative Peters and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1696, HD 1, and H.B. No. 1696, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Kamalii being excused.

The Chair directed the Clerk to note that H.B. No. 135 had passed Final Reading at 12:23 o'clock p.m.; H.B. No. 207 at 12:24 o'clock p.m.; and H.B. Nos. 210 and 1696 at 12:25 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Say moved that the House reconsider its action taken on April 1, 1977, in disagreeing to the amendments proposed by the Senate to H.B. No. 84, HD 1, seconded by Representative Stanley and carried.

Representative Say then gave notice that he will agree to the amendments proposed by the Senate in H.B. No. 84, HD 1, SD 1, tomorrow, April 7, 1977.

At 12:26 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

#### COMMITTEE REASSIGNMENTS

The Chair, at this time, re-referred the following resolutions:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
137	Committee on Employment Opportunities and Labor Relations, then to the Committee on Legislative Management
380	Committee on Energy and Transportation
649	Committee on Public Employment and Government Operations

At 12:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m.

At this time, Representative Uwaine rose on a point of information and asked whether or not the Chairman of the Committee on Energy and Transportation would yield to questions, to which Representative Cayetano replied in the affirmative.

Representative Uwaine then asked:

"Mr. Speaker, would you ask the Chairman if the decision-making will be open to the media?"

Representative Cayetano replied:

"Mr. Speaker, in conformance with the rules, all decision-making meetings are open."

Representative Ushijima then rose and remarked:

"Mr. Speaker, a couple of days ago, the House honored the University of Hawaii baseball team. I am pleased to announce, this morning, that we got word last night that the University of Hawaii team that we had honored, is ranked number 9 in the nation."

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

"Could you clear up for me whether the Senate Bill listed on page 3 for referral is in error?"

The Chair replied:

"That is an error. It is a repetition. It is the same referral that was made as soon as Senate Bill 62 was transmitted to the House. It was a clerical error made by my office."

Representative Abercrombie asked:

"That is to say that it should not appear--is that correct?"

The Chair answered:

"That is correct."

Representative Abercrombie then thanked the Chair.

Representative Lunasco then rose and stated:

"Mr. Speaker, yesterday, we had a lovely cake donated by our illustrious colleague from Nuuanu. This time, on behalf of the majority, I would like to thank Ike for donating the cake to the majority caucus, and I would hope that next year, on his 61st birthday, that he would consider lunch first before dessert."

The Chair then said:

"The Chair would also like to extend our thanks to Mrs. Sutton."

Representative Sutton remarked:

"I would just like to let everybody know that they can't have their cake and eat it too."

The Chair responded:

"I hope you will be the first to recognize that."

The Chair then stated:

"The Chair would also like to remind the Chairmen of all the Conference Committees, while they notify the public and the members here as to the time of your Conference Committee meetings, if we are not in session, to post your notices at the appropriate notice boards."

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



The House of Representatives  
reconvened at 12:41 o'clock p.m.

ADJOURNMENT

At 12:42 o'clock p.m., on motion  
by Representative Yuen, seconded  
by Representative Ajifu and carried,  
the House of Representatives  
adjourned to 11:00 o'clock a.m.  
tomorrow, Thursday, April 7, 1977.

## FIFTY-FIFTH DAY

Thursday, April 7, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:07 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Tatsuo Muneto of the Honpa Hongwanji, after which the Roll was called showing all members present with the exception of Representative Takamine, who was excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 390 to 401) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 390) returning House Concurrent Resolution No. 72, HD 1, which was adopted by the Senate on April 6, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 391) transmitting Senate Concurrent Resolution No. 153 congratulating the people of Palau upon the completion of the bridge to the big island which was adopted by the Senate on April 6, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 153 was adopted.

A communication from the Senate (Sen. Com. No. 392) transmitting Senate Concurrent Resolution No. 74 requesting the Department of Education to utilize the skills, knowledge, expertise and experience of our senior citizens in teaching the history of our State and in the development of practical skills which was adopted by the Senate on April 6, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 393) transmitting Senate Concurrent Resolution No. 140 requesting the Department of Transportation to improve the older sections of the H-1 to existing federal standards which was adopted by the Senate on April 6, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 74 and 140 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 394) informing the House that the Senate had reconsidered its action taken on April 5, 1977, in agreeing to the amendments proposed by the House and that the Senate, on April 6, 1977, had disagreed to the amendments proposed by the House to Senate Bill No. 1203, SD 1, and had requested a conference on the subject matter of said amendments, in consequence of which Senators Nishimura, Chairman; Robert Taira, Henry Takitani and D. G. Anderson 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 D. Yamada, Chairman; Cobb, Garcia, Uechi and Fong as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 395) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 678, HD 1, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Anson Chong, Robert Taira and John Leopold 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. 396) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 727, HD 1, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Anson Chong and Mary George 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. 397) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1153,

HD 1, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Anson Chong, Robert Taira and John Leopold 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. 398) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1198, HD 1, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Henry Takitani and Mary George 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. 399) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1284, HD 1, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Anson Chong and Richard Henderson 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. 400) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1685, HD 2, and the request for a conference on the subject matter of said amendments, Senators Richard Wong, Chairman; Dennis O'Connor 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. 401) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1698, HD 1, and the request for a conference on the subject matter of said amendments, Senators Donald Nishimura, Chairman; Anson Chong, Stanley Hara, Robert Taira, Duke Kawasaki, Joseph Kuroda, John Leopold and Mary George had been appointed as Managers on the part of the Senate at such conference, was placed on file.

At this time, the following introductions were made to the members

of the House:

Representative Cayetano introduced twenty-eight Cub Scouts from Pearl City Cub Pack 75 and twenty-seven Boy Scouts from Pearl City Boy Scout Troop 75, who were accompanied by their Pack leaders: Bob Uemoto and Richard Teruya; Den Mothers: Irene Uemoto and Janet Takahara; Troop Leader: Pat Camarillo; and parents: Mrs. Nakamura, Mrs. Fujii, Mr. and Mrs. Sato, Mrs. Kaetsu, Mrs. Hisanaga and daughter, Lena, Mrs. Shiroma, Mr. Lee, Mr. Nishiguchi and Mrs. Munachika.

Representative Uwayne introduced nine students: two from Radford High School; one from Moanalua High School and six from the Salt Lake Elementary School. They were accompanied by Patricia Nitta, Mrs. Bea Silva and Mrs. Akua Sonognini.

Representative Stanley introduced a group of Asian and Pacific island students who are studying at Cannon's School of Business. They were accompanied by Mrs. McCaully.

Representative Naito introduced Linda Kearney and Mrs. Mildred Flunker, who is a school teacher from Brooklyn, New York.

Representative Kiyabu introduced Denise Segawa, a "third grade artist from Liholiho Elementary School." She was accompanied by her brother, Paul; mother, Jane; and grandparents, Mr. and Mrs. Fred Matsuura and Mrs. Mitsue Segawa.

Representative Cayetano introduced "some very dear friends of mine", Mr. and Mrs. Stan Asanuma.

#### ORDER OF THE DAY

##### DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 662 to 664, 666 to 669, 676 to 685) and concurrent resolutions (H.C.R. Nos. 126 and 127 and S.C.R. Nos. 74 and 140) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
662	Committee on Agriculture
663	Committee on Youth and Elderly Affairs
664	Committee on Water, Land Use, Development and Hawaiian Homes

- |                    |   |   |
|--------------------|---|---|
| 666                | Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture                            | Youth and Elderly Affairs   |
| 667                | Committee on Agriculture, then to the Committee on Higher Education   | 140 Committee on Energy and Transportation  |
| 668                | Committee on Energy and Transportation  | UNFINISHED BUSINESS   |
| 669                | Committee on Culture and the Arts   | Stand. Com. Rep. No. 977 on S.B. No. 460, SD 1 (Deferred from April 6, 1977):   |
| 676                | Committee on Energy and Transportation  | By unanimous consent, action was deferred until the end of the calendar.  |
| 677                | Committee on Consumer Protection and Commerce, then to the Committee on Finance   | Stand. Com. Rep. No. 978 on S.B. No. 346, SD 1 (Deferred from April 6, 1977):   |
| 678                | Jointly to the Committees on Ecology and Environment and Judiciary, then to the Committee on Finance                    | By unanimous consent, action was deferred until the end of the calendar.  |
| 679                | Committee on Culture and the Arts   | Stand. Com. Rep. No. 984 - Review state policies on senior centers pursuant to H.R. No. 103, HD 1 (Deferred from April 6, 1977):  |
| 680                | Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Ecology and Environment                | By unanimous consent, action was deferred until the end of the calendar.  |
| 681                | Committee on Judiciary  | STANDING COMMITTEE REPORTS  |
| 682                | Committee on Energy and Transportation, then to the Committee on Legislative Management                                 | Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 986) informing the House that House Resolution Nos. 661 to 685, House Concurrent Resolution Nos. 126 and 127, and Standing Committee Report Nos. 987 to 998 have been printed and distributed.   |
| 683                | Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Consumer Protection and Commerce | On motion by Representative Kunimura, seconded by Representative Lunasco and carried, the report of the Committee was adopted.  |
| 684                | Committee on Energy and Transportation  | Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 987) recommending that H.R. No. 250, as amended in HD 1, be referred to the Committee on Public Employment and Government Operations.  |
| 685                | Committee on State General Planning, then 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. 250, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UNDERTAKE A STUDY ON EARLY RETIREMENT FOR TEACHERS", was referred to the Committee on Public Employment and Government Operations. |
| <u>H.C.R. Nos.</u> |   |   |
| 126                | Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Ecology and Environment                | Representative Mizuguchi, for the   |
| 127                | Committee on Judiciary  |   |
| <u>S.C.R. Nos.</u> |   |   |
| 74                 | Committee on Education, then to the Committee on  |   |

Committee on Education, presented a report (Stand. Com. Rep. No. 988) recommending that H.R. No. 283 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. 283, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO UNDERTAKE A PROGRAM DESIGN FOR COMMUNITY INVOLVEMENT", was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 989) recommending that H.R. No. 284 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. 284, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PROVIDE FOR THE SYSTEMATIC IMPLEMENTATION OF A COURSE ON 'HAWAII'S ALTERNATIVE FUTURES' IN THE STATE'S SECONDARY SCHOOLS", 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. 990) recommending that H.R. No. 522 be referred to the Committee on Culture and the Arts.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 522, entitled: "HOUSE RESOLUTION REQUESTING A HALT TO THE SALE OF RAILROAD TRACKS AND OTHER EQUIPMENT FROM LUALUALEI, HAWAII", was referred to the Committee on Culture and the Arts.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 991) recommending that H.R. No. 515 be referred to the Committee on Water, Land Use, Development and Hawaiian Homes.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.R. No. 515, entitled: "HOUSE RESOLUTION RELATING TO THE MAKENA-LAPEROUSE

STATE PARK", was referred to the Committee on Water, Land Use, Development and Hawaiian Homes.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 992) recommending that H.R. No. 541 be referred to the Committee on Legislative Management.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 541, entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM COMMITTEE ON HORIZONTAL PROPERTY REGIMES", was referred to the Committee on Legislative Management.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 993) recommending that H.C.R. No. 103 be referred to the Committee on Finance.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INTERIM COMMITTEE ON HORIZONTAL PROPERTY REGIMES", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 994) recommending that H.C.R. No. 5, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative Ushijima moved that the report of the Committee be adopted and that H.C.R. No. 5, HD 1, be referred to the Committee on Legislative Management, seconded by Representative Abercrombie.

Representative Sutton then rose "to speak against Standing Committee Report No. 994 and House Concurrent Resolution No. 5", stating:

"Mr. Speaker, we have developed an excellent athletic program at the University of Hawaii. We have been able, in a few short years, to have basketball teams that play in national competition. This is true for both the University of Hawaii at Manoa and Hilo.

We have had football teams which have almost done beyond anybody's belief in beating the University of Washington and defeating San Jose.

They have had athletic programs that have been income-producing and

have helped other sports.

We have been able to draw Ray Nagel as an athletic director. We have been able to get Mr. Little, who is one of the greatest basketball coaches of the nation.

We have had very successful income-generating sports. And these have been essential for the development of the entire athletic program. The University of Hawaii has proceeded faster and with fewer assistance than any other program in the nation. Our own late Governor Jack Burns and the famous Stanford coach, Clark Shaughnessy, worked this program out. Now, all of a sudden, we want to interject ourselves into something which is not really our job. If it were, for any intents and purposes, a program that was failing; if it were a program that has not achieved very high results; then it would be appropriate. But for us to interject, by way of a concurrent resolution, some irrelevant thoughts that come from people who lack expertise, is highly inappropriate, Mr. Speaker.

Therefore, I would ask my colleagues to please vote 'no' against this resolution."

Speaking in favor, Representative Ushijima stated:

"Mr. Speaker, the previous speaker had indicated his concern about the football and basketball sport activities at the University of Hawaii Manoa campus in particular.

This resolution, Mr. Speaker, is not intended to stop the further advancement or the growth of these two respective sports. This resolution merely calls for an interim committee to study further the athletic programs to be developed at the Manoa campus in particular.

Mr. Speaker, there is presently a lack of a good master plan in the overall sports activities being conducted at the University of Hawaii Manoa campus. More particularly, in the area of intercollegiate activities. Consequently, this resolution is requesting a sub-committee be organized during the interim period to study this entire issue and including the financial aspects of this whole thing.

There are many sports suffering at the present time, Mr. Speaker, due to the lack of sufficient funds. It was pointed out during all of the hearings that we had on this

subject matter, that due to the insecurity of this program being funded through the income generated from football and basketball, this is why we are hampering the other sport activities at the Manoa campus in particular.

All this resolution, as I had indicated earlier, Mr. Speaker, calls for is the joint Senate and House Education Committees to be studying this entire issue.

Thank you very much."

Representative Abercrombie then rose to "speak in favor of the resolution and in support of the previous speaker's remarks", stating:

"Mr. Speaker, it is unfortunate that not all of us can attend every single hearing or be in attendance in all decision-making of all the different committees, even though we are required to vote on the issuance from these committees in terms of reports, bills and resolutions on the floor. And for that reason, Mr. Speaker, I would like to indicate that I believe that the representative from Nuuanu has not been fully apprised of the circumstances and that I hope he will change his mind after I inform him of the realities.

The University of Hawaii's, referring you, Mr. Speaker, to the third paragraph, athletic program has been plagued with financial and administrative problems in recent years. Mr. Speaker, that is not a creature of imagination or a figment of the imagination of the Higher Education Chairman or his Committee. This is the testimony of the University itself. And, as a result of that, the Committee was trying to respond to the University's circumstances as outlined by the University.

I refer you then to the fourth paragraph. Your Committee is concerned that the non-income generating sports have been developed in a piecemeal fashion and mostly attention being directed towards the football and basketball programs. I might note, Mr. Speaker, that the speaker from Nuuanu referred exactly to that. He focused his attention on football and basketball - on these kinds of glamorous sports. And what we are trying to do is examine the needs further on in that paragraph, if I may note to you: 'consequently, your Committee feels that a legislative review of the fiscal and program management of intercollegiate athletics is necessary to insure that student needs are

met'. The students are neglected in this area. There are thousands and thousands of intramural students - students, rather, participating in intramural sports. We now have thousands and thousands of students in the dormitories at the University of Hawaii, Manoa; the overall majority of whom come from the neighbor islands and rural areas and whose principle source of recreation, in terms of athletic activities, revolves around intramurals and not intercollegiate sports, except for those non-income generating sports that have been completely clouded out of the University budget as a result of the fiscal plight that they have found themselves involved with; therefore, Mr. Speaker, it is quite clear that the sentence following that paragraph: 'testimony presented by the University reflected concern for expeditious solutions to the problems which currently beset the athletic program'.

Now, this resolution is entirely in order. This is here because the University wants it. I would indicate also, to the representative from Nuuanu and for any other member who has doubts, that there is in fact a comprehensive review to update the policy and procedure manual in the athletic department now, and they expect to finish it by June 30th of this year.

The reason for the interim work being requested is that the University will be prepared by the middle of this summer to deal with the problem or to make recommendations to the Legislature. Why should we wait six months later in the legislative session to come to grips with something that's gonna be necessary to resolve six months earlier. What we are trying to do with this resolution is anticipate problems, not wait until they are upon us. What we are trying to do with this, as a committee, that is to say the Higher Education Committee, is to act responsibly by being prepared to come before this Legislature in 1978 with a program, with recommendations and bills, if necessary, which would reflect favorably upon the recommendations that will come out from the study and review by the University. We intend to be prepared.

And I would certainly hope that especially where budgetary considerations are involved, and they will be involved, there's no doubt if you look at the University budget that the kind of income expectations that they have reflected in that

budget are in serious danger of never being met. And if that occurs, we will find ourselves, in the next biennium, having to face a multi-million dollar deficit at the University in their athletic budget situation alone. We would be faced with a crisis of major proportions if we are not prepared ahead of time to deal adequately with the budgetary needs in the athletic program at the University and throughout the University system.

Therefore, it is only prudent, it is only wise policy and it is only forward-looking policy to be prepared during the interim to deal with the problems of the athletic department.

Thank you."

Representative Campbell then rose "to speak in favor of the resolution being referred to the Committee on Legislative Management", stating:

"Mr. Speaker and members of the House, I don't want to belabor the point. I think some of the previous speakers have indicated some of the primary points which I had wanted to make.

I don't think anybody in the body can deny that the University's athletic program has been plagued with problems and I think a study of this nature, which will be done by an interim committee, is extremely necessary at this time.

The testimony that was presented to the Higher Education Committee has supported that and all the review is designed to do is to have a look at that program.

And on the basis of that, I urge all of my colleagues to vote in favor of the referral."

Representative Sutton then rose and stated:

"I move to rebut on the referral to Legislative Management.

Mr. Speaker, the two gentlemen from Manoa live so close to the rainbow that they don't see the rainbow."

On a point of order, Representative Abercrombie stated:

"I live in Makiki."

The Chair then stated:

"Will you so note, Representative Sutton."

With that in mind, Representative Sutton continued, stating:

"Mr. Speaker, the essentiality of this resolution is, in so many words, verbatim.

These gentlemen have talked in the abstract that . . . . ."

Representative Cobb interrupted on a point of order and stated:

"The gentleman from the 15th District moved to rebut; a motion requires a second."

The Chair replied:

"The Chair recognizes that Representative Sutton rose to rebut the previous comment made on the floor. Will you proceed, Representative Sutton."

Representative Sutton proceeded, stating:

"Thank you, Mr. Speaker.

I feel that if we look at the actual concurrent resolution, and rather than taking in the abstract that we would be able to rebut the two speakers from Manoa, it says: 'Whereas, the total cost of the athletic program' is \$2 million; and, whereas, football and basketball is accounted for bringing in \$1.6 million; and private donations another \$260 thousand; so that for all intents and purposes, those two sports have brought in almost \$2 million, and they are income-producing.

The fact that there seems to be deficits is not material to those programs nor to the whole athletic program; nor is it material to the basic philosophy of allowing these people to develop their own intramural program.

We have, as a 'be it resolved clause', that be it resolved by this body, 'that the House and Senate Committees on Higher Education, sitting jointly, are requested to conduct an interim review of the University of Hawaii's athletic program, giving special attention to the financial aspects and sources of funding of the program'. There it is spoken.

Now, we have seen the immense success of basketball and football, and we've seen them carrying the other sports, and we've seen them doing this in a short time since Clark Shaughnessy and Jack Burns got together and started this program. And then all of a sudden, we are

saying that somehow or other we have some expertise that has to do the basic issue of the funding; that's what this whole resolution is about.

If they have a funding problem, the place to go is to Mr. Suwa, the head of the Finance Department. If they have a funding problem on intramural, it's not to criticize the basketball and football.

The gentlemen from Manoa have completely failed to read the resolution. I would ask that they read the resolution and would ask their colleagues to vote 'no' because we are injecting something that is none of our business."

Representative Abercrombie, upon being recognized, stated:

"I too don't want to belabor the point, but I must rise in rebuttal. I will try to repeat for you, and I'm quite serious, Mr. Speaker, and this does relate to the Finance Committee, of which the representative from Nuuanu is a member, and in this instance he doesn't have an excuse because if he would look at the budget, he would see that the projections that are coming up out of football and basketball, as the principle income earners, are going up \$2.4 million; closer to \$2½ million.

If he wants to debate the point here, and I don't think we should, that's what the interim committee is about. As a member of the Finance Committee, he should be cognizant of that. There is no way, in my judgment as Vice-Chairman of this Higher Education Committee, that the income generation is remotely going to approach what is indicated in the budget. And that is the point I was trying to make, that the Finance Committee and the Higher Education Committee are going to have to deal with the disaster of major proportions, especially in the football area.

You can bring up Clark Shaughnessy all you want. Clark Shaughnessy is not going to be seating 30,000 people in the stadium. And this is where our real problem lies. We are not, in my judgment, going to remotely be able to approach the income projections that are necessary to carry on these programs and to finance the circumstances for the athletic program in the University. And a member of the Finance Committee should, above all, be concerned with that.

I'm saying this, and I mean it in all sincerity, that we are heading



for a disaster in major proportions in football, if not in basketball also, and if you are talking about generation of income, you're not gonna get it off of nostalgia; dollars and cents going through those turnstiles at Aloha Stadium or Neal Blaisdell Auditorium is not going to come from nostalgia and it's not going to be rescued by speeches recalling yesteryear. What's gonna have to be dealt with, not possibly by this Legislature in this biennium budget but with the next biennium, is the result of this disaster. And unless we anticipate it, which is what the Committee's intention is - unless we anticipate and try to come before you in a responsible fashion, with some suggestions and solutions - we are doing a disservice to the people of this State, most certainly, and we are certainly doing a disservice to the legislative process, especially in respect of competent budgetary considerations."

At 11:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:47 o'clock a.m., the motion was put by the Chair and carried and the report of the Committee was adopted and H.C.R. No. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE UNIVERSITY OF HAWAII'S ATHLETIC PROGRAM", was referred to the Committee on Legislative Management, with Representative Sutton voting no.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 995) requesting that H.R. No. 413, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 413, HD 1, entitled: "HOUSE RESOLUTION RELATING TO THE ETHNIC STUDIES PROGRAM AT THE UNIVERSITY OF HAWAII, MANOA", was referred to the Committee on Finance.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 996) recommending that H.R. No. 137, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Peters, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.R. No. 137, HD 1, entitled: "HOUSE RESOLUTION RELATING TO THE HAWAII EMPLOYMENT RELATIONS ACT", was referred to the Committee on Legislative Management.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 997) recommending that H.R. No. 391, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative Cayetano moved that the report of the Committee be adopted and that H.R. No. 391, HD 1, be referred to the Committee on Legislative Management, seconded by Representative Takamura.

At this time, Representative Uwaine requested that the following be inserted into the Journal:

"Mr. Speaker, I wish to voice my support for House Resolution 391, House Draft 1.

Mr. Speaker, a review of the 1995 Master Plan, in particular, the Barbers Point Deep Draft Harbor project, is vital because there are concerns that need to be answered before going ahead. Concerns such as its relationship with the Oahu General Plan population figures, to name one.

Mr. Speaker, there has been a lot of controversy over this resolution. It has been redone completely to accommodate everyone. After all this compromising, there are only two things that are recognizable from the original resolution: 1) the token mention of the Barbers Point Deep Draft Harbor project in the last sentence; and 2) the House Resolution number.

Mr. Speaker, this compromising has shifted the direction of the study. In the original resolution, the emphasis was on a study of the Barbers Point project with a study on expansion of current harbor facilities and development of new facilities playing a secondary role. The new draft is a complete reversal with the emphasis on the 1995 Master Plan for Honolulu Harbor which includes the Barbers Point project as part of alternative deep draft sites within the general scope of the study.

Mr. Speaker, despite the reversal, a complete study is essential, especially on the Barbers Point Deep Draft Harbor project.

Mr. Speaker, it is our responsibility to deliberate carefully over all matters and consider the welfare of the whole State. This body should be commended for exercising its right of review. In this case, the 1995 Master Plan for Honolulu Harbor and, in particular, the Barbers Point project.

Mr. Speaker, I strongly urge my colleagues to vote 'yes' on House Resolution 391, House Draft 1, and move on to other pressing matters.

Thank you."

Upon being recognized, Representative Takamura stated:

"Mr. Speaker, in rising to speak in favor of this motion, I do so just in order to make one short comment. And that is, that out of the experience that we have all gone through over these last couple of days, I think the main lesson that we need to look at is the fact that there are correct ways to go about doing things. And, I think that it is important that people who wish to present a particular point of view on different issues that we are considering, to follow those correct methods.

I think that if the members on the Committee had been able to work out our differences on this issue previously, I think we could have reached this point without having to experience some of the things that we have.

But with just that previous comment, I would urge passage of this measure."

Representative Kunimura then rose and, upon being recognized, stated:

"Mr. Speaker, now I must rise. I wasn't going to say anything on this matter, but I totally agree with the representative from Moiliili that also here in the chambers we have the proper methods. And I would humbly beg all of you to forgive me for my unruly action and behavior day before yesterday. I will try very hard to abide by the sense of justice and by the ruling of the Chair, and that the last few days remaining in this session that if we can maintain proper decorum, because this is a very sacred area as far as the people of the State

of Hawaii are concerned.

And, Mr. Speaker, I also ask you to forgive me for acting the way I did.

Thank you."

The Chair then remarked:

"The Chair accepts Representative Kunimura's apologies in good graces, and the Chair appreciates his remarks this morning."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 391, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM COMMITTEE TO REVIEW THE 1995 MASTER PLAN FOR HONOLULU HARBOR", was referred to the Committee on Legislative Management, with Representatives Ajifu, Ikeda, Medeiros and Sutton voting no.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 998) recommending that H.R. No. 669, as amended in HD 1, be adopted.

On motion by Representative Peters, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.R. No. 669, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE MONTH OF NOVEMBER BE DEDICATED TO HONOR THE MEMORY OF KING DAVID LA'AMEA KALAKAUA", was adopted.

Representative Peters then rose to make the following remarks:

"Mr. Speaker and members of the House, King David La'amea Kalakaua was in many ways a man before his time. While he was loved by his people, he was exploited by others.

It was during his reign that the sugar barons and the American business interests came into power and ripped many of our ancestors off. As a matter of fact, it was an American ambassador who was quoted as saying that, 'the Hawaiian pear is ripe for the plucking'.

It was also during his time that these outsiders managed to push through a requirement that voters be landlords and at least 35 years old - disenfranchising much of the Hawaiian population so completely that the effects are still being felt today.

King Kalakaua, faced with a dwindling Hawaiian population, shackled by the western man's sickness and the

western man's ways, did many things to rebuild the dignity of his people. He traveled around the world - the first reigning king to do so. He built Iolani Palace - a unique monument even till today. He published a book on public health to help Hawaiians cope with many health problems. He lobbied in Washington for the Reciprocity Treaty.

And then, as the 'Renaissance Man' of Hawaii, he did something very special for his people - he revived the Hawaiian's love for music and dance and released them from the shackles and chains that the missionaries had imposed on these expressions of love and history. He made Hawaiian music and dance once again a respectable part of the culture, and in so doing, gave birth to our modern version of Hawaiian music.

Mr. Speaker and members of the House, with us today to share some of the expressive songs of Kalakaua's era is Mr. Palani Vaughan, a noted musician and distinguished student of Hawaiian history who has concentrated much of his efforts on the extraordinary reign of King David La'amea Kalakaua. He is accompanied by our brother, Randy Docterello, a noted musician in his own right.

Mr. Speaker and all my colleagues, with exception of the Speaker, everyone has one of Palani's production on your desks, and at this time, Mr. Speaker, he would like to make a formal presentation to you of his recent record."

Mr. Palani Vaughan then stated:

"Mr. Speaker, this is my way of thanking all of you here for inviting me down and to perform some of the music of King Kalakaua, and to draw attention to the fact that he was a great person. He was a great King for Hawaii.

And, also, that the coming of the opening of Iolani Palace; I know much concern is centered around the way it's going to be run in the future. The bicentennial year of Hawaii is coming up - 1978 - an important time. And don't forget that King Kalakaua lived in the palace; he loved the palace; it was a rallying point for Hawaii and Hawaii's people in those days, and it is now.

Mr. Speaker, I would like to present you with this gift."

The Chair acknowledged receipt of the gift by saying:

"On behalf of the members of the House and myself, I want to extend to Palani Vaughan our personal appreciation."

At 12:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of receiving music from Palani Vaughan".

Upon reconvening at 12:41 o'clock p.m., the Vice Speaker assumed the rostrum.

#### SUSPENSION OF RULES

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

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 977 (S.B. No. 460, SD 1):

Representative Stanley moved that the report of the Committee be adopted and that S.B. No. 460, SD 1, having been read throughout, pass Third Reading, seconded by Representative Uwaine.

Representative Sutton then rose to "speak in favor with reservations", stating:

"Mr. Speaker, the purpose of this bill is to establish some sort of mechanism for the periodic review of the State regulatory boards and commissions and to determine whether or not these boards and commissions should be continued, maybe modified, or allowed to completely expire.

Now, the proliferation, Mr. Speaker, of regulatory boards and commissions, placed within the Department of Regulatory Agencies, is unbelievable. You just can't believe how many of these boards there are; the recitation of a few, like the Board of Examiners of the Abstract, State Board of Barbers, Board of Cosmetology, State Boxing Commission, Collection Agencies, State Board of Massage, Board of Detectives and Guards, Board of Public Accountants, Contracting and Licensing Board, Board of Electricians and Plumbers, Elevator Mechanics Licensing Board, Board

of Acupuncture, etc.

Now, we put in a bill, on this side of the aisle, that would have said: all right, these boards will terminate upon the termination of them. We will then look upon the basic concept of whether they are needed or whether they are over-regulatory or whether they violate the basic concept that the President of the United States, who is of your party, Mr. Speaker, has said that we have so much bureaucratic red tape that we've got to start cutting it out. Our bill would have said, under a sunset concept, drop dead and not come back into existence.

This bill in front of us unfortunately had what we call a contingent condition. In other words, they are re-examined; they are brought in on the contingency that they will be revived, subject to review.

I think the other approach put in by the Republicans was far more appropriate. But, because you people have seen some of the light of this, we will vote in favor of it.

Thank you."

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

"My main point here is that I would not like to see the Board of Massage touched. It rubs me the wrong way."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 460, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY BOARDS AND COMMISSIONS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Takamine being excused.

Stand. Com. Rep. No. 978 (S.B. No. 346, SD 1):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 346, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", having been read throughout, passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Abercrombie, Baker, Ueoka and Uwayne voting

no, and Representative Takamine being excused.

The Chair directed the Clerk to note that S.B. No. 460, SD 1, had passed Third Reading at 12:47 o'clock p.m. and S.B. No. 346, SD 1, at 12:48 o'clock p.m.

Stand. Com. Rep. No. 984:

The report of the Committee was adopted and filed.

At 12:48 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.

### THIRD READING

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

#### S.B. No. 1367:

On motion by Representative Garcia, seconded by Representative K. Yamada, S.B. No. 1367, entitled: "A BILL FOR AN ACT RELATING TO NAMES", passed Third Reading by a 50 ayes, with Representative Takamine being excused.

#### S.B. No. 348:

On motion by Representative Garcia, seconded by Representative K. Yamada, S.B. No. 348, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT", passed Third Reading by a vote of 50 ayes, with Representative Takamine being excused.

#### S.B. No. 243:

On motion by Representative Garcia, seconded by Representative K. Yamada, S.B. No. 243, entitled: "A BILL FOR AN ACT RELATING TO BASIC RULE", passed Third Reading by a vote of 50 ayes, with Representative Takamine being excused.

The Chair directed the Clerk to note that S.B. Nos. 1367 and 348 had passed Third Reading at 12:51 o'clock p.m. and S.B. No. 243 at 12:52 o'clock p.m.

## INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 687) honoring Hanamatsuri was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Baker, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Inaba, Kawakami, Kiyabu, Kondo, Kunimura, Larsen, Medeiros, Mina, Mizuguchi, Naito, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ushijima, Uwaine, K. Yamada and Yuen and was read by the Clerk.

On motion by Representative Peters, seconded by Representative Yuen and carried, H.R. No. 687 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 686 and 688 to 713) and concurrent resolutions (H.C.R. Nos. 128 to 137) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, April 8, 1977:

A resolution (H.R. No. 686) requesting a study into the feasibility of developing a real estate division within the Department of Regulatory Agencies was jointly offered by Representatives Kondo and D. Yamada.

A resolution (H.R. No. 688) requesting the University of Hawai'i to improve its Hawaiian language program was offered by Representative Wakatsuki (by request).

A resolution (H.R. No. 689) requesting the Department of Education to include the Hawaiian language in the public schools was offered by Representative Wakatsuki (by request).

A resolution (H.R. No. 690) requesting the Board of Education to appoint an advisory committee on Hawaiian language and culture in the Department of Education was offered by Representative Wakatsuki (by request).

A resolution (H.R. No. 691) requesting the Congress of the United States to repeal Section 222 of the Federal Communications Act was offered by Representative D. Yamada.

A resolution (H.R. No. 692) requesting the Department of Agriculture and the College of Tropical Agriculture to redouble efforts to eradicate the cat-tail weed in Waipio Valley and other affected areas on the island of Hawaii was jointly offered by Representatives Takamine, Inaba,

Peters, Segawa, Suwa and K. Yamada.

A resolution (H.R. No. 693) requesting development and implementation of a procedure to inform and remind television viewers of the criminality and legal consequences of criminal acts depicted in television programming was jointly offered by Representatives Cobb, Carroll, Fong, Garcia, Ikeda, Inaba, Machida, Mina, Mizuguchi, Naito, Nakamura, Shito, Takamine, Ueoka, D. Yamada and K. Yamada.

A resolution (H.R. No. 694) requesting a study of the necessity of regulating certain tax return preparers was jointly offered by Representatives Cobb, Ajifu, Baker, Blair, Campbell, Evans, Fong, Inaba, Kihano, Larsen, Machida, Medeiros, Mizuguchi, Morioka, Narvaes, Peters, Say, Shito, Suwa, Takamine, Toguchi, Uechi, Ushijima, D. Yamada, K. Yamada and Wakatsuki.

A resolution (H.R. No. 695) requesting representatives to commit themselves not to seek posts as constitutional convention delegates and to make the Judiciary Committee and other representatives available to serve as advisors was jointly offered by Representatives Cobb, Abercrombie, Ajifu, Aki, Kamalii, Larsen, Narvaes and Ueoka.

A resolution (H.R. No. 696) expressing legislative intent and conditions relating to the proposed fixed guideway mass transit system was jointly offered by Representatives Cobb, Inaba, Kihano, Larsen, Shito, Suwa, Takamine, D. Yamada, Yuen and Wakatsuki.

A resolution (H.R. No. 697) requesting the Water, Land Use, Development and Hawaiian Home Committee to review and report on the park dedication statute was jointly offered by Representatives Kawakami, Cayetano, Dods, Garcia, Lunasco, Morioka, Peters, Suwa, Toguchi, Uechi, Ushijima and Yuen.

A resolution (H.R. No. 698) requesting that the Department of Accounting and General Services give immediate consideration to a differential parking rate schedule to encourage car pooling by State employees on Oahu was offered by Representative Dods.

A resolution (H.R. No. 699) requesting a study of the feasibility of creating agricultural parks on State lands in mauka valley areas on Oahu was offered by Representative Dods.

A resolution (H.R. No. 700) requesting a study of the regulation of trades,

industries, and professions in the State of Hawaii was jointly offered by Representatives Poepoe and D. Yamada.

A resolution (H.R. No. 701) requesting a review and evaluation of the school lunch program to assure the provision of well-balanced and safe meals was jointly offered by Representatives Kiyabu and Mizuguchi.

A resolution (H.R. No. 702) requesting the Department of Transportation to install an aerial in the Pali tunnel to enable travelers in the tunnel to maintain radio communications was offered by Representative Yuen.

A resolution (H.R. No. 703) requesting community input in the appointment of school principals was offered by Representative Yuen.

A resolution (H.R. No. 704) requesting the Governor to issue a proclamation naming the week of June 20-24 as Hawaii musician appreciation week was offered by Representative Yuen.

A resolution (H.R. No. 705) requesting a review of Hawaiian cultural concerns was jointly offered by Representatives Peters, Caldito, Kamalii and Yuen.

A resolution (H.R. No. 706) requesting the Legislature to enact comprehensive legislation which will assure fair hiring practices in the Department of Education according to the guidelines established by the U.S. Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964, as amended in 1972, was offered by Representative Cayetano.

A resolution (H.R. No. 707) endorsing the establishment of the Hawaii Postal Museum in the Kamehameha V Post Office was jointly offered by Representatives Abercrombie and Say.

A resolution (H.R. No. 708) requesting the Department of Transportation to exempt Hawaii-produced agricultural commodities from wharfage fees under Section 4604-G of Rules and Regulations and Tariff No. 4, Harbors Division of the Department of Transportation was offered by Representative Garcia.

A resolution (H.R. No. 709) requesting the Department of Land and Natural Resources to remove illegal residents from State lands was offered by Representative Blair.

A resolution (H.R. No. 710) requesting the legislative auditor to conduct an audit of the contractors license

board and the contractors recovery fund was offered by Representative Garcia.

A resolution (H.R. No. 711) requesting a review of the management plan for Iolani Palace was jointly offered by Representatives Say, Abercrombie, Caldito, Kamalii, Lunasco, Morioka, Poepoe and Yuen.

A resolution (H.R. No. 712) relating to standing and special committees authorized to conduct hearings during the interim between the adjournment of the regular session of 1977 and the convening of the regular session of 1978 was jointly offered by Representatives Kunimura and Suwa.

A resolution (H.R. No. 713) relating to the University of Hawaii Student Employment Office at Manoa was jointly offered by Representatives Kunimura, Abercrombie, Aki, Campbell, Carroll, Cayetano, Dods, Evans, Kawakami, Kiyabu, Machida, Mizuguchi, Say, Segawa, Shito, Stanley, Takamine, Takamura, Toguchi, Ushijima and D. Yamada.

A concurrent resolution (H.C.R. No. 128) requesting a study into the feasibility of developing a real estate division within the Department of Regulatory Agencies was jointly offered by Representatives Kondo and D. Yamada.

A concurrent resolution (H.C.R. No. 129) requesting the President of the United States and Hawaii's delegation to support the establishment of import quotas on foreign grown carnations and pompon chrysanthemums and review the types and quantities of foreign grown flowers and plants to identify those whose importation would adversely affect domestic flower and plant production was offered by Representative Dods.

A concurrent resolution (H.C.R. No. 130) expressing legislative intent and conditions relating to the proposed fixed guideway mass transit system was jointly offered by Representatives Cobb, Carroll, Inaba, Kihano, Larsen, Shito, Suwa, Takamine, D. Yamada, Yuen and Wakatsuki.

A concurrent resolution (H.C.R. No. 131) requesting the Governor to designate the Hawaiian language as the official language of the State of Hawai'i was offered by Representative Wakatsuki (by request).

A concurrent resolution (H.C.R. No. 132) requesting the approval

of the State policy on senior centers by the Ninth Legislature of the State of Hawaii was jointly offered by Representatives Aki, Campbell, Cayetano, Mina, Mizuguchi, Peters, Segawa and Sutton.

A concurrent resolution (H.C.R. No. 133) requesting legislators to commit themselves not to seek posts as constitutional convention delegates and to make the Judiciary Committees and other legislators available to serve as advisors was jointly offered by Representatives Cobb, Abercrombie, Ajifu, Aki, Carroll, Kamalii, Larsen, Narvaes, Takamura and Ueoka.

A concurrent resolution (H.C.R. No. 134) regarding land and water use control requirements and procedures was jointly offered by Representatives Kawakami, Blair, Caldito, Campbell, Cayetano, Dods, Garcia, Inaba, Lunasco, Morioka, Peters, Shito, Stanley, Suwa, Toguchi, Uechi, Ushijima, K. Yamada and Yuen.

A concurrent resolution (H.C.R. No. 135) requesting development and implementation of a procedure to inform and remind television viewers of the criminality and legal consequences of criminal acts depicted in television programming was jointly offered by Representatives Cobb, Carroll, Fong, Garcia, Ikeda, Inaba, Machida, Mina, Mizuguchi, Naito, Nakamura, Shito, Takamine, Ueoka, D. Yamada and K. Yamada.

A concurrent resolution (H.C.R. No. 136) relating to the University of Hawaii Student Employment Office at Manoa was jointly offered by Representatives Kunimura, Abercrombie, Aki, Campbell, Carroll, Cayetano, Dods, Evans, Kawakami, Kiyabu, Machida, Mizuguchi, Say, Segawa, Shito, Stanley, Takamine, Takamura, Toguchi, Ushijima and D. Yamada.

A concurrent resolution (H.C.R. No. 137) relating to the University of Hawaii was jointly offered by Representatives Ushijima, Fong and Poepoe.

#### STANDING COMMITTEE REPORTS

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 999) recommending that H.R. No. 582, as amended in HD 1, be adopted.

Representative Mizuguchi moved that the report of the Committee

be adopted and that H.R. No. 582, HD 1, be adopted, seconded by Representative Campbell.

Representative Evans then rose to speak against the adoption, stating:

"While I do not dispute the philosophical content of the resolution or the committee report, I do find this a shoddy attempt to pass through school by school budgeting without a proper public hearing.

The title of this resolution should have read: 'House Resolution Seeking Approval of School by School Budgeting'.

Since there was no hearing addressing the school by school budgeting concept, this is purely an attempt to cover that.

Again, we are using the children of our State to further 'political power'."

Speaking in favor of the adoption of H.R. No. 582, Representative Mizuguchi stated:

"Mr. Speaker, for those in this particular body who do not hold chairmanships, it's rather easy to criticize the procedure or the program of their respective committees.

When one looks at the Department of Education with its 174,000 students, a budget of \$552 million, personnel that number 12,000 employees, one needs to take a systematic approach to improving the quality of education in this State.

It has been the attempt of the Committee on Education to take a rather unique perspective in improving the public school system in this State. Any retooling of the Department of Education, the Committee felt, should be done from the bottom up and not from the top down.

So, as early as December, the Committee had made arrangements to discuss educational issues with school administrators, staff, parents, of the 221 schools throughout the State. There are some members of my Committee that stayed with the Chairman throughout these hearings - throughout the long hours of these hearings - went state-wide, and attempted to try and listen to the views of people that are closest to our children, and that is the teachers and the principals that come in daily contact with our students.

So, Mr. Speaker, it was your Committee's intent to take a systematic view of trying to deal with the complex

and taxing problems of education. We could not deal with the governance of education. We could not deal with some of the problems that are associated with the State office of the Department of Education. But given the 60 days of this particular legislative session, it was your Committee's view that we should take a look at where education is taking place, and that is in the individual schools.

And what we are doing here is we are reporting back to this particular House and to the principals of the respective schools on some of the results that took place at the respective hearings. So it is with this intention, Mr. Speaker, that I urge members of this House to support this resolution.

Thank you."

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

"I signed this report a 'W/R' for one of the reasons I think that the Chairman touched upon in his discussion in defense of the measure, and that is the idea of governance.

Mr. Speaker, I am in accord most especially with the report as it refers on the first page to the primary purpose involved here: 'the progress made by students in the basic skills, school plans to improve student proficiency in the basic skills, and the special or additional resources which might be required to improve student proficiency'.

In respect of standards of competency in a school, I think that the Education Committee has addressed that problem and is now taking steps, through H.B. No. 78, to bring before this body, in the next term, legislation which will more adequately address that particular problem.

It seems to me, then, that the resolution then carries through in the other areas outside H.B. No. 78 of the concerns that the Committee tried to address itself to. And in particular then, where the reservation occurred, speaking in favor of it, I think the Chairman has indicated that governance is something that we are at this point unable to adequately address. I believe the constitutional convention will have to do this. And the reason that I say this is that the controversy of school by school budgeting in certain respects is a manifestation of this governance

problem.

I have reservations here because I find myself in a situation in which the executive body of the State, in terms of the Constitution as I read it, namely the Board of Education, had three times approved . . . .

Representative Evans interrupted on a point of order and stated:

"Mr. Speaker, this resolution has nothing to do with governance. There's one later on that has to do with governance. I think the speaker should stick to the point."

The Chair then asked:

"Representative Abercrombie, will you stick to that point."

Representative Abercrombie responded by saying:

"Well, yes I will, Mr. Speaker.

I think that the point that I am raising in respect to governance is intimately connected with this resolution. The Chairman did mention it and he was not called out of order on it, and I was trying to explain why I had reservations and I will try to stick to the point. I do believe that these points are in order and I will try to make it even more specific.

Just referring to the fourth one on page 3, then: 'the Superintendent of Education has directed the establishment of school advisory councils for the purpose of securing community involvement and participation in each school', and so on. One of the reasons that I had reservations was, and why I mentioned governance, is that part of the DOE system now is the control of the library system. And this is an example of the kind of budget problem that comes up inside the DOE when there is not a clear understanding as to exactly where each province of governance lies. And I believe that this resolution is aimed towards trying to clear that up, and if not clear it up, state very clearly instead where the differences lie. That is to say, if there is disagreement, we must have it clearly enunciated so that the public can render a judgment so that this Legislature can render a judgment, and because of that, I feel that the resolution is in order.

I am sorry that the representative from the Windward side feels that the governance issue is not explicit



in this resolution, if not implied. If it is not explicit, I certainly believe that is implicit in the resolution; therefore, I urge everyone to support it."

Upon being recognized, Representative Toguchi stated:

"Mr. Speaker, I would like to speak in favor and I would also like to rebut some of the statements made by the representative from the Windward district.

Mr. Speaker, I have to admit that I am a freshman. When I came into the Legislature, in many of the committees, I have to admit that I have been very frustrated because we have been given a budget which reflected a lump sum budget. Essentially, many of the departments were asking us to rubber stamp what they had submitted to the Legislature. I admit that this is a new idea, or a new approach.

I know at one time we had school by school budgeting. I am a freshman member, and also on the Committee we had a lot of other freshman members, and I felt that the trips that we took to the neighbor islands and to all the other schools, and then having all the schools coming to the Legislature, was an education for many of us. We learned about some of the problems that they had; we learned about the unique problem that every school had; I think this is in accordance also with the memorandum sent out by the Superintendent of Education where he talked about giving more discretionary powers to the schools.

I will not go now and in the future rubber stamp a budget as big as the budget that was submitted by the Department of Education. I would also like my fellow colleagues, Mr. Speaker, to understand that we would work primarily in the area of Education 105.

I feel like the Chairman that education, as far as the needs, should begin at the school level. I think it is the administrators, the principals and the parents of the schools who know what their needs are in the communities.

Now, there are two parts of the budget. . . . ."

Representative Kamalii, on a point of order, stated:

"I believe we are discussing H.R.

No. 582 and not the budget."

Representative Toguchi then stated:

"Mr. Speaker, H.R. No. 582 . . . . . I would like to clarify that 582 is part of the preliminary that led to the school by school budgeting, and I think it is part of the discussion here this morning, and that I can get my point across on 582 if I do talk about the reason for the trips to the neighbor islands and also for some of the meetings that we had here.

I would also like to remind my fellow colleagues and Mr. Speaker, and I think the Chairman of the Education Committee, that I am one of the representatives that stayed with the Committee, and that I had some reservations about the school by school budgeting myself, which I think we should also keep in mind that it will begin in September - the school year begins in September.

In about three or four months, Mr. Clark will be coming before the Committee again. At that time, he will be bringing some of his concerns, and I feel that in three or four months we can make some adjustments. I feel that we are not giving it a chance. I think at this time, we should give it a chance because all we have been doing in the past is rubber stamping what the Department of Education has been bringing to us.

I would also like to point out another matter related to this resolution. I had the opportunity, with the Chairman of the Education Committee, to meet with all the . . . . ."

On a point of order, Representative Kamalii stated:

"The resolution reads, and may I state: 'that the Committee is requested to report on the results of the school hearings', and that's where the discussions should be. If we are going to listen to the report of the Education Committee regarding this, so be it. But in the resolution, in the 'be it resolved' clause, it does say that: 'the Committee on Education is requested to report on the result of its school hearings held throughout the State and to disseminate its findings to the district superintendents and the individual public schools'; and I think that's the meat of this resolution."

The Chair then stated:

"Representative Toguchi, could you keep your remarks to the subject matter of the resolution. You may

explain."

Representative Toguchi proceeded, stating:

"Mr. Speaker, the meeting that I was referring to with the principals on the Windward side, are all the principals that attended the meeting to present their needs and their concerns before the Committee, which led up to the school by school budgeting, and I think it is related to this resolution.

Speaking to the Windward principals about our visit and all the reports that they submitted to the Committee, there are some problems that would come up. But they realized also that with a new idea like this, that problems would come up and that during the next session we will be looking at this report again - this report and this concept.

I would also like to point out that I think we owe it to the members in the House that our trips were worthwhile - the trip that we took to the neighbor islands and throughout all of the schools."

Representative Carroll, on a point of order, stated:

"Mr. Speaker, I would just like to state that the trip and feelings and this sort of thing really are not pertinent comment. I don't like to stand up and jump on a freshman representative, but I think after three warnings that should be enough."

The Chair then stated:

"Point well taken.

Representative Toguchi, could you summarize your remarks on the resolution and not report to us the trips that have been taken with the Education Committee on the different islands and also the Windward area.

Proceed."

Representative Toguchi continued, stating:

"Mr. Speaker, prior to that, I would just like to remind the representative from Waikiki that I . . . ."

Representative Carroll interrupted on a point of order and stated:

"I don't need to be reminded about anything. Thank you."

Representative Toguchi went on to say:

"I would just like to summarize to say that I am in full support of this resolution and I would like to urge all of my fellow colleagues to support this resolution, which will give you a good background on all the hard work that the Education Committee has been doing this past year.

Thank you very much."

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

"Mr. Speaker and members of this body, I fail to see the basis of opposition to this resolution, and I'll make it brief.

The purpose of the resolution is to simply request that your Committee summarize its findings as a result of going to every school district in the State. It seems to me that that should be a very necessary thing to do. And on the basis of that, it seems to be free of controversy; therefore, I urge all of my colleagues to vote in favor of the resolution.

Thank you."

Representative Evans then rose to "rebut statements made by the previous speakers", stating:

"Mr. Speaker, I have not gone on field trips, if we are going to be talking about field trips, because I felt that the situation had changed very little - monies have never been released for many important projects - and with the \$5½ million for school by school budgeting, the same thing would occur.

Let me also state that all the previous speakers have proved my point - the fact is that this resolution really talks about school by school budgeting.

Thank you."

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

"I think it was our colleagues on the other side who reminded me not to bring up the question of school by school budgeting because this resolution doesn't address itself to that."

The Chair then stated:

"Point well taken."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 582, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE COMMITTEE ON EDUCATION TO REPORT ON THE RESULTS OF ITS SCHOOL HEARINGS HELD THROUGHOUT THE STATE", was adopted, with Representatives Carroll, Evans and Sutton voting no.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1000) recommending that H.R. No. 44 be adopted.

Representative Mizuguchi moved that the report of the Committee be adopted and that H.R. No. 44 be adopted, seconded by Representative Campbell.

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

"Mr. Speaker, the Legislature has long abdicated its responsibility in addressing the problems of school governance, so much so that a federal judge had to assume the responsibility of reapportionment.

Now, like a gift from heaven, we are supposed to tell delegates at the upcoming constitutional convention how to deal with school governance. We have usurped the power of the Board of Education with school by school budgeting.

Mr. Speaker, what comes next?"

Representative Mizuguchi then rose to speak in favor, stating:

"It's for that very point that the previous speaker talks about, that governance of public education in the State of Hawaii, the Legislature, Executive and the Board of Education in dealing with educational problems of this State that the Education Committee put forth this resolution.

I don't think we are shying away from our responsibilities, but it has been practical politics, as judged from the past, that this vexing problem of governance has not been able to be resolved in the legislative halls. So, what this resolution calls for is that we'll review past legislative efforts, and this has been done by numerous chairmen, some members are sitting in this House and others, as it deals with the problem of governance. And

because the Board of Education was born through the constitutional convention, what we are saying is that any kind of results, both from past studies and the Legislative Auditor's management of the Department of Education, that your Committee will be forwarding these particular studies to the next constitutional convention.

I have written statements as it relates to rules and regulations of the Governor, Legislature and Executive. May I have these remarks inserted into the Journal?"

The Chair so directed and the remarks are as follows:

"I speak in favor of H.R. No. 44.

Responsibility for providing public education in Hawaii is currently shared by the Legislature, the Executive and the Board of Education. Each has a role to play although the specific parameters of their respective roles are not always clear to all involved. The power of the Legislature is hardly subject to dispute. The State Constitution provides that the Legislature is to establish the overall structure of State government, to legislate basic controls for the management of public resources, and raise and appropriate funds for the operation of public programs, including education. The debates of the 1950 Constitutional Convention make it abundantly clear that the phrase, 'in accordance with law', contained in Article IX, Section 3 of the State Constitution means that the Legislature may legislate on any matter relating to public education and that the Board of Education may formulate policy where no law exists or, where there is law, in a manner not contrary to law. The Legislature has left to the Board the enactment of rules and regulations for the operation of the school system within the bounds of the policies enunciated by statute.

While the legislative role is unquestioned, the respective responsibilities of the Executive and the Board of Education are not entirely clear. In fact, there is confusion and conflict regarding their respective responsibilities. The execution of all laws and the general supervision of all executive agencies is vested in the Governor of the State. Exceptions to the gubernatorial power which may be vested in semi-independent boards and commissions must be specifically provided for by statutes enacted by the Legislature. When the State Constitution was amended in 1964 to provide for an elected Board of Education, the Legislature did not alter existing

statutes providing for exceptions to the Governor's power over executive agencies. Thus the Department of Education, as one of the departments of State government, is subject to the executive's authority over budget preparation, budget execution, manpower and reorganization.

The Board of Education, on the other hand, is specifically authorized to formulate educational policy in accordance with law and to manage and operate the public school system through a superintendent of education which it appoints. The superintendent, however, supervises a staff who are employees of an executive agency. The history of public education in the last eleven years (the first elected Board took office in 1966) is one replete with instances of conflict between the Board of Education and the Governor over a wide range of issues which stem from the powers accorded two elected units. Perhaps the one which comes most easily to mind is the Governor's veto of the amendment to the no-smoking rule which the Board had adopted after prolonged public hearing and much debate. But more substantial issues revolve around the authority over budget preparation and execution. For example, despite the Board's approval of a DOE budget request for the 1977-79 biennium, the Governor, via the Department of Budget and Finance, returned DOE's budget request with very specific cuts. If the Board had any real authority over the DOE budget, it should have been the Board and not the Governor making the specific cuts after being given an aggregate figure or percentage by which the original budget request should be reduced. As it was, the Board authorized the superintendent to negotiate with Budget and Finance for the 'restoration' of some of the items removed by Budget and Finance.

Therefore, your Committee feels that a review of past legislative efforts to resolve the problems of the governance of public education is in order and your Committee will inform the constitutional convention of the results of its review."

Representative Campbell then rose to speak in favor, stating:

"Mr. Speaker, I think the purpose of the resolution is pretty clear. It simply is trying to request that the constitutional convention look at the question of governance. And the resolution does not either tell or mandate the constitutional

convention to deal with the question of governance and it doesn't tell the constitutional convention how to resolve the question of governance; therefore, I urge my colleagues to vote in favor of this resolution."

Upon being recognized, Representative Toguchi asked:

"Mr. Speaker, will the representative from the 24th District yield to a question?"

Representative Evans replied:

"Sure."

Representative Toguchi then asked:

"I would like to apologize for not hearing your last statement. Did you say that the school by school budgetings will usurp the powers of the Board of Education?"

Representative Evans answered:

"I certainly do, especially when the Board of Education is against the school by school budgeting concept."

Representative Toguchi, speaking in favor of the resolution, stated:

"Mr. Speaker, with that statement in mind, I think there is a greater need for this resolution in order to clear up some of those concerns."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 44, entitled: "HOUSE RESOLUTION REQUESTING THE COMMITTEE ON EDUCATION TO REVIEW PAST LEGISLATIVE REPORTS TO RESOLVE THE PROBLEMS OF THE GOVERNANCE OF PUBLIC EDUCATION AND TO INFORM THE CONSTITUTIONAL CONVENTION OF THE RESULTS OF ITS REVIEW", was adopted, with Representatives Carroll, Evans and Sutton voting no.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1001) recommending that H.R. No. 282 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 282, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ENSURE THAT SCHOOL LEVEL PERSONNEL UNDERSTAND THE PROPER FUNCTIONS OF SCHOOL COUNSELORS", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1002) recommending that H.C.R. No. 3 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.C.R. No. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT A PLAN FOR IN-SERVICE TRAINING WHICH ENCOURAGES A LARGE PARTICIPATORY ROLE FOR TEACHERS", was adopted.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1003) recommending that S.B. No. 239 pass second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and S.B. No. 239, entitled: "A BILL FOR AN ACT RELATING TO THE PROFESSIONAL AND RESEARCH STAFF OF HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD", passed Second Reading and was placed on the calendar for Third Reading on Monday, April 11, 1977.

The Chair directed the Clerk to note that printed copies of S.B. No. 239 were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1004) recommending that S.B. No. 995, SD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1004 on S.B. No. 995, SD 2, was deferred until Monday, April 11, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 995, SD 2, were made available to the members of the House at 11:00 o'clock a.m.

At 1:20 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.

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

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 agreed to the amendments proposed by the Senate to H.B. No. 84, HD 1, and H.B. No. 84, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ART IN STATE BUILDINGS AND STRUCTURES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Takamine being excused.

By unanimous consent, H.B. No. 132, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Peters, seconded by Representative Yuen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 132, HD 1, and H.B. No. 132, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Takamine being excused.

By unanimous consent, H.B. No. 211, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Peters, seconded by Representative Yuen and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 211, and H.B. No. 211, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Takamine being excused.

The Chair directed the Clerk to note that H.B. No. 84, HD 1, SD 1, had passed Final Reading at 1:25 o'clock p.m.; H.B. No. 132, HD 1, SD 1, at 1:26 o'clock p.m.; and H.B. No. 211, SD 1, at 1:27 o'clock p.m.

At 1:27 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:29 o'clock p.m., the Chair made the following announcements:

"The Chair would like to remind all of the members that today is the last day for the introduction of substantive resolutions. So if you have any resolutions that have substantive matter, please have it introduced by 4:00 o'clock this afternoon.

The Chair would also like to make the following announcement: Representative Medeiros has been discharged as a conferee on the part of the House for the consideration of the amendments made by the House to S.B. No. 533, SD 1, and that Representative Evans has been appointed as Manager on the part of the House at such conference; and that Representative Kunimura has been discharged as a conferee on the part of the House for the consideration of the amendments made by the House to S.B. No. 246, SD 1, and that Representative Machida has been appointed as Manager on the part of the House at such conference."

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

Upon reconvening at 1:32 o'clock p.m., the following introductions were made to the members of the House:

Representative Sutton introduced Billie Beamer, Director, Hawaiian Homes Commission, who was seated in the gallery.

Representative Lunasco introduced "a few good friends from Mililani Town, Alvin Akiyama, Barbara Yamashita and Danny".

#### ADJOURNMENT

At 1:39 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 11, 1977.

## FIFTY-SIXTH DAY

Monday, April 11, 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 Mr. Rodney Graybeal of the University Baptist Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Baker, Caldito, Fong, Ikeda, Kawakami, Stanley and D. Yamada, who were excused.

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

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 95 to 150) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 95) transmitting copies of the "Report of Achievements of Programs for the Aging for Fiscal Year 1974-75", prepared by the Commission on Aging, was placed on file.

A message from the Governor (Gov. Msg. No. 96) transmitting copies of a report prepared by the State Law Enforcement and Juvenile Delinquency Planning Agency (SLEPA) in response to H.R. No. 96, Seventh State Legislature (1974), relating to the submittal of an annual report by SLEPA, was placed on file.

A message from the Governor (Gov. Msg. No. 97) transmitting copies of the Multi-Year Program and Financial Plan for the planning period 1977-1983, the Executive Budget for the fiscal biennium 1977-1979, and the Variance Report for fiscal year 1976-1977, was placed on file.

A message from the Governor (Gov. Msg. No. 98) transmitting copies of a report, "The Hawaii's

State Plan Survey", prepared for the Department of Planning and Economic Development by Survey & Marketing Services, Inc., was placed on file.

A message from the Governor (Gov. Msg. No. 99) transmitting copies of the Annual Report for the State Foundation on Culture and the Arts, was placed on file.

A message from the Governor (Gov. Msg. No. 100) transmitting copies of a report prepared by the Real Estate Commission in response to H.R. No. 474, requesting a study into the advisability of compulsory education for real estate licensees, was placed on file.

A message from the Governor (Gov. Msg. No. 101) transmitting copies of a report prepared by the Department of Planning and Economic Development in response to House Resolution No. 269, HD 1, requesting an action program to qualify Hawaii residents for available and projected Federal jobs, was placed on file.

A message from the Governor (Gov. Msg. No. 102) transmitting copies of the report "Supplemental No. 1 to Report on the Ninth Legislature of the State of Hawaii on Exchanges of State Lands to Acquire Private Lands for Public Use" (January 1, 1976 to December 31, 1976), prepared by the Department of Land and Natural Resources, was placed on file.

A message from the Governor (Gov. Msg. No. 103) transmitting copies of the "Quarterly Statistical Report - State of Hawaii - January 1977", prepared by the Research and Economic Analysis Division of the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 104) transmitting copies of a joint report prepared by the Department of Regulatory Agencies and the Public Utilities Commission in response to H.C.R. No. 216, requesting a thorough study and examination of the fuel adjustment clause as a regulatory device for revising rates for public utility energy services, was placed on file.

A message from the Governor (Gov. Msg. No. 105) transmitting copies of a report, "Housing for Hawaii's People", prepared for the Hawaii Housing Authority and the Department

of Planning and Economic Development by Daly and Associates of Honolulu, Hawaii, was placed on file.

A message from the Governor (Gov. Msg. No. 106) transmitting copies of a report prepared by the Department of Planning and Economic Development on its loan programs, as required under the following statutes:

Section 210-8, HRS, requires an annual report on the progress made under Chapter 210, the Hawaii Capitol Loan Program;

Section 189-26, HRS, requires an annual report on the progress made under Chapter 189, Part II, the Large Fishing Vessel Purchase, Construction, Renovation, Maintenance, and Repair Loan Program;

Section 188-46, HRS, requires an annual report on the progress made under Chapter 189, Part IV, the Hawaii Small Fishing Vessel Loan Program;

Section 209-5, HRS, requires an annual report from the Rehabilitation Coordinator;

was placed on file.

A message from the Governor (Gov. Msg. No. 107) transmitting copies of the Annual Report for fiscal year 1976 of the Board of Paroles and Pardons, as mandated by HRS 93-12, was placed on file.

A message from the Governor (Gov. Msg. No. 108) transmitting copies of a publication, "Hawaii Aquaculture Planning Program, Interim Report", which is a progress report of the Hawaii Aquaculture Planning Program established by Act 226 of the 1976 Legislature, which was prepared by the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 109) transmitting copies of a report prepared by the Hawaii Housing Authority, Department of Social Services and Housing, pursuant to Section 356-25, Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 110) transmitting copies of the Windward Oahu Regional Plan, prepared by the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 111) transmitting copies of the Summary of the "Ocean Center Feasibility Study, Phase I", prepared by Belt, Collins and Associates for the Department of Planning and Economic Development, in response to Act 187/SLH 1970, was placed on file.

A message from the Governor (Gov. Msg. No. 112) transmitting copies of reports prepared by the Department of Agriculture in response to H.R. No. 184 (1976), requesting the Department of Agriculture to study the desirability and efficacy of a special agricultural water rate, and H.R. No. 186 (1976), requesting the Department of Agriculture to study the efficacy of more favorable electrical rates for farm use, was placed on file.

A message from the Governor (Gov. Msg. No. 113) transmitting copies of the 1976 Annual Report of the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 114) transmitting copies of a report prepared by the Department of Regulatory Agencies in response to H.R. No. 629, requesting a study into the advisability of establishing a separate license for resident managers, was placed on file.

A message from the Governor (Gov. Msg. No. 115) transmitting copies of the Department of Social Services and Housing's Annual Report for fiscal years 1974 and 1975, was placed on file.

A message from the Governor (Gov. Msg. No. 116) transmitting copies of a report, "An Interim Report: The Hotel Reservations Reporting Program", outlining the operation and impact of Act 102, Session Laws of Hawaii 1976, relating to hotel reservations, prepared by the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 117) transmitting copies of a report prepared by the Department of Land and Natural Resources in response to H.R. No. 223, requesting the Department of Land and Natural Resources to study the feasibility of establishing Kawainui Swamp as a national historic site, was placed on file.



A message from the Governor (Gov. Msg. No. 118) transmitting copies of an evaluation report on the purchase of services program administered by the Department of Social Services and Housing, prepared by the consulting firm of Booz, Allen and Hamilton, Inc., under the auspices of the Departments of Budget and Finance and Social Services and Housing, in response to Senate Resolution No. 180, 1975 Legislature, was placed on file.

A message from the Governor (Gov. Msg. No. 119) transmitting copies of the Final Report prepared by the Steering Committee of the Hawaii State Conference on Employment, was placed on file.

A message from the Governor (Gov. Msg. No. 120) transmitting copies of an addendum to a report prepared by the Department of Land and Natural Resources on Executive Orders issued pursuant to Section 171-11, Hawaii Revised Statutes (January 16, 1976 to December 31, 1976), was placed on file.

A message from the Governor (Gov. Msg. No. 121) transmitting copies of a report prepared by the Department of Regulatory Agencies in response to H.R. No. 559, HD 1, requesting a review of the concept of a sunset provision for regulatory boards and commissions, was placed on file.

A message from the Governor (Gov. Msg. No. 122) transmitting copies of the Annual Report for the Public Utilities Commission, was placed on file.

A message from the Governor (Gov. Msg. No. 123) transmitting copies of a report prepared by the Agriculture Coordinating Committee in compliance with the provisions of Section 4, Act 197, Session Laws of Hawaii 1976, was placed on file.

A message from the Governor (Gov. Msg. No. 124) transmitting copies of the Annual Report of the State Commission on Aging for the fiscal year ending June 30, 1976, pursuant to Section 349-2 (13), RLH, as amended, was placed on file.

A message from the Governor (Gov. Msg. No. 125) transmitting copies of the Annual Report for the calendar year 1976, prepared by the Commission on the Year 2000, was placed on file.

A message from the Governor (Gov. Msg. No. 126) transmitting copies of a report prepared by the Department of Health, pursuant to Section 2, Act 190, Session Laws of Hawaii, 1975, was placed on file.

A message from the Governor (Gov. Msg. No. 127) transmitting copies of a report prepared by the University of Hawaii in response to H.R. No. 520, HD 1, requesting a review of the community service and research programs of the University of Hawaii, was placed on file.

A message from the Governor (Gov. Msg. No. 128) transmitting copies of a report prepared by the Department of Agriculture in compliance with Act 226, SLH 1974, relating to planning and development of North Kohala, was placed on file.

A message from the Governor (Gov. Msg. No. 129) transmitting copies of the State's C.I.P. Status Reports - Financial Summary and Construction Summary, prepared by the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 130) transmitting copies of a report prepared by the Department of Agriculture in response to H.R. No. 187 (1976), requesting an evaluation of farm loan procedures, was placed on file.

A message from the Governor (Gov. Msg. No. 131) transmitting copies of a special report on unemployment and welfare, prepared by the Commission on Manpower and Full Employment, pursuant to Section 202-2, Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 132) transmitting copies of a new publication, "The Potential for Mullet and Milkfish Culture in Hawaiian Fishponds", which was prepared by the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 133) transmitting copies of reports prepared by the College of Tropical Agriculture, University of Hawaii, pursuant to S.R. No. 68 (1973), requesting the Department of Agriculture to conduct a feasibility study on the establishment of a meat packing plant on Kauai, and S.R. No. 69 (1973), requesting the Department of Agriculture to conduct a feasibility study on the cultivation of pyrethrum

for pesticide use in the County of Kauai, was placed on file.

A message from the Governor (Gov. Msg. No. 134) transmitting copies of the Annual Report for the State Department of Labor and Industrial Relations, prepared as required by HRS, Sections 371-7 and 26-20, was placed on file.

A message from the Governor (Gov. Msg. No. 135) transmitting copies of a report entitled: "A Report on Elderly Housing Programs, prepared by the Commission on Aging, pursuant to H.R. No. 107, HD 1, was placed on file.

A message from the Governor (Gov. Msg. No. 136) transmitting copies of a report entitled: "Historic Preservation Annual Report, 1976", which was prepared by the Department of Land and Natural Resources, was placed on file.

A message from the Governor (Gov. Msg. No. 137) transmitting copies of a conceptual planning report summary of the "Malaekahana State Park", which was prepared by Land Architects, Inc. for the Department of Land and Natural Resources, was placed on file.

A message from the Governor (Gov. Msg. No. 138) transmitting copies of the proceedings of the Legislative Symposium held on March 4, 1977, by the Commission on Population and the Hawaiian Future, was placed on file.

A message from the Governor (Gov. Msg. No. 139) transmitting copies of the Annual Report prepared by the Commission on Population and the Hawaiian Future for 1976, was placed on file.

A message from the Governor (Gov. Msg. No. 140) transmitting copies of a supplement to the Annual Report of the Kohala Task Force, prepared by the Department of Agriculture, pursuant to Act 226, SLH 1974, relating to planning and development of North Kohala, was placed on file.

A message from the Governor (Gov. Msg. No. 141) transmitting copies of a report prepared by the Department of Social Services and Housing in response to H.R. No. 115, requesting a study of the feasibility of acquiring existing unsold dwelling units for elderly housing, was placed on file.

A message from the Governor

(Gov. Msg. No. 142) transmitting copies of the proceedings of the Legislative Symposium held on March 4, 1977, by the Commission on Population and the Hawaiian Future, was placed on file.

A message from the Governor (Gov. Msg. No. 143) transmitting copies of the Annual Report prepared by the Commission on Population and the Hawaiian Future for 1976, was placed on file.

A message from the Governor (Gov. Msg. No. 144) transmitting copies of a report prepared by the Department of Planning and Economic Development in response to S.R. No. 174, requesting the Department of Planning and Economic Development to explore the possibility of having a bicentennial canoe race across the English Channel in celebration of the discovery of Hawaii by Captain Cook, was placed on file.

A message from the Governor (Gov. Msg. No. 145) transmitting copies of the "Energy Resources Coordinator 1976 Annual Report", prepared by the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 146) transmitting copies of a report, "The Biology of Opihi", published by the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 147) transmitting copies of a report prepared by the Department of Agriculture in response to H.R. No. 182, HD 1 (1976), requesting a study of the imported lumber trade, was placed on file.

A message from the Governor (Gov. Msg. No. 148) transmitting copies of the Department of Transportation's Annual Report for the fiscal year ending June 30, 1976, was placed on file.

A message from the Governor (Gov. Msg. No. 149) transmitting copies of the Department of Land and Natural Resources' Annual Report to the Governor, July 1, 1975 to June 30, 1976, was placed on file.

A message from the Governor (Gov. Msg. No. 150) transmitting copies of the "Hawaii Coastal Zone Management Program: Second-Year Summary Report", prepared by the Department of Planning and Economic Development, was placed on file.

At 11:07 o'clock a.m., the Chair

declared a recess, subject to the call of the Chair.

Upon reconvening at 11:09 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Baker, Caldito, Ikeda, Stanley and D. Yamada.

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 402 to 408) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 402) transmitting Senate Concurrent Resolution No. 157, proclaiming the month of May, 1977 as Mental Health Month in Hawaii, which was adopted by the Senate on April 7, 1977, was placed on file.

By unanimous consent, action on S.C.R. No. 157 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 403) transmitting Senate Concurrent Resolution No. 158, commending the Pacific Tuna Development Foundation for its operative development of fisheries resources in the Pacific area, which was adopted by the Senate on April 7, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 158 was adopted.

A communication from the Senate (Sen. Com. No. 404) transmitting Senate Concurrent Resolution No. 160, commending the President of the United States and the Secretary of Commerce on establishing the Pacific Office of the Bureau of International Commerce and urging permanent status for the office, which was adopted by the Senate on April 7, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 405) transmitting Senate Concurrent Resolution No. 13, requesting the Department of Health to develop a plan that will provide for the maximum utilization of Federal funds in the provision of health services and programs, which was adopted by the Senate on April 7, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 406) transmitting Senate Concurrent Resolution No. 132, requesting the Governor to effect a system to protect and advocate the rights of persons with developmental disabilities, which was adopted by the Senate on April 7, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 407) transmitting Senate Concurrent Resolution No. 136, relating to health services to the gap group, which was adopted by the Senate on April 7, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 408) transmitting Senate Concurrent Resolution No. 143, urging report of suspected child abuse by the police to child protective agencies, which was adopted by the Senate on April 7, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 13, 132, 136 and 143 was deferred until later in the calendar and action on S.C.R. No. 160 was deferred until tomorrow, April 12, 1977.

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

Representative Carroll introduced a personal friend of his, Mr. Herbert Bonney, a one time featherweight champion.

Representative Sutton introduced Captain (U.S. Navy, Retired) and Mrs. Gould Hunter, and their granddaughter, Kimberly Ann Hunter, of San Francisco, California.

Representative Campbell introduced three delegates to the 1977 Youth Con-Con from the Windward Christian School, as follows: Keiko Miura, Kelly Murrow and Pam Mendonca.

Representative Takamine introduced "two hard-working persons from the Third District (Ninoole)", Mr. and Mrs. Paul Chinen.

#### 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. 714 to 718) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 714) commending the winners of the 1977 "Ability Counts" Survey Contest and the PCEH/AMVETS Poster Contest was jointly offered by Representatives Garcia, Blair, Campbell, Cobb, Fong, Ikeda, Kondo, Medeiros, Mina, Naito, Nakamura, Narvaes, Uechi, Ushijima, Uwaine and K. Yamada.

On motion by Representative Garcia, seconded by Representative Narvaes and carried, H.R. No. 714 was adopted.

At this time, Representative Garcia introduced the winners of the "Ability Counts" Survey Contest, as follows: Tommy Tsuchiyama (Farrington High School), first place; Joanne Lin (Farrington High School), second place; Avis Kaneshiro (Farrington High School), third place; Erik Bello (Radford High School), fourth place; and Diane Lin (Farrington High School), fifth place.

Representative Garcia then introduced Terence Arakaki (Leeward Community College), the PCEH/AMVETS Poster winner; and sponsors of the contests, Mr. Van Diamond of the AFL-CIO, and Mr. Tadao Beppu, representing the Disabled American Veterans.

Representative Garcia then introduced the parents of the honorees who were seated in the gallery: Seiki and Daisy Arakaki; Mrs. Yoneko Matsui (Tommy Tsuchiyama's mother); Mrs. Margaret Lin; and Mrs. Jeanne Kaneshiro.

Also present in the gallery were Dr. Herman Aizawa, Principal of Farrington High School; Mrs. Doris Fujimoto, teacher at Radford High School; Dr. Philip Ige, Provost of Leeward Community College; Mr. Ah Kee Leong, Chairman, Governor's Committee on Employment of the Handicapped; and Mr. Vince Siu, National Service Coordinator of the Disabled Americans Veterans.

Representative Campbell then presented the honorees with certified copies of the resolution.

A resolution (H.R. No. 715) commending the Waipahu High School DECA Chapter chosen as Hawaii's outstanding DECA Chapter for 1977 and its student

winners was jointly offered by Representatives Kihano, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Inaba, Kamalii, Kawakami, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Kihano, seconded by Representative Shito and carried, H.R. No. 715 was adopted.

Representative Kihano then introduced the first place winners as follows: Stacie Gandauli (DE Student of the Year); Terry Oyama (Advertising); Roger Sagisi (DE Student of the Year); Mona Katahira (Merchandise Information); and Anna Paragoso, State President of DECA. They will be going to the National finals at Anaheim, California, from April 27 to May 2, 1977.

Representative Kihano then introduced the members of the DECA class from Waipahu High School who were seated in the gallery.

Representative Shito presented the honorees with certified copies of the resolution and Representative Kihano presented a lei to Mrs. Jean Miyahira, DECA coordinator.

A resolution (H.R. No. 716) commending the Kaneohe Sons of Hawaii was jointly offered by Representatives Ajifu, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Ajifu, seconded by Representative Toguchi and carried, H.R. No. 716 was adopted.

At this time, Representative Ajifu introduced the members of the Kaneohe Sons of Hawaii, as follows: Charles Pagan, President; Benny Abellanosa, Vice President; and J. Chung, a student of the school, representing the Club's legal advisor, Mr. Allen Kaufman.

Representative Evans presented a pink carnation lei to Mr. Pagan,

and a certified copy of the resolution was presented by Representative Toguchi.

A resolution (H.R. No. 717) congratulating and extending best wishes to Lori Anne Siu, the first elected Lieutenant Governor of the Hawaii Division of the Keywanettes was jointly offered by Representatives Ajifu, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Ajifu, seconded by Representative Toguchi and carried, H.R. No. 717 was adopted.

Representative Ajifu then introduced the honoree, Lori Anne Siu, to the members of the House, stating:

"Lori Anne Siu is the first elected Lieutenant Governor for the Hawaii Division of Keywanettes. Lori Anne will be attending the Keywanettes first district meeting in Anaheim, California, on April 23-24. She will be accompanied by her mother."

Representative Ajifu then introduced Mr. and Mrs. Lawrence Siu, parents of Lori Anne; Mr. Lester Sakamoto, advisor; and Mr. Harold Chong, Principal of Castle High School.

Representative Evans presented the honoree with a certified copy of the resolution, and Representative Ajifu presented her with a lei.

A resolution (H.R. No. 718) congratulating Miss Sharon Lei Robles, the reigning Miss Hawaii Filipina, and her court was jointly offered by Representatives Lunasco, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, 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 Lunasco, seconded by Representative Kihano and carried, H.R. No. 718 was adopted.

At this time, Representative Lunasco introduced the following: Ms. Rosita Villanueva, Chairperson of the Fiesta; Mr. Jake Manandic, President of the United Filipino Council; and Ms. Sharon Lei Robles, Miss Hawaii Filipina.

A red carnation lei was presented to the honoree by Representative K. Yamada, and Representative Kihano presented Ms. Robles with a certified copy of the resolution. A white carnation lei was presented to Ms. Villanueva by Representative Peters.

The Chair then appointed Representatives Ajifu, Caldito, Cayetano, Kihano, Lunasco and Mina to escort Ms. Robles to the rostrum, whereupon she addressed the members of the House as follows:

"Thank you very much.

Good morning, everyone. Having been selected the 1976-1977 Miss Hawaii Filipina has afforded me many opportunities, among which was a trip to the Philippines--the first for myself and my parents.

My congratulations to the 1977 convening legislative body for initiating many innovative and progressive changes that Hawaii may be a better place to live, and may I also express an appreciation for the recognition of the Filipino community--it is really cold in here, as you can see, I'm shivering - in the State of Hawaii, politically, socially, and economically.

Thank you."

At 11:43 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

Upon reconvening at 12:05 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Fong and Kawakami.

#### ORDER OF THE DAY

##### DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 686 to 713) and concurrent resolutions (H.C.R. Nos. 128 to 137 and S.C.R. Nos. 13, 132, 136, 143 and 157) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>		
		708	Jointly to the Committees on Agriculture and Energy and Transportation
686	Committee on Consumer Protection and Commerce, then to the Committee on Finance	709	Committee on Water, Land Use, Development and Hawaiian Homes
687	Adopted	710	Committee on Consumer Protection and Commerce, then to the Committee on Finance
688	Committee on Higher Education	711	Committee on Culture and the Arts
689	Committee on Education	712	Committee on Legislative Management
690	Committee on Education	713	Committee on Higher Education
691	Committee on Consumer Protection and Commerce		
692	Jointly to the Committees on Agriculture and Higher Education		
			<u>H.C.R. Nos.</u>
693	Jointly to the Committees on Consumer Protection and Commerce and Judiciary	128	Committee on Consumer Protection and Commerce, then to the Committee on Finance
694	Committee on Consumer Protection and Commerce	129	Committee on Agriculture
695	Committee on Judiciary	130	Committee on Energy and Transportation
696	Committee on Energy and Transportation	131	Committee on Culture and the Arts
697	Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Legislative Management	132	Committee on Youth and Elderly Affairs
698	Jointly to the Committees on Energy and Transportation and Public Employment and Government Operations	133	Committee on Judiciary
699	Jointly to the Committees on Agriculture, Water, Land Use, Development and Hawaiian Homes and Higher Education	134	Committee on Water, Land Use, Development and Hawaiian Homes
700	Committee on Consumer Protection and Commerce	135	Jointly to the Committees on Consumer Protection and Commerce and Judiciary
701	Jointly to the Committees on Education and Health	136	Committee on Higher Education
702	Committee on Energy and Transportation	137	Jointly to the Committees on Higher Education and Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance
703	Committee on Education		<u>S.C.R. Nos.</u>
704	Committee on Culture and the Arts	13	Committee on Health, then to the Committee on Finance
705	Committee on Culture and the Arts, then to the Committee on Legislative Management	132	Committee on Health
706	Committee on Education	136	Committee on Health
707	Committee on Culture and the Arts	143	Committee on Youth and Elderly Affairs
		157	Committee on Health

## COMMITTEE REASSIGNMENTS

The following resolutions (H.R. Nos. 480 and 678) were re-referred as follows:

H.R. Nos.	Re-referred to:
480	Committee on Water, Land Use, Development and Hawaiian Homes
678	Committee on Ecology and Environmental Protection, 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 considering bills on Third and Final Readings on the basis of a modified consent calendar.

## UNFINISHED BUSINESS

Stand. Com. Rep. No. 1004 on S.B. No. 995, SD 2 (Deferred from April 7, 1977):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 995, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UTILIZATION OF ELECTRICITY GENERATED FROM NON-FOSSIL FUELS", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 995 had passed Third Reading at 12:06 o'clock p.m.

## STANDING COMMITTEE REPORTS

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1005) recommending that H.R. No. 201 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 201, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF FULL-TIME TAXATION BOARDS OF REVIEW", was adopted.

Representative Suwa, for the Committee on Finance, presented

a report (Stand. Com. Rep. No. 1006) recommending that S.C.R. No. 45 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE U.S. CONGRESS TO AMEND THE REVENUE SHARING PROGRAM", was adopted, with Representative Abercrombie voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1007) recommending that H.C.R. No. 75 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO MAKE THE STATE INCOME TAX RETURN FORM CONFORM AS CLOSELY AS POSSIBLE TO THE FEDERAL INCOME TAX RETURN FORM", was adopted.

Representatives Uechi and Blair, for the Committees on Agriculture and Ecology and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1008) recommending that H.R. No. 318 be adopted.

On motion by Representative Uechi, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.R. No. 318, entitled: "HOUSE RESOLUTION CALLING UPON THE CONGRESS OF THE UNITED STATES TO EXTEND THE DEADLINE RELATING TO THE ELIMINATION OF SHIPBOARD ANIMAL WASTE DISCHARGES", was adopted.

Representatives Uechi and Blair, for the Committees on Agriculture and Ecology and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1009) recommending that H.C.R. No. 36 be adopted.

On motion by Representative Uechi, seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION CALLING UPON THE CONGRESS OF THE UNITED STATES TO EXTEND THE DEADLINE RELATING TO THE ELIMINATION OF SHIPBOARD ANIMAL WASTE DISCHARGES", was adopted.

Representative Takamine, for the Committee on Employment Opportunities

and Labor Relations, presented a report (Stand. Com. Rep. No. 1010) recommending that S.C.R. No. 81 be adopted.

On motion by Representative Takamine, seconded by Representative Peters and carried, the report of the Committee was adopted and S.C.R. No. 81, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT NATIVE HAWAIIANS AND OTHER MINORITY GROUPS IN HAWAII BE DESIGNATED AS SPECIAL TARGET GROUPS FOR FEDERAL COMPREHENSIVE EMPLOYMENT AND TRAINING PROGRAMS", was adopted.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1011) recommending that S.C.R. No. 44, SD 1, be adopted.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.C.R. No. 44, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ENDORSING THE RECOMMENDATIONS OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES FOR STRENGTHENING OUR NATION'S ELECTRIC UTILITY INDUSTRY", was adopted, with Representative Abercrombie voting no.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1012) recommending that H.R. No. 501 be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 501, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR OF HAWAII AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE PROCESSING OF A LONG-TERM RENEWAL LEASE FOR THE WAIMANALO EXPERIMENT STATION", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1013) recommending that H.C.R. No. 91 be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR

OF HAWAII AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO EXPEDITE THE PROCESSING OF A LONG-TERM RENEWAL LEASE FOR THE WAIMANALO EXPERIMENT STATION", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1014) recommending that H.R. No. 518 be adopted.

On motion by Representative Mina, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 518, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO STUDY THE FEASIBILITY OF ESTABLISHING A CENTER FOR PHILIPPINE STUDIES ON MANOA CAMPUS OF THE UNIVERSITY OF HAWAII", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1015) recommending that H.R. No. 63 be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 63, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO IMPROVE CAMPUS LIBRARY FACILITIES AND SERVICES", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1016) recommending that H.R. No. 548 be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 548, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF COMPENSATION PLANS FOR THE STATE SECURITY PERSONNEL", was adopted.

Representatives Blair and Kawakami, for the Committees on Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 1017) recommending that H.C.R. No. 95 be adopted.

On motion by Representative Blair, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO PROVIDE CONSTRUCTION GRANT



TION GRANTS FOR THE IMPROVEMENT OF HAWAII'S PUBLIC WATER SYSTEMS IN COMPLIANCE WITH THE SAFE DRINKING WATER ACT", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1018) recommending that S.C.R. No. 82, SD 1, be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and S.C.R. No. 82, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING EXTENSION OF THE COMMUNITY PHYSICIAN PROGRAM TO NORTH KOHALA, 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. 1019) recommending that H.R. No. 211 be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 211, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO DETERMINE THE POSSIBILITY OF ESTABLISHING AN INVESTMENT TAX CREDIT FOR NEW BUSINESSES IN HAWAII", was referred to the Committee on Finance.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1020) recommending that H.R. No. 618 be adopted.

On motion by Representative Machida, seconded by Representative Dods and carried, the report of the Committee was adopted and H.R. No. 618, entitled: "HOUSE RESOLUTION REQUESTING TOURISM TRADE REGULATION HEARINGS IN HAWAII", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1021) recommending that H.R. No. 521, as amended in HD 1, be adopted.

Representative Suwa moved that the report of the Committee be adopted and H.R. No. 521, HD 1, be adopted, seconded by Representative Peters.

Representative Sutton then rose and stated:

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

Mr. Speaker, when we granted charters to the City and County of Honolulu and charters to the various other counties, the basic concept was home rule and in that basic concept of home rule, the idea was to let them figure out their own budget, figure out how they got their revenue, come to the process of balancing revenue with expenditures and achieving a balance. Now, all of a sudden, we put in a resolution and it says, 'Whereas, the City and County of Honolulu has refused to float bonds to provide needed capital improvements; Whereas, these areas were developed when the Comprehensive Zoning Code, and other such codes designed to assure that facilities met certain standards were adopted; and Whereas, consequently, the roads, water lines, sewage systems, and other similar public facilities do not meet present standards.' Then, we cite the various areas. It is cited as Waianae, Haleiwa, Kahuku, Kalihi and Waimanalo. Then, we say in almost a mandate, go float bonds.

This is not our function in our relationship, which makes a mockery of the charter, and we are picking on one City and County. We are not saying to the County of Maui which has the exceedingly efficient Mayor, Elmer Cravalho--Mr. Cravalho, you go float bonds. We wouldn't dare do it to him. He'd be back here and telling us what to do.

But all of a sudden, we put in a resolution which says, the City and County of Honolulu, go float bonds. That is what it says, Mr. Speaker. This is not our prerogative. We should grant City Charters if we would go along the concept of home rule. This is their business--how they finance it; how they do their duties, are something that we delegated. Now, all of a sudden, we are pulling in the strings and say we didn't delegate it. If we read our City Charter, we did.

Certainly, we are the supreme body of the State. Nobody is questioning that. And we hold the purse strings, and anybody who holds the purse strings, throughout history, whether it be Louis XIV, or Cardinal Richelieu, or what not, whoever holds the purse strings holds the power. We hold that power; we know it. But, Mr. Speaker, this is very serious. It is not our business to do this. I hold no grudge on the City and County of Honolulu. I have been defeated for Mayor. I have been defeated for

Governor, too, you know, but I am here though. I defeated quite a few guys to get where I am--right here. I have strown their bodies on the Nuuanu Pali, but, Mr. Speaker, if I am getting off the subject, let me get back before you reprimand me. I am trying to get back in so many words that we say, as a deliberative body, should not extend this. This is our adopted child and all of a sudden, we are getting a great big horse whip and whipping it. Love and affection, yes, but carry not the stick.

Thank you, Mr. Speaker."

Representative Kunimura then rose and stated:

"Mr. Speaker, I rise in favor of the resolution.

Yes, I served in the 1968 Constitutional Convention and I was also a member of the Local Government Committee which was chaired by our Senator Ushijima, who is the President of the Senate. Because of my unique background in the Constitutional Convention of having had the experience in local government, I was requested by the then chairman to help guide the Committee. Yes, it was the intent of the Constitutional Convention to give home rule, and I agree with the gentleman from Nuuanu about home rule, but I must vehemently disagree with the gentleman and also scholar and attorney-at-law that a resolution is not a mandate, and I must say here, this morning, Mr. Speaker, that when we do not request Maui, Hawaii, and Kauai County to float bonds and the reason for that is not the fear of the respective councils and the mayors of the counties but, rather, because they are doing their job.

But in the case of the City and County of Honolulu, Mr. Speaker, they are not, in my own very limited opinion, but I must say here, Mr. Speaker, that the City and County of Honolulu has a debt margin of about a billion dollars because of its failure to float bonds for necessary and vital projects for the health and welfare of those who are in the rural area, especially in the rural area of the City and County of Honolulu. I would venture to say that this is gross dereliction.

Mr. Speaker, the State government is very heavily in debt. For us to carry this additional load would be impossible at this present time.

But we cannot be deaf to the cries of the people in the rural area who are denied of these vital improvements and say we don't have any money. All of the counties must carry their share and I say that starting from the Administration of the City and County of Honolulu, who repeatedly go before the media and say that we have a beautiful financial plan, that we do not believe in bonded indebtedness. Well, that is his business, but he had better go back to the community that is making this request to legislators about capital improvements that he take the responsibility. But with him, he talks from two sides of the mouth--one side, he says, we go on cash basis; we don't believe in bonded indebtedness; we know how to run our government. On the other side of the mouth, he says, go see the Legislature, and this is the reason why this particular resolution requesting, not mandating, but rather, requesting, that the City and County use some of their bonding powers to give the people the necessary avenue to life, liberty, and the pursuit of happiness.

I have never yet seen resolutions taken as a mandate, but rather, a subtle. . .if you want to put it, the strongest words would be a 'subtle mandate', but it is not even a subtle mandate. Just a request.

Thank you, Mr. Speaker."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I rise to speak in favor of the resolution inasmuch as the 'Be it Resolved' says that the 'City and County of Honolulu is requested to float the necessary bonds to provide needed capital improvements, repairs and services to the people of the City and County of Honolulu.'

I will take it that in the body of the resolution, when some of the examples were given, it was just simply by oversight that Lower Manoa and Makiki were left out.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 521, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO FLOAT REVENUE BONDS", was adopted, with Representatives Blair, Carroll, Poepoe and Sutton voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1022) recommending that H.R. No. 359, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 359, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A MORE EQUITABLE DISTRIBUTION OF FEDERAL FUNDS TO AID AND ASSIST THE STATE OF HAWAII", was adopted, with Representative Abercrombie voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1023) recommending that H.C.R. No. 54, as amended in HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 54, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MORE EQUITABLE DISTRIBUTION OF FEDERAL FUNDS TO AID AND ASSIST THE STATE OF HAWAII", was adopted, with Representative Abercrombie voting no.

Representative Toguchi, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1024) recommending that H.C.R. No. 110 be referred to the Committee on Finance.

On motion by Representative Toguchi, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.C.R. No. 110, entitled: "REQUESTING THE GOVERNOR TO APPOINT A PERMANENT, FULL-TIME MARINE AFFAIRS COORDINATOR", was referred to the Committee on Finance.

#### INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 719) commending Ernest P. Bouvet, Vice President and General Manager of Honokaa Sugar Company and the Honokaa Sugar Company for becoming the State of Hawaii's most efficient producer of sugar in terms of cost of production was jointly offered by Representatives Takamine, Abercrombie, Ajifu, Aki, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Ikeda, Inaba, Kiyabu, Kunimura, Larsen, Lunasco, Medeiros, Mizuguchi, Morioka,

Naito, Segawa, Shito, Sutton, Suwa, Takamura, Uechi, Ueoka, Ushijima, Uwaine, K. Yamada and Yuen and was read by the Clerk.

On motion by Representative Takamine, seconded by Representative Segawa and carried, H.R. No. 719 was adopted.

#### THIRD READING

##### S.B. No. 239:

On motion by Representative Stanley, seconded by Representative Uwaine, S.B. No. 239, entitled: "A BILL FOR AN ACT RELATING TO THE PROFESSIONAL AND RESEARCH STAFF OF HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 239 had passed Third Reading at 12:22 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1025) recommending that H.R. No. 592 be referred to the Committee on Legislative Management.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 592, entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM STUDY OF THE STATE'S ALTERNATE ENERGY DEVELOPMENT PROGRAM", was referred to the Committee on Legislative Management.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1026) recommending that H.R. No. 609, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 609, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE APPOINTMENT OF AN INTERIM COMMITTEE TO REVIEW HIGHWAY PROGRAMS", was referred to the Committee on Legislative Management.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1027) recommending that H.R. No. 595, as amended in HD 1, be referred

to the Committee on Finance.

Representative Cayetano moved that the report of the Committee be adopted and H.R. No. 595, HD 1, be referred to the Committee on Finance, seconded by Representative Takamura.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I urge the members' approval for all of these Standing Committee Reports in the adjacent resolutions and concurrent resolutions; more especially, I draw the members' attention to 1027 and, by extension, the concurrent resolution 1028, because, Mr. Speaker, it talks about renegotiation of Exhibit One, the airport-airline leases.

I want to indicate, Mr. Speaker, if we will turn to the last page, No. 3, of the various provisions, that the Committee is asking the Department of Transportation, its Airport Division, to address itself to . . . you will find No. 9 listed there--'Provision that, if the surplus is more than sufficient to cover all of the items listed above, the unneeded amounts be accrued to the airport special fund and be made available by the Legislature for any airport purpose.'

Mr. Speaker, this has reference to legislation upon which hearings were held in the Committee concerning such items as the current tax credit in respect of fuel at the airport. It is my strong feeling that any amounts of money which come into the airport special fund as a result of the revenues accrued under that Exhibit; in this instance, Exhibit No. One, should remain in the airport special fund. I had introduced a bill at one time, to transfer such surplus funds to the general fund. At some time in the future, that may be an idea worthy of discussion. However, given the present circumstances, seems to me that I would have to modify my original ideas in that area and stick with the special fund.

The fact of the matter is, Mr. Speaker, that currently, the airport, especially Honolulu International Airport, is generating income over and above that which is needed to sustain the operations of the airport. This is to our advantage as a State, especially in times of economic depression or an economic recession in the construction industry. Any surplus that we can achieve at the

airport, or throughout the airport system, seems to me, should move directly toward cash financing of various projects that we may be considering in the airport system. This will be a tremendous boost for our construction industry. It will also relieve us of the indebtedness that comes with the necessity of floating bonds or taking some other means of assuring that our projects move forward, especially in the construction area.

The Director of the Department of Transportation is well aware of this concern and has indicated in testimony in other hearings that the airline companies themselves are now aware that the State is under the obligation to negotiate the best possible deal that it can on behalf of the people of the State, even if in any individual circumstances, a private business may not find it to its particular advantage, when considered as a whole, both for the airline, for the concessionaires, for the public; when I say for the public, I mean, not only the people of the State of Hawaii, but all the visitors who have come here and people who utilize our airline system, if only to pass through.

It should be clear that any surplus situation that may occur, in terms of revenue, should be applied towards the projects that we would like to see funded in the State of Hawaii which can then, with their completion, in the betterment of service for the people who utilize them and can then, in a positive situation, help our construction industry. This is vitally important, absolutely and vitally important, in the present employment circumstances, and I cannot stress too much how important it is for the interim committee work being done by the Committee on Energy and Transportation to monitor these negotiations to see to it that the State of Hawaii is able to take full advantage of the unique circumstances that it has at the International Airport, throughout the system, to see that our construction industry and our interests as a people, and as taxpayers, are well served by the new Exhibit at its conclusion.

Thank you."

The Chair then stated:

"The Chair would like to note, Representative Abercrombie, the extension of H.R. No. 595 is H.C.R. No. 114. I think you mentioned 1028."

Representative Abercrombie replied:

"Yes, I meant the Standing Committee Report. You are quite right, Mr. Speaker. It is H.C.R. No. 114. Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 595, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONSIDER RECOMMENDATIONS OF THE LEGISLATURE IN THE FORTHCOMING RENEGOTIATION OF EXHIBIT ONE OF THE AIRPORT-AIRLINE LEASES", was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1028) recommending that H.C.R. No. 114, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.C.R. No. 114, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONSIDER RECOMMENDATIONS OF THE LEGISLATURE IN THE FORTHCOMING RENEGOTIATION OF EXHIBIT ONE OF THE AIRPORT-AIRLINE LEASES", was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1029) recommending that H.C.R. No. 119, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.C.R. No. 119, HD 1, entitled: "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 referred to the Committee on Legislative Management.

Representative Mizuguchi, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1030) recommending that H.R. No. 304, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the majority of the Committee was adopted and H.R. No. 304, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF ESTABLISHING TEACHER CENTERS", was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1031) recommending that H.R. No. 462 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. 462, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF SPECIAL EDUCATION DISTRICT CENTERS", was referred to the Committee on Finance.

Representative Mizuguchi, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1032) recommending that H.R. No. 404 be referred to the Committee on Finance.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the majority of the Committee was adopted and H.R. No. 404, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON THE CONCEPT OF JOB SHARING", 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. 1033) recommending that H.R. No. 406 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. 406, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PERSONNEL SERVICES TO CONDUCT A FEASIBILITY STUDY ON THE CONCEPT OF JOB SHARING", 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. 1034) recommending that H.R. No. 539 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. 539, entitled: "HOUSE RESOLUTION REQUESTING A STUDY CONCERNING STATE OF HAWAII EMPLOYEES WHO ARE RETIREES OF OTHER (NON-STATE OF HAWAII) RETIREMENT SYSTEMS", 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. 1035) recommending that H.C.R. No. 101 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. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY CONCERNING STATE OF HAWAII EMPLOYEES WHO ARE RETIREES OF OTHER (NON-STATE OF HAWAII) RETIREMENT SYSTEMS", 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. 1036) recommending that H.R. No. 382 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. 382, entitled: "HOUSE RESOLUTION REQUESTING A STUDY RELATING TO COST OF LIVING INCREASES FOR RETIREES RECEIVING RETIREMENT ALLOWANCES OR PENSIONS UNDER THE EMPLOYEES RETIREMENT SYSTEM OF THE STATE OF HAWAII", 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. 1037) recommending that H.C.R. No. 59 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. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY RELATING TO COST OF LIVING INCREASES FOR RETIREES RECEIVING RETIREMENT ALLOWANCES OR PENSIONS UNDER THE EMPLOYEES RETIREMENT

SYSTEM OF THE STATE OF HAWAII", was referred to the Committee on Finance.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1038) informing the House that House Resolution Nos. 686 to 713, House Concurrent Resolution Nos. 128 to 137, and Standing Committee Report Nos. 999 to 1037, have been printed and distributed.

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

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

By unanimous consent, H.B. No. 168, HD 1, SD 2, was taken from the Clerk's desk.

On motion by Representative Naito, seconded by Representative Ueoka and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 168, HD 1, and H.B. No. 168, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS", having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Cobb, Carroll, Kamalii and Sutton voting no.

The Chair directed the Clerk to note that H.B. No. 168 had passed Final Reading at 12:31 o'clock p.m.

#### APPOINTMENT OF CONFERENCE COMMITTEE

In accordance with the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1100, SD 1, and the request for a conference on the subject matter of said amendments, Representatives Uechi and Suwa, co-Chairmen; Inaba, Blair, Caldito, Garcia, Kawakami, Larsen, Lunasco, Morioka, Naito, Toguchi, K. Yamada, Carroll, Fong and Poepoe were appointed as Managers on the part of the House at such conference.

At 12:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:36 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 reconsidering action taken on April 1, 1977.

#### RECONSIDERATION OF ACTION TAKEN

Representative Aki moved that the House reconsider its action taken on April 1, 1977, in disagreeing to the amendments proposed by the Senate to H.B. No. 96, HD 1, seconded by Representative Campbell and carried.

Representative Aki then gave notice of his intention to agree to the amendments proposed by the Senate to H.B. No. 96, HD 1, on April 12, 1977.

#### COMMITTEE REASSIGNMENTS

The following resolutions (H.R.

Nos. 363 and 685) and concurrent resolution (H.C.R. No. 47) were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
363	Committee on State General Planning, then to the Committee on Legislative Management
685	Committee on State General Planning
 <u>H.C.R. No.</u>	
47	Committee on State General Planning

#### ADJOURNMENT

At 12:45 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 12, 1977.

## FIFTY-SEVENTH DAY

Tuesday, April 12, 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 Ford Coffman of the Windward United Church of Christ, after which the Roll was called showing all members present with the exception of Representative Medeiros, who was excused.

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

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 409 to 412) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 409) transmitting Senate Concurrent Resolution No. 21, SD 1, requesting greater utilization of federal funds for agriculture, which was adopted by the Senate on April 11, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 410) transmitting Senate Concurrent Resolution No. 30, SD 1, requesting the U.S. Department of Navy to permit the operation of a commercial fishery station on Midway Island, was placed on file.

A communication from the Senate (Sen. Com. No. 411) transmitting Senate Concurrent Resolution No. 133, SD 1, relating to the development of the State Plan, was placed on file.

A communication from the Senate (Sen. Com. No. 412) transmitting Senate Concurrent Resolution No. 138, SD 1, relating to improvements and capacity of Kalaniana'ole Highway, was placed on file.

By unanimous consent, action on the above-mentioned Senate Concur-

rent Resolutions was deferred until later in the calendar.

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

Representative Ueoka introduced 124 students from Maui, "the future leaders of Hawaii": twenty-eight students from Baldwin High School, accompanied by their teachers, Mrs. Linnea Francis and Ms. Shirley Evangelista; twenty-nine students from Maui High School, with their teachers, Mrs. Janice Ota and Mrs. Patricia Tomita; twenty-two students from Lahainaluna High School and their principal, Mr. David Keala; seven students from Hana High School, accompanied by their teacher, Mr. Alvin Shima; fifteen students from Lanai High School and their teacher, Ms. Harriet Minami; and fifteen students from Molokai High School and their teacher, Mrs. Jeanette Kaupu.

Representative Sutton introduced eighteen students from Honpa Hongwanji Mission special English class and their teacher, Mrs. Frances Yamada.

Representative Campbell introduced the following medical research colleagues of Dr. Siddiqui, who were seated in the gallery: Dr. S. C. Kam, Dr. Diane Taylor, Dr. Kenton Kramer, and Mrs. Suzanne Richmond-Crum and her husband.

Representative Kunimura introduced Mrs. Toni Souza, a constituent from Kauai.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
21	Jointly to the Committees on Agriculture and Higher Education
30	Committee on Water, Land Use, Development and Hawaiian Homes
133	Committee on State General Planning, then to the Committee on Legislative Management
138	Committee on Energy and



160 Transportation  
Committee on Water, Land  
Use, Development and Hawaiian  
Homes

#### COMMITTEE REASSIGNMENT

House Resolution No. 522 was re-referred to the Committee on Water, Land Use, Development and Hawaiian Homes.

#### 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 RESOLUTION

A resolution (H.R. No. 720) congratulating Dr. Wasim A. Siddiqui for his achievement in advancing malaria research was jointly offered by Representatives Campbell, Ushijima, Abercrombie, Aki, Baker, Cayetano, Dods, Evans, Kiyabu, Kunimura, Morioka, Say, Stanley, Takamine and Uechi and was read by the Clerk.

On motion by Representative Campbell, seconded by Representative Ushijima and carried, H.R. No. 720 was adopted.

Representative Campbell then rose and stated:

"Mr. Speaker and members of this body, it is my pleasure to introduce to this body a man whose contribution to world preventive medicine has been a major breakthrough because of his outstanding medical research. The eyes of the world, particularly the medical world, are focused on Hawaii. And, at this time, will Dr. Siddiqui stand and be recognized by this body.

With Dr. Siddiqui is his wife, Mrs. Siddiqui. Would you stand and be recognized? And, also, we have Dr. Terrence Rogers, Dean of the John A. Burns School of Medicine.

Mr. Speaker, on behalf of the Board of Directors of the Special Education Center of Oahu, Representative Evans will present a lei to Dr. Siddiqui."

At this time, Representative Evans did the honors with a red carnation

lei and Representative Abercrombie presented a certified copy of the resolution to Dr. Rogers and Representative Campbell presented Dr. Siddiqui with the resolution.

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 11:30 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1039) informing the House that House Resolution Nos. 714 to 719, Standing Committee Report Nos. 1040 to 1057 and Conference Committee Report Nos. 1 to 11 have been printed and distributed.

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

Representatives Kawakami and Say, for the Committees on Water, Land Use, Development and Hawaiian Homes, and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 1040) recommending that S.C.R. No. 100 be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Say and carried, the report of the Committees was adopted and S.C.R. No. 100, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MEMORIAL FOR THE BIRTH SITE OF KAMEHAMEHA THE GREAT", was referred to the Committee on Finance.

Representative Toguchi, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1041) recommending that H.R. No. 571 be referred to the Committee on Finance.

On motion by Representative Toguchi, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.R. No. 571, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A PERMANENT, FULL-TIME MARINE AFFAIRS COORDINATOR", was referred to the Committee on Finance.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1042)

recommending that H.R. No. 612 be referred to the Committee on Public Employment and Government Operations.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.R. No. 612, entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM STUDY ON THE ESTABLISHMENT OF QUEEN LILI'UOKALANI'S BIRTHDAY AS A STATE HOLIDAY", was referred to the Committee on Public Employment and Government Operations.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1043) recommending that H.R. No. 682 be referred to the Committee on Legislative Management.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 682, entitled: "HOUSE RESOLUTION REQUESTING A RE-EXAMINATION OF THE FIXED GUIDEWAY SYSTEM FOR HONOLULU", was referred to the Committee on Legislative Management.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1044) recommending that H.R. No. 594, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 594, HD 1, entitled: "HOUSE RESOLUTION REQUESTING INTERIM REVIEW OF AIRPORTS", was referred to the Committee on Legislative Management.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1045) recommending that H.R. No. 643 be referred to the Committee on Legislative Management.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 643, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FIREARMS LAWS", was referred to the Committee on Legislative Management.

Representative Garcia, for the Committee on Judiciary, presented

a report (Stand. Com. Rep. No. 1046) recommending that H.R. No. 641 be referred to the Committee on Legislative Management.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 641, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE GRAND JURY SYSTEM", was referred to the Committee on Legislative Management, with Representative Sutton voting no.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1047) recommending that H.R. No. 422 be referred to the Committee on Legislative Management.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 422, entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM STUDY OF THE RULES OF EVIDENCE", was referred to the Committee on Legislative Management.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1048) recommending that H.R. No. 279, as amended in HD 1, be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 279, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO MAKE A STATUS REPORT ON ITS PROGRESS IN IMPLEMENTING ITS AFFIRMATIVE ACTION PROGRAM", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1049) recommending that S.C.R. No. 84 be adopted.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and S.C.R. No. 84, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING REVIEW OF THE ENVIRONMENTAL CAUSES OF CANCER AND RECOMMENDATIONS THEREON", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1050) recommending that H.R. No.

314 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 314, entitled: "HOUSE RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE TO DEVELOP AN IMPROVED METHOD OF FUMIGATION FOR FRESH PAPAYA AND KINDRED CROPS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1051) recommending that H.C.R. No. 98 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT AN AUDIT OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1052) recommending that H.C.R. No. 55, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 55, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1053) recommending that H.R. No. 362 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 362, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE IN-MIGRATION GENERATING POLICIES OF THE STATE", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1054) recommending that H.C.R. No. 53 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee

was adopted and H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE IN-MIGRATION GENERATING POLICIES OF THE STATE", was adopted.

#### INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 721) congratulating Catherine Uyehara and Maile Apau for their achievement at the Hawaii Science and Engineering Fair was jointly offered by Representatives Blair, Aki, Caldito, Carroll, Dods, Evans, Fong, Kamalii, Kawakami, Kiyabu, Kunimura, Larsen, Lunasco, Mizuguchi, Morioka, Narvaes, Say, Shito, Stanley, Takamine, Takamura and Ushijima and was read by the Clerk.

On motion by Representative Blair, seconded by Representative Stanley and carried, H.R. No. 721 was adopted.

#### CONFERENCE COMMITTEE REPORTS

Representative Segawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1297, presented a report (Conf. Com. Rep. No. 1) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 1 on H.B. No. 1297, SD 2, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1678, presented a report (Conf. Com. Rep. No. 2) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 2 on H.B. No. 1678, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1,

were made available to the members of the House at 11:00 o'clock a.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of House to the amendments proposed by the Senate to H.B. No. 833, HD 1, presented a report (Conf. Com. Rep. No. 3) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 3 on H.B. No. 833, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1209, SD 1, presented a report (Conf. Com. Rep. No. 4) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 4 on S.B. No. 1209, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1209, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 577, SD 1, presented a report (Conf. Com. Rep. No. 5) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 5 on S.B. No. 577, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 577, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Blair, for the

Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1202, presented a report (Conf. Com. Rep. No. 6) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 6 on S.B. No. 1202, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1202, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 672, presented a report (Conf. Com. Rep. No. 7) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 7 on H.B. No. 672, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 727, HD 1, presented a report (Conf. Com. Rep. No. 8) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 8 on H.B. No. 727, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1685, HD 2, presented a report (Conf. Com. Rep. No. 9) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 9 on H.B.

No. 1685, HD 2, SD 2, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1059, SD 1, presented a report (Conf. Com. Rep. No. 10) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 10 on S.B. No. 1059, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1059, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1203, SD 1, presented a report (Conf. Com. Rep. No. 11) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 11 on S.B. No. 1203, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1203, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 475, SD 2, presented a report (Conf. Com. Rep. No. 12) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 12 on S.B. No. 475, SD 2, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution

of the State of Hawaii, printed copies of S.B. No. 475, SD 2, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1198, HD 1, presented a report (Conf. Com. Rep. No. 13) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 13 on H.B. No. 1198, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1350, SD 1, presented a report (Conf. Com. Rep. No. 14) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 14 on S.B. No. 1350, SD 1, HD 2, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1350, SD 1, HD 2, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 678, HD 1, presented a report (Conf. Com. Rep. No. 15) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 15 on H.B. No. 678, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kiyabu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 154, HD 2, presented a report (Conf. Com. Rep. No. 16) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 16 on H.B. No. 154, HD 2, SD 2, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 193, presented a report (Conf. Com. Rep. No. 17) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 17 on H.B. No. 193, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Mizuguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1062, HD 1, presented a report (Conf. Com. Rep. No. 18) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 18 on H.B. No. 1062, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1173, HD 1, presented a report (Conf. Com.

Rep. No. 19) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 19 on H.B. No. 1173, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 140, SD 1, presented a report (Conf. Com. Rep. No. 20) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 20 on S.B. No. 140, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 140, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 74, presented a report (Conf. Com. Rep. No. 21) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 21 on S.B. No. 74, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 74, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 237, SD 1, presented a report (Conf. Com. Rep. No. 22) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 22 on S.B.

No. 237, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 237, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 817, HD 1, presented a report (Conf. Com. Rep. No. 23) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 23 on H.B. No. 817, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kiyabu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 155, HD 1, presented a report (Conf. Com. Rep. No. 24) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 24 on H.B. No. 155, HD 1, SD 2, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Peters, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 433, HD 1, presented a report (Conf. Com. Rep. No. 25) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 25 on H.B. No. 433, HD 1, SD 2, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 563, SD 1, presented a report (Conf. Com. Rep. No. 26) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 26 on S.B. No. 563, SD 1, HD 2, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 563, SD 1, HD 2, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 485, SD 1, presented a report (Conf. Com. Rep. No. 27) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 27 on S.B. No. 485, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 485, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 251, SD 1, presented a report (Conf. Com. Rep. No. 28) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 28 on S.B. No. 251, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 251, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

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

1153, HD 1, presented a report (Conf. Com. Rep. No. 29) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 29 on H.B. No. 1153, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1284, HD 1, presented a report (Conf. Com. Rep. No. 30) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 30 on H.B. No. 1284, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 533, SD 1, presented a report (Conf. Com. Rep. No. 31) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 31 on S.B. No. 533, SD 1, HD 2, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 533, SD 1, HD 2, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Cayetano, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 246, SD 1, presented a report (Conf. Com. Rep. No. 32) recommending to their respective Houses the final passage

of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 32 on S.B. No. 246, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 246, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 28, HD 2, presented a report (Conf. Com. Rep. No. 33) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 33 on H.B. No. 28, HD 2, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Machida, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1193, SD 1, presented a report (Conf. Com. Rep. No. 34) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 34 on S.B. No. 1193, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1193, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 512, HD 1, presented a report (Conf. Com. Rep. No. 35) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 35 on H.B. No. 512, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were



made available to the members of the House at 11:00 o'clock a.m.

Representative K. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1074, SD 1, presented a report (Conf. Com. Rep. No. 36) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 36 on S.B. No. 1074, SD 1, HD 1, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1074, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Garcia, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 171, HD 1, presented a report (Conf. Com. Rep. No. 37) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 37 on H.B. No. 171, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Blair, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1065, HD 1, presented a report (Conf. Com. Rep. No. 38) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 38 on H.B. No. 1065, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative D. Yamada, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1698, HD 1, presented a report (Conf. Com. Rep. No. 39)

recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 39 on H.B. No. 1698, HD 1, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1464, SD 2, presented a report (Conf. Com. Rep. No. 40) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 40 on S.B. No. 1464, SD 2, HD 2, CD 1, was deferred until tomorrow, April 13, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1464, SD 2, HD 2, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Uechi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 180, presented a report (Conf. Com. Rep. No. 41) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 41 on H.B. No. 180, SD 1, CD 1, was deferred until tomorrow, April 13, 1977, 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, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1055) recommending that H.R. No. 560 be referred to the Committee on Legislative Management.

Representative Ushijima moved that the report of the Committee be adopted and that H.R. No. 560 be referred to the Committee on Legislative Management, seconded by Representative Abercrombie.

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

"The reason why I rise to this point is that, if I may direct the members' attention to 'the purpose of this resolution is to request the Speaker of the House of Representatives to appoint an interim committee to conduct a thorough and extensive evaluation of the East-West Center programs.'

Mr. Speaker, as some members who were here in the previous session are aware, I was opposed to the incorporation of the East-West Center under its present configuration, its corporate configuration; and I believe that the events that have transpired with the East-West Center since the time I opposed the incorporation have borne out only too clearly the contentions that I made at that time, that the East-West Center would not act in the interest of the people of the State of Hawaii, but would pursue its own course - a course which not only reflected the personal interest of the people who were involved in the East-West Center, but would utilize our land, our facilities and our goodwill in such a way as to be to the positive detriment of the taxpayers of this State and to the general well-being of the University of Hawaii.

The testimony that the East-West Center has given to your Committee on Higher Education has been such that it indicated that the Legislature of the State of Hawaii has no business in even reviewing, let alone investigating or inquiring, as to the nature of the present business of the East-West Center, nor to its operations, even though they occupy twenty-two acres of State land at the present time; even though they have been the beneficiary of millions of dollars of capital improvement projects money from the State of Hawaii; even though they have considered presenting to their Board of Directors plans for the purchase of land which would be, in effect, exact opposition to contemplated and stated policy of this Legislature. It is under these circumstances, Mr. Speaker, that I have risen to speak in favor of this resolution.

I have been in conversation with people in the Carter administration and in correspondence with members of Congress concerning the circumstance, especially as it relates to the systematic destruction of the capacity for the

East-West Center to enable students to complete their degree; let alone to enter into a program of graduate study.

I have been in conversation with members of Congress and the Carter administration concerning the salary structure and the administrative structure of the East-West Center as not being in the interest of the people of the United States, and most certainly not in the interest of the foreign policy stance which is necessary for us to be a progressive and forward-looking nation.

I believe that the East-West Center has become a refuge for cronies in the State Department. I believe that the East-West Center is failing utterly to carry forward on the pledges that it has made to the Legislature in terms of the tasks that it would carry forward if it became incorporated.

I believe that this review is not only entirely in order, but at the end of the review that we will see that a disastrous mistake was made when incorporation of the East-West Center was allowed. And, as for myself, I intend to continue my efforts with the Congress and with the Carter administration to get them to take a close look at the budgetary propositions involved in the East-West Center and I hope that between these two entities, these two legislative entities, and the executive entity in Washington, we can bring to a close this unhappy chapter in the life of the East-West Center, and that it may be rejuvenated truly as an institution of learning that would benefit not only the participants and the students who come there to the East-West Center, but also the people and the students of the State of Hawaii who share this experience with them.

Thank you."

Representative Sutton then rose and stated:

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

The Chair then asked:

"Are you speaking against the referral to Legislative Management?"

Representative Sutton answered:

"It constitutes such. I wish to speak against it and there is a referral that's on the agenda; no formal motion has been so made, but because that is

on the agenda, my talk will be against the resolution per se."

The Chair then asked:

"Will you try to tie it into the referral to the Legislative Management Committee?"

Representative Sutton answered:

"Yes, they will have the advantage of my thoughts."

Upon being directed to "proceed" by the Chair, Representative Sutton stated:

"Mr. Speaker, we have done what the Bible says you must not do, and that is don't cut the umbilical cord and try to hitch it up again. It won't hitch. We severed this umbilical cord by forming a corporation. If you will recall, Act 82 in 1975 that we incorporated the East-West Center. We even gave them the twenty-two acres of land. That's not State land anymore. We gave them the incorporation and we justified it on the basis that it would give the East-West Center an opportunity to have an international advisory board.

Now, this international advisory board is comprised of some of the most important people in education, in the sciences, in international affairs in the world. And this international advisory board is conducting its own internal review. It is highly inappropriate for us, a year after incorporation, a year after transferring these twenty-two acres, to do what this resolution suggests. Mr. Speaker, Oliver Wendell Holmes said, a page in history is worth a hundred pages of law.

Dan Aoki and I went to the Lions Convention International and we got a resolution to have an East-West Center; and we took that resolution to the Congress of the United States; and we took it to Lyndon Baines Johnson, who was then the president; and we got everybody interested; and they formed a resolution in the Congress; and then asked us here in Hawaii to have an East-West Center.

When the East-West Center became of age, matured, and came into majority, we then did the incorporation, transferred the land and established the international advisory board. For us, now, to come in at this junction, is the worst type of Monday morning

quarterbacking; is highly inappropriate for us and is something which is gross interference with the international advisory board.

So, I would ask my colleagues to please remember this when it goes to Legislative Management and my adverse remarks are thereby incorporated."

Representative Kunimura then rose to speak in favor, stating:

"I, too, participated in the legislation, not creating, but making it possible for the East-West Center to incorporate. In that legislation, Mr. Speaker, if I can remember correctly and my memory serves me right, that we have not extended to the East-West Center any form or implication of extraterritorial privileges. It is an incorporated entity of the State of Hawaii and any business conducted in this sovereign State is subject to review and evaluation by this Legislature and the people of Hawaii.

Now, if I were to follow and believe statements made by the gentleman from Nuuuanu, then we would be without proper authorization; delegate and give up our responsibility to the people of Hawaii. This resolution in no way is trying to change the East-West Center. But, the greatness of the people of Hawaii and the Legislature is that we can always say that we made a mistake; we do not cover up.

But, if we kill this resolution today, then, in essence, we may be allowing a cover-up to exist. And, therefore, I believe that this resolution is a timely one because you don't audit or you don't evaluate 10, 15, 20 years after the creation. You should audit immediately, before they grow roots and become strong enough.

And, if there is any cronyism going on, then we should expose it. And the proper authority would be the State of Hawaii and the Congress of the United States to dissolve this incorporation; therefore, I recommend and request that all members vote for this resolution."

Representative Abercrombie then rose in rebuttal, stating:

"In doing so, may I say I appreciate the sentiments and the points raised by the representative from Kauai.

It is quite true that the amount of work that went into the incorporation was probably as much or more than practically any bill that I have been

associated with here - and the representative from Kauai has been here a good many years more than myself - but I dare say that dozens, if not hundreds, of hours were devoted to the incorporation bill, and the people who voted for it, including the representative from Kauai, were quite sincere in their intent as to what the East-West Center should be.

The reason I spoke on the resolution was that my antipathy towards this incorporation is well known to the members here and I wanted to indicate that I was voting for this resolution on the basis of what it intended to do regardless of my particular opinions, at this time, as to how the East-West Center was operating. And in that particular regard, I must say, Mr. Speaker, that the gentleman from Nuuanu has very badly misstated the circumstances surrounding the incorporation.

I am particularly distressed that the gentleman, who has often cited to the members of this floor his background as a lawyer, has done so, inasmuch as he apparently has not read the law in this case. We have not transferred twenty-two acres of land to the East-West Center. We have allowed them to occupy twenty-two acres of State land at the University of Hawaii. The land is still in the hands of the people of the State of Hawaii. They may have access to it under the present law. But in the ultimate, the land is not that of the private corporation called the East-West Center, or whatever it is called these days, but rather it belongs to the people of the State of Hawaii. I doubt whether any member of the Higher Education Committee nor this Legislature would have voted to give away twenty-two acres of prime land on the University of Hawaii campus to a private corporation.

What was in the interest of world harmony, peace, research and development, student development and so on, the Higher Education Committee, and subsequently the Legislature of this House, decided in its wisdom to proceed with the incorporation. And, as the gentleman from Kauai stated, all we are trying to do at this juncture is to take a look and see whether this most important and profound change in the relationship of the University of Hawaii and the people of the State of Hawaii to the East-West Center is working correctly and working to the interest of all

concerned. That's all that's involved, and rightly so, because it did involve so much energy and effort on the part of the Higher Education Committee here and involved the active participation of the State Department and other people.

Now, one more point. The most important people in the East-West Center are not the members of the international advisory board - and, I think that this again is proof of what I am trying to get at - the most important people at the East-West Center are the students, teachers and the people of the State of Hawaii who are both students and taxpayers in respect of it and the taxpayers of the United States of America. They are the ones who are the most important people.

This attitude, as expressed by the gentleman from Nuuanu, is the one that I find precisely most repugnant to me. We are engaged in a series of fostering with experts; we bring in name brands; they gather together and make their pronouncements and then leave the State; they come in like a swarm of locusts and having feasted at our banquet table, then leave the State quite satisfied with themselves; but leaving, as far as I'm concerned, both an intellectual and a physical barrenness behind - physical in a sense that we have been deprived here in the State of Hawaii of the utilization of that very valuable land at a time when we can least afford that kind of extravagance. I think that the testimony indicated quite clearly that the students at the East-West Center are profoundly dissatisfied with the circumstances they find there now.

I, too, was here when the East-West Center was founded. As a matter of fact, I was at the groundbreaking ceremony when Lyndon Johnson came out here to found the East-West Center. I remember very clearly because I was surrounded by secret policemen, at the time, because they thought I bore some resemblance to a certain Cuban president of the Republic that is now engaged in basketball exchanges with the United States. I didn't know whether they thought I was the specific representative of that country, at that time, but nonetheless, then Vice-President, Lyndon Johnson, wanted to make sure that I didn't get any closer to him than he got to Mr. Castro, subsequently.

So, I am quite familiar with the East-West Center. I was one of the

original people to engage in exchanges of opinion and friendship with the members of the student body of the East-West Center when it was founded. I was one of its most ardent supporters and still remain an ardent supporter of a student-oriented East-West Center. So, the important people, Mr. Speaker, are not members of the advisory board; they are the students of the world who seek to come to the East-West Center to accomplish the internal exchanges which we cite all too easily in our rhetoric and forget all about when it comes to the actualities."

Representative Sutton then rose in rebuttal and stated:

"Mr. Speaker, on the island of Hawaii, where Captain Cook died, and probably known better to Minoru Inaba than anybody else, is a piece of land that is forever England; that has been deeded to England. Now, for us to put something concerning Captain Cook's burial there, in that particular piece of land which has been deeded and jurisdiction ceded to the British empire, would be highly ridiculous. The same thing is true of this East-West Center.

As you know, and know only too well, and in your own briefs have put that possession is 9/10 of the law, the East-West Center has possession of that twenty-two acres. If we want to get a new spot for the medical school, for the law school; if we want something for additional space for classrooms for the University of Hawaii, we don't look to the East-West Center. We know it's not available. We know that has been, for all intents and purposes, given away to the East-West Center. We know we have established a corporation. We know that corporation has a right to guide its own destiny. It is, therefore, highly inappropriate for us, at this juncture here, after we do this incorporation, to all of a sudden come in with an interference that has no justification.

Maybe some of the students are dissatisfied, but the whole concept of those students is that they are sent from the various nations in Asia to come here and, at one time, you will find those students very happy; at other times you may find them unhappy. But that is not relevant to the issue of whether or not we should come in. And that is the reason for having such a blue ribbon committee of an international advisory board that has names which stand out as the great names of all the

sciences, international relations and government. And, therefore, we do a disfavor to the original intent of Dan Aoki, who went to that Lions convention and established it.

Thank you."

Representative Kunimura, upon being recognized, stated:

"Mr. Speaker, I would like to rebut the statement made by the gentleman from Nuuanu.

If a mistake was made so many years ago in deeding the land to a foreign country, this should be a monument, a lighthouse, to this Legislature and all legislatures to follow in the State of Hawaii - that we should never, never ever cede or deed or give to any foreign country, even to the United States of America, another square inch of Hawaiian land.

And this is the fight that is going on and it's beginning to have the upswell of the people of Hawaii about Kahoolawe and the other areas that they use for unnecessary destruction of our environment.

So, Mr. Speaker, I cannot understand the logic of this gentleman, that because they did it so long ago, they made a mistake, that we should continue to do so. And, I reiterate that we did not imply even the extraterritorial rights of the United States Congress or the administration to exercise or continue the operation of the East-West Center in Hawaii.

But, I would like to say this, that if there is, by the examination of the East-West Center, some kind of rape, some kind of ugliness, that is going to mar the good spirit of Hawaii, then it is up to this Legislature to protect the good name of Hawaii, and this is the way to do it.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 560, entitled: "HOUSE RESOLUTION RELATING TO THE EAST-WEST CENTER", was referred to the Committee on Legislative Management, with Representative Sutton voting no.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1056) recommending that H.R. No. 617 be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 617, entitled: "HOUSE RESOLUTION 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 referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1057) recommending that H.C.R. No. 120 be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION 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 referred to the Committee on Finance.

At 11:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:03 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 Final Reading on the basis of a modified consent calendar.

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

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 agreed to the amendments proposed by the Senate to H.B. No. 96, HD 1, and H.B. No. 96, HD 1, as amended, having been read throughout, passed

Final Reading by a vote of 50 ayes, with Representative Medeiros being excused.

The Chair directed the Clerk to note that H.B. No. 96, HD 1, SD 1, passed Final Reading at 12:03 o'clock p.m.

#### COMMITTEE REASSIGNMENT

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

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
199	Committee on Education, then to the Committee on Finance
591	Committee on Education
698	Committee on Energy and Transportation

<u>H.C.R. No.</u>	
128	Committee on Consumer Protection and Commerce

<u>S.C.R. No.</u>	
74	Committee on Education

The Chair then made the following announcement:

"The Chair would like to request all conference committees to expedite your committee reports as agreement has been reached; otherwise, continue your meetings with your Senate counterparts."

At this time, birthday greetings were extended to Representative Tony Kunimura. He was presented with a cigar lei by Representative Ikeda and a yoyo by Representative Stanley.

Representative Nakamura, at this time, introduced "Mr. Wailua", Mr. William Payne.

#### ADJOURNMENT

At 12:14 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 13, 1977.

## FIFTY-EIGHTH DAY

Wednesday, April 13, 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 Edith Wolfe of the United Church of Christ, after which the Roll was called showing all members present with the exception of Representatives Carroll, Fong, Garcia, Kawakami, Kunimura, Wakatsuki and D. Yamada, who were excused.

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

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 413 to 455) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 413) returning House Concurrent Resolution No. 27, HD 1, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 414) returning House Concurrent Resolution No. 85, HD 1, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 415) returning House Concurrent Resolution No. 88, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 416) returning House Concurrent Resolution No. 96, HD 1, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 417) transmitting Senate Concurrent Resolution No. 27, requesting the U.S. Bureau of Customs to rescind shore leave restrictions on foreign flag passenger vessels, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 418) transmitting Senate Concurrent Resolution No. 79, relating to the Makena-Laperouse State Park, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 419) transmitting Senate Concurrent Resolution No. 91, establishing a grain storage facility on the Big Island, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 420) transmitting Senate Concurrent Resolution No. 92, relating to the Maui County 4-H Youth Program, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 421) transmitting Senate Concurrent Resolution No. 125, requesting the counties to adopt procedures to simplify and expedite processing of applications for planning approval, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 422) transmitting Senate Concurrent Resolution No. 128, SD 1, requesting the Department of Agriculture to study the feasibility of establishing a processing plant on Kauai to aid the growth of diversified agriculture and aquaculture, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 423) transmitting Senate Concurrent Resolution No. 137, requesting the College of Tropical Agriculture to develop an improved method of fumigation for bananas, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 424) transmitting Senate Concurrent Resolution No. 139, urging Federal, State, and County cooperation to continue implementation of the Kapahulu General Neighborhood Renewal Program, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 425) transmitting Senate Concurrent Resolution No.

142, requesting the Governor to take appropriate steps to develop and implement a selective growth program, which was adopted by the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 426) transmitting Senate Concurrent Resolution No. 174, honoring the original Korean immigrants to Hawaii and requesting the Governor to declare the week of January 13-21, 1978 as "Korea Week", which was adopted by the Senate on April 12, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 27, 79, 91, 92, 125, 128, SD 1, 137, 139, 142 and 174 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 427) returning House Bill No. 74, HD 1, entitled: "A BILL FOR AN ACT PROVIDING FOR THE USE OF SCHOOL FACILITIES FOR THE OPERATION OF AFTER SCHOOL CHILD CARE PROGRAMS", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 428) returning House Bill No. 103, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE-OWNED LANDS SUITABLE AND AVAILABLE FOR RESIDENTIAL DEVELOPMENT", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 429) returning House Bill No. 152, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 430) returning House Bill No. 185, entitled: "A BILL FOR AN ACT RELATING TO SHORT-TERM INVESTMENT OF STATE MONEYS", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 431) returning House Bill No. 186, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SUBMISSION OF COUNTY BUDGETS", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 432) returning House Bill No. 192, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACCIDENTAL

DEATH BENEFIT", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 433) returning House Bill No. 198, entitled: "A BILL FOR AN ACT RELATING TO SAFE DRINKING WATER", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 434) returning House Bill No. 206, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE EMERGENCY MEDICAL SERVICES PROGRAM", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 435) returning House Bill No. 235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 436) returning House Bill No. 236, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 437) returning House Bill No. 325, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 438) returning House Bill No. 374, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 439) returning House Bill No. 511, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 440) returning House Bill No. 632, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 441) returning House Bill No. 685, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PURCHASES", which passed Third Reading in the Senate on April 12, 1977, was placed on file.



A communication from the Senate (Sen. Com. No. 442) returning House Bill No. 813, entitled: "A BILL FOR AN ACT RELATING TO LEAVES FOR OFFICERS OR EMPLOYEES ON LOAN TO OTHER GOVERNMENTS", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 443) returning House Bill No. 829, entitled: "A BILL FOR AN ACT RELATING TO THE ENRICHMENT OF BREAD AND FLOUR", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 444) returning House Bill No. 1001, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIKEWAYS", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 445) returning House Bill No. 1144, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 446) returning House Bill No. 1221, entitled: "A BILL FOR AN ACT RELATING TO MARINE CONSERVATION", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 447) returning House Bill No. 1321, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MEAT INSPECTION ACT", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 448) returning House Bill No. 1353, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE FOR THE COUNTIES OF HAWAII, MAUI, AND KAUAI", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 449) returning House Bill No. 1425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH, ENVIRONMENTAL PROTECTION", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 450) returning House Bill No. 1463, HD 1, entitled: "A

BILL FOR AN ACT EXCLUDING TREES INVOLVED IN COMMERCIAL FORESTRY OPERATIONS", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 451) returning House Bill No. 1533, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 452) returning House Bill No. 1658, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 453) returning House Bill No. 1683, entitled: "A BILL FOR AN ACT RELATING TO THE BOATING LAW", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 454) returning House Bill No. 1711, entitled: "A BILL FOR AN ACT RELATING TO MEASUREMENT STANDARDS AND INCREASED UTILIZATION OF THE METRIC SYSTEM", which passed Third Reading in the Senate on April 12, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 455) informing the House that the President had, on April 12, 1977, discharged Senator Anderson as a Manager on the part of the Senate to House Bill No. 512, HD 1, and has appointed Senator Henderson as a Manager on the part of the Senate at such conference, was placed on file.

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

Representative Kiyabu introduced Mrs. Kathleen Tseu, a teacher at Kaimuki High School, and two of her students, Kim Kaeo and Mara Sagapola.

Representative Mina introduced 40 fourth graders from Kalihi-Waena School. They were accompanied by their teacher, Mrs. Jean Ma.

Representative Peters introduced Mr. Sol Naone, a personal friend of his who "spent a major portion of his life serving the people in the Waianae Coast."

Representative Ikeda introduced "a

very good friend of mind, Mrs. Harriet Hoffman, and her sons, Reid and Jeff, and their guests, Jean Jacobson and Ruth and Tom Thompson from San Francisco."

Representative Aki introduced Mr. Jay Landis, "a colorful and long-time resident of the Waianae Coast."

Representative Cobb introduced "two distinguished people": Dr. Joshua C. Agsalud, past Principal of Kalani High School and Kaimuki High School, and presently the Director of the Department of Labor and Industrial Relations; and Mr. Robert Gilkey, Deputy Director of the Department of Labor and Industrial Relations.

At 11:10 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:15 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Garcia, Kawakami and Kunimura.

#### SUSPENSION OF RULES

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

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 722 to 726) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 722) congratulating George Wein, John Leonard and Trummy Young on the occasion of the First Annual Pacific Kool Jazz Fair at Waikiki was jointly offered by Representatives Abercrombie, Say, Ajifu, Cobb, Inaba, Kamalii, Kiyabu, Kunimura, Larsen, Lunasco, Morioka, Peters, Stanley, Suwa, Uechi and Uwaine.

On motion by Representative Abercrombie, seconded by Representative Say and carried, H.R. No. 722 was adopted.

At this time, Representative Abercrombie rose to introduce the honoree to the members of the House, stating:

"Mr. Speaker, I was quite young, more than 25 years ago, I had the opportunity, at that time, to go to the theatre in Buffalo, New York, my

brother and I, and we were surely the youngest kids in the place and, at that time, we had the opportunity to see Louis Armstrong in person, and subsequently, was inspired to take up the trumpet which I followed for five years and very wisely, at the end of five years, gave up, having achieved everything that was possible to do in that area as far as my ability was concerned. But I never forgot the man who was playing with Louis Armstrong at that time, who had such verve, such dynamic presence on the stage and that was Trummy Young.

That was to be my pleasure years later when coming to Hawaii to find that Trummy had made his home here also. My great regret today is that Mr. Young could not be with us, but I do have a resolution to present to him and it is going to be forwarded to him by our guest who is on the floor with us today, Mr. John Leonard.

I must say, Mr. Speaker, that there has probably been no one in the State of Hawaii who has had more to do with the presentations of more attractions, a greater variety of areas - everything from bringing dance companies from the Philippines, to symphony orchestras from the mainland and from around the world, to jazz presentations, to rock and roll presentations, to musical and variety presentations of all kinds that we would not otherwise have had the opportunity to enjoy here in Hawaii - and the man who has done these has been Mr. John Leonard.

On behalf of the House, I would like to congratulate Mr. Leonard and hope that he will send down for Mr. George Wein. I am looking forward to meeting him with a great deal of anticipation."

Representative Abercrombie then presented Mr. and Mrs. John Leonard to the members of the House.

A red carnation lei was presented to Mrs. Leonard by Representative Say, and Representative Abercrombie presented Mr. Leonard with a certified copy of the resolution.

A resolution (H.R. No. 723) congratulating and commending Kapiolani Community College's Allied Health Services, the Public Health Nursing Branch, and the volunteers of the Health Aide Program was jointly offered by Representatives Campbell, Segawa, Mizuguchi, Aki, Blair, Ikeda, Inaba, Kamalii, Morioka, Narvaes, Poepoe, Say, Shito, Stanley, Sutton, Takamura, Toguchi, Uechi and Ueoka.

On motion by Representative Campbell,

seconded by Representative Segawa and carried, H.R. No. 723 was adopted.

At this time, Representative Campbell rose and stated:

"Mr. Speaker, I will try to make this brief.

When this idea was first proposed, there were some doubt that the Department of Health and the Department of Education and the University system could be brought together in such a short time to work harmoniously in making a project of this magnitude work. The cloud of doubt has disappeared, and these three different branches of State government are working harmoniously together to provide qualified health services to some of the public schools in the State that need them.

Much of the credit for bringing this difficult project to materialization has been the willingness of many students in the Allied Health Program at Kapiolani Community College to volunteer, not only to man the health rooms of the schools, but undergo additional training to qualify to render this valuable service to our schools in our public schools.

So, Mr. Speaker, at this time, I would like to have the students rise and be recognized by this honorable body."

Representative Campbell then introduced the following: Mr. George Yuen, Director of the Department of Health; Mr. Noboru Yonamine, Chairman of the Board of Education; and Dr. George S. Sonoda, Provost of Kapiolani Community College.

Representative Campbell then went on to state:

"Mr. Speaker, Castle High School is one of the schools in the volunteer program and the Principal is with us today."

Representative Campbell then introduced Mr. Gerald Chong, Principal of Castle High School.

Representative Campbell also introduced the following: Ms. Emma Sasaki, Kapiolani Community College instructor in the Allied Health Department; Mrs. Rose Morefield with the Department of Health; and Miss Donna Reid with the Kapiolani Community College. Both Mrs. Morefield and Miss Reid were the "keys" to the Program.

Leis and certified copies of the resolution

were then presented to the honorees by the members of the House.

Representative Segawa then rose and stated:

"I would just like to add that this program will be very helpful in the event that the Senate does not expand our health aid program and I would like to add that. . . well, Representative Campbell has alluded to the interest of the three departments in working together, I would like to tell the people here that this was the single-handed efforts of Representative Campbell in getting this program off its feet. So, I think Representative Campbell deserves a big hand too."

A resolution (H.R. No. 724) recognizing June Yamashita on her contributions to the field of education was jointly offered by Representatives Yuen, Caldito, Campbell, Cobb, Evans, Fong, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Mizuguchi, Say, Takamine, Takamura, Uechi and K. Yamada.

On motion by Representative Yuen, seconded by Representative Evans and carried, H.R. No. 724 was adopted.

At this time, Representative Yuen introduced the honoree, June Yamashita, and the Principal of Kailua High School, Mr. Al Minn.

Representative Toguchi then presented the honoree with a red carnation lei, and a certified copy of the resolution was presented by Representative Yuen.

A resolution (H.R. No. 725) commending Kuhio Mahaulu on his contributions to the community was jointly offered by Representatives Yuen, Caldito, Campbell, Cobb, Evans, Fong, Inaba, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Mizuguchi, Say, Takamine, Takamura, Uechi and K. Yamada.

On motion by Representative Yuen, seconded by Representative Evans and carried, H.R. No. 725 was adopted.

Representative Yuen then introduced Mr. Kuhio Mahaulu and Mr. Buddy Ako, who accompanied the honoree.

Representative Yuen also introduced "a large contingency of people from Waimanalo" who were seated in the gallery.

Representative Kamalii then presented a carnation lei to the honoree, Mr. Mahaulu, and a certified copy of the resolution was presented by Representative Yuen.

A resolution (H.R. No. 726) commending and congratulating Kaimuki Intermediate School for its victory in the "Mathematics Papahana" was jointly offered by Representatives Kiyabu, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Inaba, Kamalii, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Kiyabu, seconded by Representative Naito and carried, H.R. No. 726 was adopted.

Representative Kiyabu then rose to introduce the honorees, stating:

"Mr. Speaker, this morning, I am indeed proud to introduce the winners and the coach, but before I do that, I would like to explain why I am so proud.

There were 21 schools that participated in this contest and Kaimuki Intermediate School was number one and Hi-Lands Intermediate School was number two. That goes to show that the public schools aren't that bad. We beat teams from Saint Louis, Punahou, Iolani, Kam School, and other parochial schools and, therefore, this morning, I am very proud to introduce the individual winners."

Representative Kiyabu then introduced the following: Celia Lee; and Mrs. Claire Mizokami, coach and math adviser.

Leis were then presented to the honorees - Representative Larsen to Celia Lee and Representative Mizuguchi to Mrs. Mizokami. Certified copies of the resolution were presented by Representative Naito.

At 11:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, for the purpose of meeting the honored guests.

Upon reconvening at 11:57 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Fong, Wakatsuki and D. Yamada.

#### ORDER OF THE DAY

#### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as

follows:

S.C.R. Nos.	Referred to:
27	Committee on Water, Land Use, Development and Hawaiian Homes
79	Jointly to the Committees on State General Planning and Water, Land Use, Development and Hawaiian Homes
91	Committee on Agriculture
92	Committee on Agriculture
125	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and State General Planning
128	Jointly to the Committees on Agriculture and Water, Land Use, Development and Hawaiian Homes
137	Jointly to the Committees on Agriculture and Higher Education
139	Committee on Housing
142	Committee on State General Planning
174	Committee on Culture and the Arts

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 1 on H.B. No. 1297, SD 2, CD 1 (Deferred from April 12, 1977);

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 2 on H.B. No. 1678, SD 1, CD 1 (Deferred from April 12, 1977);

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 3 on H.B. No. 833, HD 1, SD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 4 on S.B. No. 1209, SD 1, HD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 5 on S.B.  
No. 577, SD 1, HD 1, CD 1 (Deferred from  
April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 6 on S.B.  
No. 1202, HD 1, CD 1 (Deferred from  
April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 7 on H.B. No.  
672, SD 1, CD 1 (Deferred from  
April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 8 on H.B. No.  
727, HD 1, SD 1, CD 1 (Deferred from  
April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 9 on H.B. No.  
1685, HD 2, SD 2, CD 1 (Deferred  
from April 12, 1977):

By unanimous consent, action  
was deferred one day.

Conf. Com. Rep. No. 10 on S.B.  
No. 1059, SD 1, HD 1, CD 1 (Deferred  
from April 12, 1977):

By unanimous consent, action  
was deferred one day.

Conf. Com. Rep. No. 11 on S.B.  
No. 1203, SD 1, HD 1, CD 1 (Deferred  
from April 12, 1977):

By unanimous consent, action  
was deferred one day.

Conf. Com. Rep. No. 12 on S.B.  
No. 475, SD 2, HD 1, CD 1 (Deferred  
from April 12, 1977):

By unanimous consent, action  
was deferred one day.

Conf. Com. Rep. No. 13 on H.B.  
No. 1198, HD 1, SD 1, CD 1 (Deferred  
from April 12, 1977):

By unanimous consent, action  
was deferred one day.

Conf. Com. Rep. No. 14 on S.B. No.  
1350, SD 1, HD 2, CD 1 (Deferred  
from April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 15 on H.B. No.  
678, HD 1, SD 1, CD 1 (Deferred from  
April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 16 on H.B. No.  
154, HD 2, SD 2, CD 1 (Deferred from  
April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 17 on H.B. No.  
193, SD 1, CD 1 (Deferred from April  
12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 18 on H.B. No.  
1062, HD 1, SD 1, CD 1 (Deferred  
from April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 19 on H.B. No.  
1173, HD 1, SD 1, CD 1 (Deferred  
from April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 20 on S.B. No.  
140, SD 1, HD 1, CD 1 (Deferred from  
April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 21 on S.B. No.  
74, HD 1, CD 1 (Deferred from April  
12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 22 on S.B. No.  
237, SD 1, HD 1, CD 1 (Deferred from  
April 12, 1977):

By unanimous consent, action was  
deferred one day.

Conf. Com. Rep. No. 23 on H.B. No. 817, HD 1, SD 1, CD 1 (Deferred from April 12, 1977):

Representative Abercrombie rose and stated:

"Mr. Speaker, I have an objection. I believe Conf. Com. Rep. No. 23 on H.B. No. 817 is on the agenda illegally and violates the Rules of this House."

By unanimous consent, consideration of Conf. Com. Rep. No. 23 on H.B. No. 817, HD 1, SD 1, CD 1, was deferred until the end of the calendar.

Conf. Com. Rep. No. 24 on H.B. No. 155, HD 1, SD 2, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 25 on H.B. No. 433, HD 1, SD 2, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 26 on S.B. No. 563, SD 1, HD 2, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 27 on S.B. No. 485, SD 1, HD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 28 on S.B. No. 251, SD 1, HD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 29 on H.B. No. 1153, HD 1, SD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 30 on H.B. No. 1284, HD 1, SD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 31 on S.B. No. 533, SD 1, HD 2, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 32 on S.B. No. 246, SD 1, HD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 33 on H.B. No. 28, HD 2, SD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 34 on S.B. No. 1193, SD 1, HD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 35 on H.B. No. 512, HD 1, SD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 36 on S.B. No. 1074, SD 1, HD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 37 on H.B. No. 171, HD 1, SD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 38 on H.B. No. 1065, HD 1, SD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 39 on H.B. No. 1698, HD 1, SD 1, CD 1 (Deferred

from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 40 on S.B. No. 1464, SD 2, HD 2, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 41 on H.B. No. 180, SD 1, CD 1 (Deferred from April 12, 1977):

By unanimous consent, action was deferred one day.

#### STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1058) informing the House that House Resolution Nos. 720 and 721, Standing Committee Report Nos. 1059 to 1064, and Conference Committee Report Nos. 12 to 41, have been printed and distributed.

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

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1059) recommending that H.R. No. 199, as amended in HD 1, 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. 199, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON EXTENDING THE SCHOOL DAY", was referred to the Committee on Finance.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 1060) recommending that H.R. No. 363, 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. 363, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON MIGRATION DATA COLLECTION", was referred to the Committee on Legislative

Management.

Representatives Stanley and Takamine, for the Committees on Public Employment and Government Operations and Employment Opportunities and Labor Relations, presented a joint report (Stand. Com. Rep. No. 1061) recommending that S.C.R. No. 75 be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Takamine and carried, the joint report of the Committees was adopted and S.C.R. No. 75, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY RELATING TO AN INCOME SUPPLEMENTATION PROGRAM FOR FINANCIALLY NEEDED RETIREES AND PENSIONERS", 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. 1062) recommending that H.R. No. 250, as amended in HD 2, 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. 250, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UNDERTAKE A STUDY ON EARLY RETIREMENT FOR TEACHERS", 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. 1063) recommending that H.R. No. 579 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. 579, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF BUDGET AND FINANCE, AND PERSONNEL SERVICES AND THE UNIVERSITY OF HAWAII TO CLEARLY DELINEATE THE IN-SERVICE TRAINING FUNCTIONS, RESPONSIBILITIES, AND AUTHORITIES OF THE HAWAII INSTITUTE FOR MANAGEMENT AND ANALYSIS IN GOVERNMENT AND THE CENTER FOR GOVERNMENTAL DEVELOPMENT, IN RELATION TO THE RESPONSIBILITIES OF THE DEPARTMENT OF PERSONNEL SERVICES", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and

Government Operations, presented a report (Stand. Com. Rep. No. 1064) recommending that H.C.R. No. 112 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. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF BUDGET AND FINANCE, AND PERSONNEL SERVICES AND THE UNIVERSITY OF HAWAII TO CLEARLY DELINEATE THE IN-SERVICE TRAINING FUNCTIONS, RESPONSIBILITIES, AND AUTHORITIES OF THE HAWAII INSTITUTE FOR MANAGEMENT AND ANALYSIS IN GOVERNMENT AND THE CENTER FOR GOVERNMENTAL DEVELOPMENT, IN RELATION TO THE RESPONSIBILITIES OF THE DEPARTMENT OF PERSONNEL SERVICES", was referred to the Committee on Finance.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 727 to 729) and concurrent resolution (H.C.R. No. 138) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 727) expressing grief at the passing of Joseph Rodrigues Pao and offering condolences to his family was jointly offered by Representatives Poepoe, Ajifu, Aki, Blair, Caldito, Campbell, 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, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Poepoe, seconded by Representative Medeiros and carried, H.R. No. 727 was adopted by a rising vote.

A resolution (H.R. No. 728) extending aloha to the Western District of the National Association of Real Estate License Law Officials was jointly offered by Representatives Kondo, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Lunasco, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Sutton, Suwa, Takamine, Ueoka, Ushijima, Uwaine, Yuen and Wakatsuki.

On motion by Representative

Kondo, seconded by Representative Caldito and carried, H.R. No. 728 was adopted.

A resolution (H.R. No. 729) congratulating Jack K. Palk on his being elected President of the Downtown Improvement Association was jointly offered by Representatives Mizuguchi, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Garcia, Inaba, Kawakami, Kiyabu, Lunasco, Machida, Mina, Morioka, Naito, Nakamura, Narvaes, Say, Shito, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Mizuguchi, seconded by Representative Kiyabu and carried, H.R. No. 729 was adopted.

A concurrent resolution (H.C.R. No. 138) congratulating and commending Jennifer Rae Sakamoto upon her selection as the Hawaii winner of the 1977 National Christmas Seal Design Project was jointly offered by Representatives Yuen, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Yuen, seconded by Representative Uechi and carried, H.C.R. No. 138 was adopted.

At 12:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:52 o'clock p.m., the Speaker assumed the rostrum.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 23 on H.B. No. 817, HD 1, SD 1, CD 1:

Representative Abercrombie rose and stated:

"Mr. Speaker, in respect of Conference Committee Report No. 23 on H.B. No. 817, I would like to move that we postpone consideration indefinitely."

The motion was seconded by Representative Uwaine.



Representative Abercrombie then rose and stated:

"Mr. Speaker, I would like to speak on the motion."

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

"Thank you, Mr. Speaker."

Mr. Speaker, there was a considerable discussion today in caucus and I expect that the Republican Party has had some discussion. . ."

Representative Kunimura rose on a point of order and stated:

"The motion to postpone indefinitely is undebateable."

The Chair replied:

"That is correct."

Representative Abercrombie replied:

"That is not the case, Mr. Speaker."

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

"Mr. Speaker, Rule 42.3 on page 29 of the House Rules is rather clear on the point that the first two motions to lay on the table and to postpone to a certain time shall be decided without debate."

At 1:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:56 o'clock p.m., the Chair stated:

"Representative Abercrombie, the motion that has been made was to postpone indefinitely. Am I correct? Will you confine your remarks to why it should be postponed indefinitely and not to the merits of the bill."

Representative Abercrombie then stated:

"That is correct. I will."

Mr. Speaker, the reason I feel that this particular bill should be postponed indefinitely, in terms of consideration, is that there has been considerable discussions today in caucus concerning the rules of the House, and members may recall that earlier today, I rose and made mention of the fact that I thought this bill may be on the agenda in violation of the House Rules.

After considerable discussions concerning that, there appears to be a vagueness in the rules which most certainly is defensible. Arguments were made pro and con on that point and made with a good deal of learned consideration, and I think the general consensus was that, at the least, there was a certain ambiguity, a certain vagueness, in respect of the rules.

If that is the case, Mr. Speaker, rather than proceed on the point of being in violation, what I would prefer to do, in respect of that debate which took place over that point, is to say that we should postpone indefinitely until we can decide exactly what the rules are in this area.

The reason I ask for this postponement on the basis of the ambiguity or possible ambiguity are honest differences of opinion as to what the rules are is that we are faced with the Final Reading and if such a bill passes under a cloud of ambiguity in respect of the rules; are honest disagreements in respect of the rules, that it will have profound and far-reaching effects over and above the discussions of the rules themselves. I do not think it is a good practice for us to pass bills under such a cloud.

To postpone indefinitely does not speak to the merits or demerits of the bill itself. To postpone indefinitely means exactly what it says. Until such time as we can be definite on our understanding of the rules, I think it is only prudent and, most certainly, it is pertinent for the Legislature to postpone consideration until such time as there is a change and a proper understanding of the rules. We can then take up the merits and demerits of the bill."

Representative Kunimura was recognized and he stated:

"Rather than carry out the motion before this body because, in essence, it may jeopardize the position of the members of the Finance Committee on conference on the State budget, because we may not be able to enter the roll call here once we get into conference and there is, I believe, a procedure that if you are not satisfied with the decision of the Policy Committee or the majority caucus, that the floor decides, and since we have a prescribed procedure that rather than postponing indefinitely, I believe the proper action to take here is to appeal to this entire body here whether this particular bill stands as is or it has violated the House Rules.

I would like to recommend that this step be taken rather than go around the other way as proposed now by that motion so that we can all participate."

Representative Uwaine then rose and stated:

"I would like to speak in favor of the motion.

Mr. Speaker, from our caucus that we had previously, I understand fully about the fact that a public hearing was not necessary. There is nothing in the House Rules; there is nothing in the Constitution, and regardless of the decision-making that supposedly had taken place.

But, Mr. Speaker, I think it is very important that we should postpone this in order to give the public an opportunity to come and testify. During the time of discussion that this bill was before us in the House, it did not have any such amendment as the Senate proposes and conference draft proposes."

The Chair stated:

"Representative Uwaine, the motion to postpone indefinitely, in effect, is to kill a measure."

Representative Uwaine stated:

"That is not my understanding, Mr. Speaker."

The Chair said:

"That is the effect of the motion."

Representative Uwaine stated:

"Mr. Speaker, may I just say that I wish that this body will reconsider this matter and consider this piece of legislation, maybe, next session.

May I ask for a roll call vote."

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

Upon reconvening at 2:32 o'clock p.m., the Chair stated:

"If there are no objections, the Chair would want the Clerk to insert into the Journal the main motion to defer Conference Committee Report No. 23, H.B. No. 817, HD 1, SD 1, CD 1, to the next legislative day made by Representative Yuen, seconded by Representative Kamalii, and passed

by the House. This motion will precede the motion made by Representative Abercrombie."

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

"This point of order is in two parts, Mr. Speaker.

First, the comment was made by the Speaker in respect to the previous speaker's commentary that the effect of what he was saying was to kill the bill. That is the same respect as indefinite postponement.

I am drawing your attention to 43.1: 'When a question is postponed indefinitely, the same shall not be acted upon again during the regular or special session in which it was introduced without the consent of two-thirds of the members to which the House is entitled.'

The point of order then, Mr. Speaker, is that to make the editorial comment 'is to kill the bill' is to misstate what happens if a postponement indefinitely is enacted."

The Chair interrupted:

"The Chair would like to state that. . . I believe the Chair indicated the intent of the motion was, in effect, an attempt to kill the bill."

Representative Abercrombie continued his remarks, stating:

The second part of my point of order, Mr. Speaker, is that Rule No. 2 gives the Speaker considerable latitude in determining the affairs of the House. I think it is out of order for the Speaker to interject editorial commentary into the member's comments having effect of killing, or confusing, or dissembling the argument that the member was making."

Representative Garcia then rose on a point of information and stated:

"Mr. Speaker, I believe that whenever we get the conference draft, any particular conference draft, whether it be a House or Senate bill, we have an agreement that this matter must lay on the desk for 72 hours. Even if we should defer this one day, the fact of the matter is we won't be able to vote on this matter if we should do that because we won't meet that requirement but it would, in effect, kill the bill."

Representative Uwaine rose on a point of information and asked:

"Mr. Speaker, from my understanding

of the previous speaker's statement, am I to understand also that the budget which is not before this House today is automatically killed?"

The Chair replied:

"You are incorrect."

Representative Uwayne then asked:

"Will the previous speaker yield to a question then?"

Representative Garcia replied in the affirmative.

Representative Uwayne asked:

"On his statement just now, the speaker pointed out that if this bill is postponed because of the House Rules or the agreement that we have for 72 hours, that this bill dies. Yet, I don't see before us the budget so am I to assume that the budget follows the same procedure as this bill before us?"

Representative Garcia answered:

"Mr. Speaker, I was only referring to this particular bill. I believe, in caucus, we had discussed the matter of the budget and several other bills, and that is the understanding of the caucus.

Now, my particular answer was related only to the bill in question that we have before us, and that is my answer, Mr. Speaker. If he wants to ask a question relating to the budget or any other matter, then, I believe that answer can be forthcoming if he addressed it to the Chair."

Representative Abercrombie then rose and the Chair asked:

"For what purpose do you rise, Representative Abercrombie?"

Representative Abercrombie replied:

"I think I was just sitting while I was waiting for the activities to take place. I am not rising again on a new point but, rather, to continue. I don't believe I got an answer on the second part of my point of order, Mr. Speaker, concerning the editorial comment. . ."

The Chair interrupted:

"Under the rules of the House and under Cushing's Manual, the Chair has broad prerogatives and

the Chair refrains from editorializing, as you had indicated, but if the Chair believes that it requires the clarification of the intent of any motion, the Chair has the right to do so."

Representative Abercrombie asked:

"Then, Mr. Speaker, do you agree with the point that I raised under 43.1 - my point of order? I don't believe I had a ruling there. Was my statement correct?"

The Chair replied:

"43.1 speaks for itself as you had stated."

Representative Abercrombie then said:

"Then, I do rise now to speak in rebuttal, if I may."

The Chair asked:

"Rebuttal to what particular point?"

Representative Abercrombie answered:

"Mr. Speaker, to points made and points of order and so on."

The Chair then stated:

"Representative Abercrombie, the Chair recognizes you for the purpose of supporting your motion under the rules for the second time."

Representative Abercrombie thanked the Chair and stated:

"Mr. Speaker, as you said, you have broad powers and I appreciate that. That is exactly my point. Mr. Speaker, when I said I wanted to speak to points of orders that have been raised and other points that had been made concerning killing bills, et cetera, that is precisely what I meant.

I had moved to postpone indefinitely for precisely the points raised by Representative Uwayne and those raised by yourself. He indicated, in his commentary, that he felt that the reason that he could support this was necessary for him to support this motion was because he was not aware of a public hearing being held on the matter.

Now, if the effect, as you indicated, was to 'kill the bill', the reason, if you would recall, Mr. Speaker, when I gave my reasons for asking to postpone indefinitely was that there was an ambiguity. A question has been raised on both sides concerning the way

the bill was on the floor and that, in that event, it was necessary for us to make sure that we do not pass legislation under a cloud.

If we postpone indefinitely, that will give us time to have such a hearing to go through such procedures as will clear up in anyone's mind, whether on this floor or in the public, as to the arrival of this bill in proper order and if that has an effect, you see, of postponing consideration of this bill until another session, so be it. It does not have the effect of killing the bill. It postpones indefinitely; that is to say, as far as I am concerned, until such time as we are able to come before this House and the public and to have the bill on the floor with no such cloud.

So, it means exactly what it says. The fact that something does not pass now and may pass later on the merits is something that is to be considered, but to say that it will kill the bill as such is not a correct interpretation. What I see by this motion is to have the proper consideration given to the bill so that no cloud will exist, if, in fact, it does pass at some later point."

Representative Sutton then rose and stated:

"Mr. Speaker, the object of the motion of postponing indefinitely is to reject the main motion and once this is rejected, then it has been postponed indefinitely and it cannot be further discussed at this session."

On a point of order, Representative Abercrombie stated:

"Mr. Speaker, depending on how you rule on the word 'discuss', I believe that the previous speaker is incorrect.

In reference to 43.1, 'The same shall not be acted upon', whether 'acted upon' means discussions as well, I am not sure and I will have to ask for your ruling, but my interpretation is, and my point of order is what the speaker just indicated, not true under Rule 43.1, and, therefore, is out of order. It may be acted upon, not only again this session, but, as a matter of fact, at this very session today."

The Chair stated:

"You are correct."

Representative Uwaine then requested

a roll call vote.

Roll call having been requested, the motion was put by the Chair and failed to carry by a vote of 37 noes to 13 ayes, with Representatives Abercrombie, Ajifu, Baker, Blair, Carroll, Cobb, Evans, Larsen, Say, Sutton, Takamura, Toguchi and Uwaine voting aye, and Representative Cayetano being excused.

At 2:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:55 o'clock p.m., the Chair recognized Representative Abercrombie and he stated:

"Thank you, Mr. Speaker.

I would like to amend the motion of deferral to Thursday afternoon at 3:00 o'clock in order to enable a public hearing to be held on the subject matter."

The motion was seconded by Representative Uwaine.

Representative Abercrombie then stated:

"Mr. Speaker, the reason I make this motion is that questions have been raised previously concerning whether the subject at hand in the bill has been adequately addressed. If we postpone to a definite time the consideration of the bill, in which instance there will be sufficient time for the public to have its input, we can then take up the bill that is before us with no fear that it is under the cloud that I mentioned previously in other motions and discussions."

Representative Uwaine then requested a roll call vote.

The Chair then said:

"The motion is to amend the main motion to defer House Bill 817, HD 1, SD 1, CD 1, to 3:00 o'clock Thursday afternoon, for the purpose as explained by the movant."

At 2:59 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:22 o'clock p.m.

Representative Abercrombie then

rose and stated:

"Mr. Speaker, perhaps you can remind me where we were when we left the floor."

The Chair replied:

"We are at the point where you will be withdrawing your motion."

Representative Abercrombie then said:

"Mr. Speaker, would you say I asked for that?"

Mr. Speaker, at this time, I would, in the belief that I am acting properly under the rules, like to withdraw my motion to amend the motion to defer."

Representative Uwaine then withdrew his second.

Representative Kunimura was recognized and he stated:

"I don't know if I should wear this hat or not, but under the Occupational Safety Health Federal law, all employees working in hazardous areas should wear hard hats and I feel very much so that I will be treading in very hazardous area right now.

I would like to have an explanation as to why we are going to vote on this without the public hearing as we thought we had in the amendment, and I would like to ask the Majority Floor Leader, if he will yield to a question, several questions."

At 4:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:26 o'clock p.m., Representative Kunimura stated:

"May I continue, Mr. Speaker?"

Now, I know I gotta wear this hard hat because you wield such a fast gavel. I have a request if the Majority Floor Leader would yield to a question."

Representative Yuen replied in the affirmative.

Representative Kunimura asked:

"Is there a deal on for the withdrawal of the amendment from what I am told? Is there going to be a hearing

tomorrow?"

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

"Mr. Speaker, in respect of the language used on the floor, I believe the last comment was indelicate, at the least."

Representative Kunimura responded, stating:

"I am not educated like most of you. I only have a high school education and when you interfere with point of orders and point of information, it confuses me, and I think you are taking an unfair advantage.

Now, once again, Mr. Speaker.

Representative Yuen interrupted:

"Mr. Speaker, frankly, I would like to respond to that question even though I'm a McKinley High School graduate. The answer is yes."

Representative Kunimura asked:

"Is that a public hearing?"

Representative Yuen replied:

"There will be a hearing, if you will allow me to speak, tomorrow, whereby the public will be able to participate in our open caucus."

Representative Kunimura asked:

"My question was, Mr. Speaker, is it a public hearing?"

Representative Kondo then rose and stated:

"If the Representative from Kauai will allow me, I would like to answer the question, Mr. Speaker.

Tomorrow, it is my intention to call an open majority caucus so that all members of this House are invited, and it will be held on House Bill 817, HD 1, SD 1, CD 1, so that the members will be able to ask questions of those people who we will be calling to be present. Does that answer your question?"

Representative Kunimura answered:

"Thank you very much.

Now, if my azimuth reading is correct and my bench work in position, Mr. Speaker, I shall vote against this particular motion at this time.

Mr. Speaker, we talked, and we talked, and we talked, and we tried to convince the people of the State about sunshine, about public input, and yet, we have the dare to come before this open body to say that we have made a deal.

I was going to vote for the amendment because it is a good thing of public hearing, but when it is done in there without public input, it is a deal. A deal is a deal is a stinking deal.

Mr. Speaker, the explanation made by the honorable Majority Leader is not a public hearing. It is for those who are invited. Hey, what the hell goes on? Is this a government of the elite - only people who are invited? I am against it. Okay? And I want to serve notice, at this time, that if this is the way this House is going to act, then let's be naked and let's not fool around. Talk about sunshine, talk about openness. At least I respect a crook if he admits he is a crook. Okay?

Mr. Speaker, you know, this is a really shameful day for us and I am not going to participate in this kind of stuff.

Thank you."

The Chair then stated:

"The Chair would like to remind all members that the word 'deal' used was not in the context Representative Kunimura expressed. It was an understanding at the majority caucus, when all these Conference Committee reports and bills are discussed, that all those who are interested, the public and our members of this House, as has been in the past, will be in the future, invited to attend this particular caucus."

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

"Mr. Speaker, you have reached into my mind and my heart and you have twisted what I said. Okay? And I don't particularly enjoy it. A deal is a deal is a deal okay? I withdraw the amendment if you give me something. Isn't that a deal?

That amendment, Mr. Speaker, if voted upon by this House, would have passed. We would have had a public hearing, but now, we are going to have an open majority caucus

and representatives are invited and others who would like to speak. Hey, since when some people get invited? What about other people who want to speak, who have some feeling to speaking about input?"

The Chair then said:

"The Chair stated. . ."

Representative Kunimura interrupted and said:

"Wait a minute, Speaker. You said, if you feel that way, that's your idea about deals. My interpretation of a deal is a deal is a deal."

The Chair said:

"The Chair stated that all members of the public are invited."

Representative Kamalii then rose and stated:

"I must concur with the Representative from Kauai. When the motion and the problems arose on this floor regarding this bill, let us say that the worms were all crawling out of the cans and it has been very difficult to put them back in again.

I don't consider a majority caucus a public hearing and it took you what - one and a half hours in caucus to come out to tell us that you are having a majority caucus? For what purpose may I ask? Mr. Speaker, can we really get to the problems of this bill? Can we amend, or are we just going to be there, and this is a bunch of shibai. Either we are going to have a public hearing. . ."

Representative Yuen interrupted on a point of order and stated:

"The motion before this House is whether or not to defer this matter for one legislative day and I think the discussion that has been presented by the. . ."

The Chair interrupted and stated:

"Let the Chair rule."

Representative Sutton rose and the Chair asked:

"Are you raising a point of order of him?"

Representative Sutton replied:

"That is right."

Directed by the Chair to "state

your point", Representative Sutton stated:

"Kinau Boyd Kamalii has the floor. He cannot get up except on a point of order. He wants to rise on a point of order; he doesn't have a right to debate what she is talking about."

The Chair said:

"Representative Sutton, Representative Yuen rose on a point of order. The Chair rules that Representative Kamalii should confine her remarks to the question before the body if at all possible."

Representative Kamalii continued her remarks, stating:

"Yes, if it were possible, I might be able to do that, but we have strayed all over the area, Mr. Speaker, and it would be extremely difficult for me to try to keep my remarks to an area that has been so gray since we started at 1:00 this afternoon, and that is my point."

I don't know why we are now calling this majority caucus when the amendment should have been a public hearing, and I think if we are going to bring it all out here, let us bring it out. This bill, Conference Committee Report No. 23, H.B. No. 817, HD 1, SD 1, CD 1, is the property of the House. So a deal was made in the sense that either we have a public hearing right here in this chamber, or we have a public hearing someplace else, or we take it back to the subject committee of Representative Stanley, but we are taking it to the majority caucus."

The Chair stated:

"Representative Kamalii, the question is not whether the bill before the House is going to have a public hearing or not. The original movant and the seconder consented to withdraw the question before the House and to have this matter deferred to the next legislative day. Can we proceed?"

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

"Did you not hear the explanation why this is going to be deferred and the reason is there is going to be a majority caucus, and the minority is going to be invited, and so are some people; not the public. Isn't that right?"

The Chair then stated:

"The Chair corrected the statement made by including all members of the public are invited to the particular meeting."

Representative Kunimura replied:

"What was said by the Majority Leader, you cannot correct. Only he can correct."

Representative Kondo then rose and stated:

"Mr. Speaker, I correct it."

At this time, Representative Ajifu moved that House Bill No. 817, HD 1, SD 1, CD 1, be referred to the Committee of the Whole and the Committee meet at 3:00 o'clock p.m. tomorrow (Thursday, April 14, 1977).

The motion was seconded by Representative Kamalii.

At 4:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:45 o'clock p.m., the Chair stated:

"The Chair, at this time, rules that the motion made by Representative Ajifu is out of order. The main motion before the House is for the deferral of House Bill 817, HD 1, SD 1, CD 1, to the next legislative day."

The motion was put by the Chair and carried.

Representative Kunimura then rose and stated:

"Speaker, now wait a minute; Speaker, wait a minute. Toot, toot. You ain't going to do it nakedly like this. That's not right. We have an opportunity for debate. There is a man standing across there - okay? I was going to get up but I saw him standing first. When you rule, Mr. Speaker, you've got to give the House an opportunity to digest your ruling and if there is an appeal, you must give this body an opportunity to appeal."

This is, Mr. Speaker, the darkest day. If you are going to maintain your position. . ."

The Chair interrupted and stated:

"The Chair rules that the motion made by Representative Ajifu is out of order. There is a primary motion on the floor."

Representative Sutton then appealed the ruling of the Chair.

The Chair said:

"The Chair's ruling has been appealed."

Representative Kunimura then stated:

"Mr. Speaker, I have the floor and how can you recognize the man across there?"

The Chair answered:

"I have not recognized him yet."

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

"On what grounds then, do you rule the motion offered by the minority being out of order?"

The Chair responded, saying:

"There is a primary motion on the floor and this motion attempts to supersede the primary motion and that motion is out of order. One motion must be taken up one at a time."

Representative Kunimura responded, stating:

"Mr. Speaker, that I agree with you - okay? It was not an amendment so now, I offer the amendment to incorporate the idea of the Minority Leader."

Representative Ajifu seconded the motion.

At 4:47 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:25 o'clock p.m., Representative Yuen made a motion:

"I move to amend the main motion, as amended, to provide that the Public Employment and Government Operations Committee shall have a public hearing on the subject matter of House Bill 817, HD 1, SD 1, CD 1."

The motion was seconded by Representative Kondo.

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

"I don't think the main motion was amended yet."

The Chair stated:

"You are correct. The intent of Representative Yuen's motion is to amend the amendment offered by Representative Kunimura."

Representative Cayetano then rose and remarked:

"Will you change places with Representative Yuen?"

The Chair answered:

"At this point, I am very tempted to."

Representative Fong then moved that the House adjourn until 11:00 o'clock a.m. tomorrow, Thursday, April 14th.

The motion was seconded by Representative Ajifu.

The motion was put by the Chair and denied.

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

"Mr. Speaker, will you please wait until the votes are cast before you announce the results of the voting."

The Chair replied:

"I shall try my best."

At 8:26 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 8:27 o'clock p.m.

The motion was put by the Chair and carried by a vote of 45 ayes to 6 noes, with Representatives Cayetano, Cobb, Ikeda, Kunimura, Sutton and Uwaine voting no.

At 8:28 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives



reconvened at 8:30 o'clock p.m.

Representative Kunimura then rose and stated:

"Mr. Speaker, I am so confused, will you bring me up to date? Now the main motion has been amended?"

The Chair stated: "That is correct."

Representative Kunimura asked:

"You will have the Public Employment and Government Operations Committee hold a public hearing on the subject matter?"

The Chair answered:

"That is correct. The motion before the House is to defer said bill to the next legislative day as amended by Representative Yuen."

Representative Kunimura thanked the Chair and stated:

"Now, we will have a genuine public hearing on the subject matter and I hope all the public is notified and invited to attend if they so desire, and I feel that this is the proper way to carry out the business for the public.

Thank you."

On a point of order, Representative Carroll then stated:

"I think that hard hat may be in order for today, but I think rubber boots might have been far more appropriate."

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

"You have just stated that we have a main motion that has been amended and we are now talking about the main motion. Do we have a bill before us? What happens to the bill? Does the bill go to the Committee or does the bill stay here on the floor?"

The Chair answered:

"The bill stays here on the floor."

Representative Sutton asked:

"For the 24-hour period?"

The Chair replied:

"Until the next legislative day

when this body decides what action it decides to take."

Representative Sutton asked:

"Then, Mr. Speaker, the Committee will be holding a hearing without a bill in front of it?"

The Chair replied:

"The Committee will have a hearing on the subject matter contained in House Bill 817, laying on the Clerk's desk."

Representative Sutton asked:

"But the bill itself will not be before them; the bill remains here?"

The Chair replied: "That is correct."

The motion was put by the Chair and carried by a vote of 49 ayes, with Representatives Ikeda and Sutton voting no.

#### CONFERENCE COMMITTEE REPORTS

Representative Uechi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1059, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 42) recommending to the respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 42 on H.B. No. 1059, HD 1, SD 1, CD 1, was deferred until tomorrow, April 14, 1977, 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, CD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Uechi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1100, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 43) recommending to the respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 43 on S.B. No. 1100, SD 1, HD 1, CD 1, was deferred until tomorrow, April 14, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1100, SD 1, HD 1, CD 1, were made available to the members of the House at 12:00 o'clock noon.

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

"Were those Conference Committee Report Nos. 42 and 43 received by the Clerk last night?"

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

Upon reconvening at 8:40 o'clock p.m., Representative Kunimura rose on a point of information and asked:

"Was that Superman?"

The Chair replied:

"You are really, really having your eyesight in jeopardy."

Representative Carroll then rose and remarked:

"Mr. Speaker, I would just like to make a comment in answer to the point of information, and that is, that there are no buffaloes, no cowboys, but there is certain one wild Stanford Indian prey on the plain tonight."

Representative Kunimura rose on a point of clarification and asked:

"Am I to understand that Conference Committee Reports Nos. 1 to 43, with the exception of 23, have satisfied the House requirements as far as rules and procedures?"

At 8:42 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:45 o'clock p.m.

Representative Kunimura was recognized and he stated:

"Thank you, Mr. Speaker.

May I also include in my query Conference Committee Report No. 23?"

The Chair said:

"The Chair rules that all bills reflected under 'Unfinished Business' complied with the rules of the House."

Representative Kamalii rose on a point of information and stated:

"About the reason for the public hearing and the bill being referred to Public Employment and Government Operations was so that we could clear the cloud or the doubts on Conference Committee Report 23, and yet, you are ruling now it's all fine and good."

The Chair responded, saying:

"The Chair rules that it has complied, and to clear certain individual's mind, the Committee is having this particular hearing."

Representative Kamalii then remarked:

"You can make that ruling after the hearing."

At 8:46 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:50 o'clock p.m.

Representative Kunimura was recognized and he stated:

"Mr. Speaker, this one has feathers on it so I am going to swallow it very slowly. May I be permitted to withdraw my query?"

The Chair answered:

"Permission is granted. The Chair will reserve the right to rule at a future date."

At 8:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:55 o'clock p.m.

#### COMMITTEE REASSIGNMENTS

The Chair re-referred the following resolutions:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
323	Committee on Water, Land Use, Development and Hawaiian Homes
504	Jointly to the Committees on Public Employment and Government Operations and Employment Opportunities and Labor Relations

The Chair then made the following announcement:

"The Chair would like to announce to all members to make yourselves available tomorrow, all day and night and the following early morning."

#### ADJOURNMENT

At 8:55 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, Thursday, April 14, 1977.

## FIFTY-NINTH DAY

Thursday, April 14, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:07 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by the Reverend E. Michio Oyakawa of the Manoa Valley Church, after which the Roll was called showing all members present.

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

At 11:10 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:35 o'clock a.m., the Speaker assumed the rostrum.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 456 to 460) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 456) transmitting Senate Concurrent Resolution No. 175, which was adopted by the Senate on April 12, 1977, was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 175 was adopted.

A communication from the Senate (Sen. Com. No. 457) transmitting Senate Concurrent Resolution No. 6, which was adopted by the Senate on April 13, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 458) transmitting Senate Concurrent Resolution No. 69, which was adopted by the Senate on April 13, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 459) transmitting Senate Concurrent Resolution No. 83, which was adopted by the Senate on April 13, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 460) transmitting Senate Concurrent Resolution No. 164, which was adopted by the Senate on April 13, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 6, 69, 83 and 164 was deferred until later in the calendar.

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

Representative Sutton introduced fifty 8th grade students from Kawananakoa Intermediate School. They were accompanied by the teacher, Ms. Linda Dutcher.

Eighty 5th and 6th grade students from Aliamanu School were introduced by Representative Garcia. They were accompanied by their teachers, Mrs. May Murabayashi, Ms. Helen Shimoda and Mr. Calvin Inoue.

Maui Councilman Aiona, former Chief of Police of Maui, was introduced by Representative Ueoka.

Representative Ajifu introduced a "former colleague of ours who is now Councilman of Maui, Alvin Amaral."

Representative Mina introduced fourteen Political Science class students from Farrington High School, who were accompanied by their teacher, Mrs. Blanche Suematsu.

Representative Campbell introduced Mrs. Dana Jackson, Director of Field Evaluation and Support Division of the Office of Fair Housing and Equal Opportunities. She is "here in Hawaii to spend some time in our local Office of Housing and Urban Development."

Representative Lunasco introduced 25 seventh and eighth grade students from Wahiawa Intermediate School. They were accompanied by Mr. Howard Perry and Mr. Yoshi Nishida.

Representative Garcia introduced twenty students from Moanalua High School who were accompanied by Mrs. Lana Mito.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
6	Committee on Water, Land Use, Development and Hawaiian Homes
69	Committee on Water, Land Use, Development and Hawaiian Homes
83	Committee on Employment Opportunities and Labor Relations
164	Committee on Education

## SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended for the purpose of considering resolutions.

## INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 730 to 733) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 730) congratulating and extending best wishes to J. Hans Strasser on his appointment to the Austrian Consul of Hawaii was jointly offered by Representatives Machida, Blair, Caldito, Cobb, Dods, Garcia, Kawakami, Kihano, Naito, Ueoka and Yuen.

On motion by Representative Machida, seconded by Representative Dods and carried, H.R. No. 730 was adopted.

Representative Machida then rose and stated:

"Mr. Speaker and members of this honorable body, I would like to first of all, before introducing the honoree, introduce two people very dear to the honoree. First of all, Mrs. Rainee Barkhorn, part owner of Colony Surf Development Corporation; and the other, I would think is the most important in the honoree's life, his wife, Mrs. Marie-Claire Strasser.

Mr. Speaker and members of this honorable body, I think the honoree has become a very big celebrity in the television media in the past

few weeks. At 6:30 on Saturday morning, there will be a walkathon for the March of Dimes; there's a goal of \$100,000 to be raised; there will be over 2,000 people on the walkathon, who will be going 20 miles which will take them through Ala Moana, downtown Honolulu, Manoa, Kaimuki and Waikiki.

So, on Saturday morning, when you're driving around, please be careful. The person leading the walkathon will be none other than the honoree for this morning, Mr. Hans Strasser, Executive Vice President and General Manager of Colony Surf Hotel."

At this time, Representative Medeiros presented Mrs. Barkhorn with a pikake and maile lei; Representative Dods to Mrs. Strasser; and Representative Naito to Mr. Strasser. Certified copies of the resolution were presented by Representative Machida.

A resolution (H.R. No. 731) recognizing Maria T. Duben, winner of the essay contest sponsored by the local branch of the Propeller Club of the United States was jointly offered by Representatives Dods, Ikeda, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Inaba, Kawakami, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Peters, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Dods, seconded by Representative Ikeda and carried, H.R. No. 731 was adopted.

Representative Dods then rose and stated:

"Mr. Speaker, before introducing our guest today, I would like to recognize a few of Maria's other achievements which were not mentioned in the resolution.

At seventeen, Maria will be graduating this year, one year ahead of her classmates.

Maria competed against college students for top honors in this contest. It is a credit to her, to her parents and to Kaiser High School that her entry won first place.

On behalf of Representative Ikeda and myself, allow me to introduce Mr. and Mrs. Edward M. Duben,

Maria's parents. And, Mr. Speaker, our honored guest, Maria T. Duben."

Representative Dods then presented the honoree with a white carnation lei and Representative Ikeda presented Maria and her parents with certified copies of the resolution.

At 11:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:55 o'clock a.m.

A resolution (H.R. No. 732) congratulating Ines Viernes Cayaban upon being selected as Hawaii's Mother of the Year was jointly offered by Representatives Kamalii, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Kamalii, seconded by Representative Kihano and carried, H.R. No. 732 was adopted.

Upon being recognized, Representative Kamalii stated:

"Members of this honorable body, it is very heartwarming for me, as a mother, to have this honor. For the many good deeds of Nana Ines throughout the community, having encouraged many people, children as well as senior citizens, she continues to set a shining example for all of Hawaii. There could not be a more deserving choice for the Mother of the Year. We wish her well as she represents us nationally for the Mother of the Year award.

Mr. Speaker, before I introduce our honoree, may I introduce her family. In the gallery is her husband, Jesus Cayaban; sister, Soledad Batacan; sister-in-law, Mrs. Juanita Viernes; and niece, Mrs. Arelia Viernes.

And now, fellow colleagues, it is indeed an honor to introduce to you the Mother of the Year for the State of Hawaii, Ines Cayaban."

At this time, Representative Cayetano

presented the honoree with pikake leis and Representative Kihano presented her with certified copies of the resolution.

A resolution (H.R. No. 733) congratulating Kiyoshi Yamada upon his retirement after twenty-six years of public service was jointly offered by Representatives Toguchi, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Toguchi, seconded by Representative Yuen and carried, H.R. No. 733 was adopted.

Representative Toguchi then addressed the members, stating:

"Mr. Speaker and honorable colleagues, it is my pleasure and honor to introduce to this honorable body the individual that we are congratulating this morning.

Mr. Speaker, he'll be retiring at the end of this school year as principal of Kahaluu Elementary School after twenty-six years of public service to the State of Hawaii. He, as an individual, has done an outstanding job of nurturing and developing Hawaii's most important and valuable resource; that is, Hawaii's children.

Mr. Speaker, may I present to this body, Mr. Kiyoshi Yamada. Accompanying Mr. Yamada is Ron Arakawa, the PTA president of Kahaluu Elementary School.

Before we proceed with the presentation of a lei and the resolution, I would like to introduce Karen Kam, vice-president of the PTA, who is seated in the gallery."

The honoree was then presented with a red carnation lei by Representative Evans, and Representative Toguchi presented him with a certified copy of the resolution.

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 12:15 o'clock a.m.

At 12:15 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 1:15 o'clock p.m.

The House of Representatives reconvened at 1:53 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 Final Reading on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 1 on H.B. No. 1297, SD 2, CD 1 (Deferred from April 13, 1977)

On motion by Representative Shito, seconded by Representative Aki and carried, the report of the Committee was adopted and H.B. No. 1297, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HANDICAPPED", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Garcia voting no.

Conf. Com. Rep. No. 2 on H.B. No. 1678, SD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Shito, seconded by Representative Aki and carried, the report of the Committee was adopted and H.B. No. 1678, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 3 on H.B. No. 833, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

Representative Kawakami moved that the report of the Committee be adopted and that H.B. No. 833, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Caldito.

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

"Mr. Speaker, this matter, this bill, has not had much impact on the majority of the citizens of this State. For those upon whom it does

impact, namely the people who fish with gill nets, I think that this is a very bad measure to pass. What it does is makes a compromise between the House position, which would allow a fisherman to set his net and leave it for 24 hours without violating the law. The Senate, apparently not understanding what this matter is even about, had decided that you should only allow a gill net to remain in the water for four hours.

Shakespeare once wrote that the law is an idiot, an ass, and in this case, if we pass this particular measure, I think we are creating exactly that type of law. What would happen if this is allowed to become the law is that a person who has beachfront property could very well harrass to the use of the law by asking the game wardens to come in and prosecute a person who would leave a gill net in the water overnight, assuming that a person might set at 3 or 4 in the afternoon and then wait until the next morning at 6, 7 or 8 to take it out.

Now, I believe in compromise, Mr. Speaker, and I believe that both bodies here have their own ideas, but I think for the House to pass this bill would be outrageous and unjust.

Now, I ask this measure be voted 'no'."

At 1:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:00 o'clock p.m., the motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 833, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING REGULATIONS", having been read throughout, passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Abercrombie, Carroll, Nakamura, Narvaes, Peters, Shito and Sutton voting no.

Conf. Com. Rep. No. 4 on S.B. No. 1209, SD 1, HD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and S.B. No. 1209, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE", having been read throughout, passed Final Reading

by a vote of 51 ayes.

Conf. Com. Rep. No. 5 on S.B.  
No. 577, SD 1, HD 1, CD 1 (Deferred  
from April 13, 1977)

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

Conf. Com. Rep. No. 6 on S.B.  
No. 1202, HD 1, CD 1 (Deferred  
from April 13, 1977)

On motion by Representative Blair,  
seconded by Representative Larsen  
and carried, the report of the Committee  
was adopted and S.B. No. 1202,  
HD 1, CD 1, entitled: "A BILL FOR  
AN ACT RELATING TO THE CONSERVA-  
TION, MANAGEMENT AND PROTECTION  
OF ENDANGERED OR THREATENED  
SPECIES OF WILDLIFE OR PLANTS",  
having been read throughout, passed  
Final Reading by a vote of 50 ayes  
to 1 no, with Representative Sutton  
voting no.

Conf. Com. Rep. No. 7 on H.B.  
No. 672, SD 1, CD 1 (Deferred from  
April 13, 1977)

On motion by Representative Kawaka-  
mi, seconded by Representative  
Caldito and carried, the report  
of the Committee was adopted and  
H.B. No. 672, SD 1, CD 1, entitled:  
"A BILL FOR AN ACT RELATING  
TO THE HAWAIIAN HOMES COMMISSION  
ACT, 1920, AS AMENDED", having  
been read throughout, passed Final  
Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 8 on H.B.  
No. 727, HD 1, SD 1, CD 1 (Deferred  
from April 13, 1977)

On motion by Representative Cobb,  
seconded by Representative Garcia  
and carried, the report of the Commit-  
tee was adopted and H.B. No. 727,  
HD 1, SD 1, CD 1, entitled: "A BILL  
FOR AN ACT RELATING TO HEALTH  
CARE PROVIDERS", having been  
read throughout, passed Final  
Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 9 on H.B.  
No. 1685, HD 2, SD 2, CD 1 (Deferred  
from April 13, 1977)

By unanimous consent, action  
was deferred for one day.

Conf. Com. Rep. No. 10 on S.B.  
No. 1059, SD 1, HD 1, CD 1 (Deferred  
from April 13, 1977)

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

Conf. Com. Rep. No. 11 on S.B.  
No. 1203, SD 1, HD 1, CD 1 (Deferred  
from April 13, 1977)

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

Conf. Com. Rep. No. 12 on S.B.  
No. 475, SD 2, HD 1, CD 1 (Deferred  
from April 13, 1977)

On motion by Representative Garcia,  
seconded by Representative Naito  
and carried, the report of the Commit-  
tee was adopted and S.B. No. 475,  
SD 2, HD 1, CD 1, entitled: "A BILL  
FOR AN ACT RELATING TO MENTAL  
HEALTH", having been read throughout,  
passed Final Reading by a vote  
of 51 ayes.

Conf. Com. Rep. No. 13 on H.B.  
No. 1198, HD 1, SD 1, CD 1 (Deferred  
from April 13, 1977)

On motion by Representative Cobb,  
seconded by Representative Garcia  
and carried, the report of the Committee  
was adopted and H.B. No. 1198,  
HD 1, SD 1, CD 1, entitled: "A BILL  
FOR AN ACT RELATING TO DEGREE  
GRANTING INSTITUTIONS", having  
been read throughout, passed Final  
Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 14 on S.B.  
No. 1350, SD 1, HD 2, CD 1 (Deferred  
from April 13, 1977)

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

Conf. Com. Rep. No. 15 on H.B.  
No. 678, HD 1, SD 1, CD 1 (Deferred  
from April 13, 1977)

On motion by Representative Cobb,  
seconded by Representative Garcia  
and carried, the report of the Committee  
was adopted and H.B. No. 678,  
HD 1, SD 1, CD 1, entitled: "A BILL  
FOR AN ACT RELATING TO THE  
CONTRACTORS RECOVERY FUND",  
having been read throughout, passed  
Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 16 on H.B.  
No. 154, HD 2, SD 2, CD 1 (Deferred  
from April 13, 1977)

By unanimous consent, action  
was deferred for one day.

Conf. Com. Rep. No. 17 on H.B.  
No. 193, SD 1, CD 1 (Deferred from  
April 13, 1977)

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



Conf. Com. Rep. No. 18 on H.B. No. 1062, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 1062, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SCHOOL BUILDINGS, FACILITIES AND GROUNDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 19 on H.B. No. 1173, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 1173, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Conf. Com. Rep. No. 20 on S.B. No. 140, SD 1, HD 1, CD 1 (Deferred from April 13, 1977)

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

Conf. Com. Rep. No. 21 on S.B. No. 74, HD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Shito, seconded by Representative Aki and carried, the report of the Committee was adopted and H.B. No. 74, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF THE SALE OF RESIDENTIAL LEASE-HOLDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 22 on S.B. No. 237, SD 1, HD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Stanley, seconded by Representative Uwayne and carried, the report of the Committee was adopted and S.B. No. 237, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 23 on H.B. No. 817, HD 1, SD 1, CD 1 (Deferred

from April 13, 1977)

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

Conf. Com. Rep. No. 24 on H.B. No. 155, HD 1, SD 2, CD 1 (Deferred from April 13, 1977)

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.B. No. 155, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICY PLANNING", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 25 on H.B. No. 433, HD 1, SD 2, CD 1 (Deferred from April 13, 1977)

On motion by Representative Peters, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 433, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION PRECINCT OFFICIALS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 26 on S.B. No. 563, SD 1, HD 2, CD 1 (Deferred from April 13, 1977)

Representative Cobb moved that the report of the Committee be adopted and that S.B. No. 563, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Cayetano.

Representative Uwayne stated that he had a "speech against the bill" and asked that "it be inserted into the Journal". And the Chair, noting that there were "no objections, so ordered". The remarks are as follows:

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

Mr. Speaker, on the 30th day of this legislative session, I stood up to voice my disagreement to House Bill 432, House Draft 1. Since then, your Conference Committee has brought a new draft before this body.

Mr. Speaker, this new Conference draft would allow the vehicle tandem axle load to be increased to 34,000 lbs., while many of the older bridges on our non-interstate systems and local roads were designed for only 24,000 lbs. or less.

Mr. Speaker, our bridges were not built to sustain the overload proposed in this bill on a regular and continuous basis. Of our many bridges on the State highway system, there are 199 bridges - 78 on Oahu, 33 on Hawaii, 69 on Maui, 14 on Kauai, and 5 on Molokai - which were built more than 25 years ago for loading below our present standings.

Mr. Speaker, the trucking industry claims that they have been carrying loads in excess of what is permitted by present law and that this practice should be made legal since no major bridge failure has occurred. This would be an unreasonable way of rationalizing the public's well-being, when the trucking industry's irresponsibility did not consider the extra wear and tear the bridges must sustain from the intentional overloading to the life expectancy of a bridge.

Mr. Speaker, I can honestly understand the Committee's concern about the economic problems faced by the truckers. However, placed on a scale with the danger this bill will present, I cannot understand how anything would outweigh the public safety. With this in mind, I urge my colleagues 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. 563, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHT", having been read throughout, passed Final Reading by a vote of 46 ayes to 5 noes, with Representatives Baker, Carroll, Lunasco, Sutton and Uwaine voting no.

Conf. Com. Rep. No. 27 on S.B. No. 485, SD 1, HD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Cayetano, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 485, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 28 on S.B. No. 251, SD 1, HD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 251,

SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 29 on H.B. No. 1153, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Cobb, seconded by Representative Garcia and carried, the report of the Committee was adopted and H.B. No. 1153, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

At 2:13 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:17 o'clock p.m., the following introductions were made to the members of the House before continuing with the Unfinished Business:

Representative Kiyabu introduced "a student artist visiting my office", Margaret Koyanagi. She is from Sacred Hearts Academy and was accompanied by her mother, Yoshiko, and her friend, Lynn Moriji.

Representative Kawakami introduced three students from Kauai "observing the legislative process for the next three days", who were accompanied by their teacher/chaperone, Mrs. Frances Moriguchi.

Conf. Com. Rep. No. 30 on H.B. No. 1284, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

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

Conf. Com. Rep. No. 31 on S.B. No. 533, SD 1, HD 2, CD 1 (Deferred from April 13, 1977)

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.B. No. 533, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR-DRIVEN BICYCLES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 32 on S.B. No. 246; SD 1, HD 1, CD 1 (Deferred from April 13, 1977)

By unanimous consent, action

was deferred for one day.

At 2:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:21 o'clock p.m.

Conf. Com. Rep. No. 33 on H.B. No. 28, HD 2, SD 1, CD 1 (Deferred from April 13, 1977)

By unanimous consent, action was deferred for one day.

Conf. Com. Rep. No. 34 on S.B. No. 1193, SD 1, HD 1, CD 1 (Deferred from April 13, 1977)

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

Conf. Com. Rep. No. 35 on H.B. No. 512, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 512, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION EMPLOYEES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 36 on S.B. No. 1074, SD 1, HD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative K. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.B. No. 1074, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 37 on H.B. No. 171, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

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

Conf. Com. Rep. No. 38 on H.B. No. 1065, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and H.B. No. 1065, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", having been read throughout, passed Final

Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 39 on H.B. No. 1698, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

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

Conf. Com. Rep. No. 40 on S.B. No. 1464, SD 2, HD 2, CD 1 (Deferred from April 13, 1977)

By unanimous consent, action was deferred for one day.

Conf. Com. Rep. No. 41 on H.B. No. 180, SD 1, CD 1 (Deferred from April 13, 1977)

By unanimous consent, action was deferred for one day.

Conf. Com. Rep. No. 42 on H.B. No. 1059, HD 1, SD 1, CD 1 (Deferred from April 13, 1977)

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1059, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 43 on S.B. No. 1100, SD 1, HD 1, CD 1 (Deferred from April 13, 1977)

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

#### STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1065) informing the House that House Resolution Nos. 722 to 729, House Concurrent Resolution No. 138 and Standing Committee Report Nos. 1066 to 1132 have been printed and distributed.

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

Representatives Takamine and Stanley, for the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 1066) recommending that H.C.R. No. 76, as amended in HD 1, be adopted.

Representative Takamine moved that the report of the Committee be adopted and that H.C.R. No. 76, HD 1, be adopted, seconded by Representative Stanley.

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

"Mr. Speaker, I have signed this report 'W/R' and have decided I must vote against this resolution.

The purpose of the concurrent resolution is to request the Governor and Mayors of the several counties to encourage hiring authorities to strongly consider employment of SCET and CETA participants. That is a compelling argument, Mr. Speaker, because the people who have been hired under these programs have been either under-employed or perhaps unemployed for some time.

We have had discussion both on this floor and in committee about the circumstances under which people are to be qualified for jobs - whether or not all the criteria that is sometimes bureaucratically seen as a necessity is, in fact, a requirement in the public interest. And I think it has been discussed and decided by many people that that is, in fact, not the case. I tend to agree to it.

But there is a further question of ultimate fairness, Mr. Speaker. It seems to me that if we have invested in the community, that is to say, brought into government service people who have previously been under the circumstances previously outlined, that they should have by now acquired those skills and capacities which will enable them to be able to compete with others who may not have been in those circumstances but who are equally entitled to the opportunities to government employment.

We do have these exams. Perhaps the exams themselves should be looked at. The resolution does not necessarily address that. What it states is to request an action plan from each of the hiring authorities to review such a plan.

Perhaps if we had been a little more specific in the resolution as to how we expected that plan to develop and be carried out in respect to the point that I have just made, I could vote for it. But failing that, it seems to me that we would not

be encouraging the various hiring authorities to do that kind of thing.

I'm quite willing to see a revamping of the regulations and rules and circumstances of hiring, concerning all kinds of areas from reading and writing and experience and qualifications and degrees and all the rest of this paraphernalia that we carry with us in our work lives that ostensibly make us capable of carrying out our jobs or indicate to hiring authorities that we are capable of being hired. I would like to see that reviewed very extensively, but I don't think that's the thrust of this resolution. I do think that the thrust is that those who have not been in these categories may find themselves at a disadvantage simply because they were not in the unemployed or under-employed category, yet be otherwise acceptable, yet otherwise qualify for the jobs.

We may be getting in a situation of preferential hiring here that we would regret very much. I think that until we have our philosophy of hiring in government much more clearly in mind, from the legislative point of view, that I don't think it's appropriate to go to the hiring authorities and expect them to come up with a philosophy for us. I think that it's our responsibility to determine what policy we would like to see followed and then ask the appropriate hiring agency to carry out a plan in respect of that power.

Thank you."

Speaking in favor of the adoption of the resolution, Representative Stanley stated:

"In the Committee hearing, we had the opportunity to review the plan that has been developed by the City and County of Honolulu, and they have made very prudent and reasonable steps to accomplish what this resolution is pointing out.

The Committee felt that it would be prudent in our future legislative work, with regards to SCET and CETA programs, that the other employing authorities also present to us their plans with regards to SCET and CETA employment. And because the City and County did such an outstanding job and responded to the resolution before it was adopted, we felt that this indicated that the other authorities could also inform

us and make our deliberations next session even more meaningful and would produce even better legislation in regards to programs.

It is on this basis that I urge the members of this House to adopt this resolution."

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

"Mr. Speaker, I would like to inform the prior speaker from the 14th District that one swallow doesn't make the summer.

Mr. Speaker, we had a situation where the federal government put out a comprehensive employment training act and then subsequently the State of Hawaii adopted a very comparable comprehensive employment and training act.

The basic concept was to try to see if there would be employment for the unemployed or those who, in the term that was used for the first time, namely the under-employed. The whole concept was based on a concept of temporary employment. It was hoped that this would provide a job pool.

On the other hand, Mr. Speaker, we have a great many people who are in trade schools, who are in colleges, who are learning various trades and who would come up in competition for jobs of a permanent nature and would find themselves handicapped by utilizing just one pool of labor. Hiring is a competition situation - you make a job analysis; after you make a job analysis; after you make your job analysis, you advertise; qualifications are very strictly construed.

A great Republican, Mr. Speaker, Theodore Roosevelt, did away with the spoil system and established the merit system - what we call civil service - and this is an indirect undermining of the basic philosophy of the civil service that it be open to all; therefore, I would urge my colleagues to please vote 'no'."

Representative Dods, speaking against the resolution, stated:

"I find it very hard that we are concentrating on a program that was really developed to help the unemployed of this State - to help train them and put them into responsible positions either in private industries

or the State government.

I feel that the intent of the program is really carried out, and if we are really training these people to do what the program was intended, then I would find no problem with this resolution. But, I find, basically, only a few are actually receiving the type of training mentioned in this program and who are qualified to take on State positions. This being the case, unless we start really looking into the program and find out if it is carrying out its objectives, I object to this program as it stands right now."

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

"I would like to just state that under the CETA program we have a section where funds are appropriated to the community colleges to train CETA employees.

Also, in line with the CETA program, this House and the Senate adopted several amendments which is incorporated with H.B. No. 137, which is now in conference, which will include the training program for SCET employees, which would include on-the-job training, institutional training and other kinds of training that is necessary. So, this resolution is in the right direction, Mr. Speaker.

Thank you."

At this time, Representative Kamalii requested for a Roll Call vote.

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

"Mr. Speaker, when the CETA program originated, and the SCET several years back, the intent of the program was to train and, hopefully, aid those trained in the individual programs into jobs in the future when it was available.

Mr. Speaker, I do not agree with my colleague from Nuuanu where he disagrees with giving the SCET and CETA program workers priority. For veterans of our State to apply for federal jobs, many of them have top priorities in obtaining jobs within the federal government. But more important, I don't think this undermines the Civil Service program. If we feel that it is, then before hiring anybody in the CETA and SCET program, we should give them a

test and hire the highest scoring individuals into the program, if that was the intent of the SCET and CETA programs. But, to me personally, Mr. Speaker, it wasn't the intent. The intent was to train these individuals and hopefully place them into jobs.

Presently, the Civil Service hires those that have the highest test scores. In fact, those are the only ones that are referred to the present departments who have vacancies. In doing so, Mr. Speaker, all the man hours of training those individuals presently in the job won't have a chance in getting a job.

Mr. Speaker, at this point, I say if we are going to do the job, we might as well do it right. And since we are spending money on training those individuals, then I think they should have a priority of being hired first."

The motion was put by the Chair and carried and the report of the Committees was adopted and H.C.R. No. 76, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII AND THE MAYORS OF THE CITY AND COUNTY OF HONOLULU, COUNTY OF HAWAII, COUNTY OF MAUI AND COUNTY OF KAUAI TO ENCOURAGE HIRING AUTHORITIES TO STRONGLY CONSIDER EMPLOYMENT OF SCET AND CETA PARTICIPANTS INTO REGULAR POSITIONS", was adopted by a Roll Call vote of 34 ayes to 16 noes, with Representatives Abercrombie, Ajifu, Blair, Carroll, Cayetano, Cobb, Dods, Evans, Ikeda, Kamalii, Larsen, Medeiros, Narvaes, Poepoe, Say and Sutton voting no, and Representative Ushijima being excused.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1067) recommending that H.R. No. 249 be adopted.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 249, entitled: "HOUSE RESOLUTION URGING THE FEDERAL GOVERNMENT TO PERMIT CIVILIAN USE OF PEARL HARBOR FOR RECREATIONAL PURPOSES", was adopted.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report

(Stand. Com. Rep. No. 1068) recommending that S.C.R. No. 118 be adopted.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and S.C.R. No. 118, entitled: "SENATE CONCURRENT RESOLUTION URGING FEDERAL CONTRACTING AGENCIES IN HAWAII TO REQUIRE THEIR CONTRACTORS TO COMPLY WITH THE REQUIREMENTS OF CHAPTER 444, HAWAII REVISED STATUTES", was adopted.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1069) recommending that H.C.R. No. 5 be adopted.

Representative Kunimura moved that the report of the Committee be adopted and that H.C.R. No. 5, HD 1, be adopted, seconded by Representative Lunasco.

Representative Sutton requested that his previous remarks against the resolution be inserted into the Journal, which is as follows:

"Mr. Speaker, we have developed an excellent athletic program at the University of Hawaii. We have been able, in a few short years, to have basketball teams that play in national competition. This is true for both the University of Hawaii at Manoa and Hilo.

We have had football teams which have almost done beyond anybody's belief in beating the University of Washington and defeating San Jose.

They have had athletic programs that have been income-producing and have helped other sports.

We have been able to draw Ray Nagel as an athletic director. We have been able to get Mr. Little, who is one of the greatest basketball coaches of the nation.

We have had very successful income-generating sports. And these have been essential for the development of the entire athletic program. The University of Hawaii has proceeded faster and with fewer assistance than any other program in the nation. Our own late Governor Jack Burns and the famous Stanford coach, Clark Shaughnessy, worked this program out. Now, all of a sudden, we want to interject ourselves into something which is not really

our job. If it were, for any intents and purposes, a program that was failing; if it were a program that has not achieved very high results; then it would be appropriate. But for us to interject, by way of a concurrent resolution, some irrelevant thoughts that come from people who lack expertise, is highly inappropriate, Mr. Speaker.

Therefore, I would ask my colleagues to please vote 'no' against this resolution."

Upon the request of Representative Abercrombie, his remarks in favor of the resolution are hereby inserted:

"Mr. Speaker, it is unfortunate that not all of us can attend every single hearing or be in attendance in all decision-making of all the different committees, even though we are required to vote on the issuance from these committees in terms of reports, bills and resolutions on the floor. And for that reason, Mr. Speaker, I would like to indicate that I believe that the representative from Nuuanu has not been fully apprised of the circumstances and that I hope he will change his mind after I inform him of the realities.

The University of Hawaii's, referring you, Mr. Speaker, to the third paragraph, athletic program has been plagued with financial and administrative problems in recent years. Mr. Speaker, that is not a creature of imagination or a figment of the imagination of the Higher Education Chairman or his Committee. This is the testimony of the University itself. And, as a result of that, the Committee was trying to respond to the University's circumstances as outlined by the University.

I refer you then to the fourth paragraph. Your Committee is concerned that the non-income generating sports have been developed in a piecemeal fashion and mostly attention being directed towards the football and basketball programs. I might note, Mr. Speaker, that the speaker from Nuuanu referred exactly to that. He focused his attention on football and basketball - on these kinds of glamorous sports. And what we are trying to do is examine the needs further on in that paragraph, if I may note to you: 'consequently, your Committee feels that a legislative review of the fiscal and program management of intercollegiate athletics is necessary to insure that student needs are met'. The students are

neglected in this area. There are thousands and thousands of intramural students - students, rather, participating in intramural sports. We now have thousands and thousands of students in the dormitories at the University of Hawaii, Manoa; the overall majority of whom come from the neighbor islands and rural areas and whose principle source of recreation, in terms of athletic activities, revolves around intramurals and not intercollegiate sports, except for those non-income generating sports that have been completely clouded out of the University budget as a result of the fiscal plight that they have found themselves involved with; therefore, Mr. Speaker, it is quite clear that the sentence following that paragraph: 'testimony presented by the University reflected concern for expeditious solutions to the problems which currently beset the athletic program'.

Now, this resolution is entirely in order. This is here because the University wants it. I would indicate also, to the representative from Nuuanu and for any other member who has doubts, that there is in fact a comprehensive review to update the policy and procedure manual in the athletic department now, and they expect to finish it by June 30th of this year.

The reason for the interim work being requested is that the University will be prepared by the middle of this summer to deal with the problem or to make recommendations to the Legislature. Why should we wait six months later in the legislative session to come to grips with something that's gonna be necessary to resolve six months earlier. What we are trying to do with this resolution is anticipate problems, not wait until they are upon us. What we are trying to do with this, as a committee, that is to say the Higher Education Committee, is to act responsibly by being prepared to come before this Legislature in 1978 with a program, with recommendations and bills, if necessary, which would reflect favorably upon the recommendations that will come out from the study and review by the University. We intend to be prepared.

And I would certainly hope that especially where budgetary considerations are involved, and they will be involved, there's not doubt if you look at the University budget that the kind of income expectations that they have reflected in that budget are in serious danger of never being met. And if that occurs, we will find ourselves, in the next biennium, having to face a multi-million dollar deficit at the

University in their athletic budget situation alone. We would be faced with a crisis of major proportions if we are not prepared ahead of time to deal adequately with the budgetary needs in the athletic program at the University and throughout the University system.

Therefore, it is only prudent, it is only wise policy and it is only forward-looking policy to be prepared during the interim to deal with the problems of the athletic department.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.C.R. No. 5, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE UNIVERSITY OF HAWAII'S ATHLETIC PROGRAM", was adopted, with Representative Sutton voting no.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 1070) recommending that H.C.R. No. 132 be adopted.

On motion by Representative Aki, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPROVAL OF THE STATE POLICY ON SENIOR CENTERS BY THE NINTH LEGISLATURE OF THE STATE OF HAWAII", was adopted.

At 2:44 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:48 o'clock p.m., the Vice Speaker assumed the rostrum.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1071) recommending that H.R. No. 621 be adopted.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.R. No. 621, entitled: "HOUSE RESOLUTION SUPPORTING UTILIZATION OF THE KAMEHAMEHA V POST OFFICE AS THE SITE FOR A HAWAIIAN MUSIC PRESERVATION HALL AND ACADEMY", was adopted.

Representative Toguchi, for the Committee on Ocean and Marine

Resources, presented a report (Stand. Com. Rep. No. 1072) recommending that H.R. No. 620, as amended in HD 1, be adopted.

On motion by Representative Toguchi, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.R. No. 620, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH MARINE PARKS", was adopted.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1073) recommending that H.R. No. 649 be adopted.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.R. No. 649, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF AN ADULT DENTAL CARE BENEFITS PLAN FOR PUBLIC EMPLOYEES", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1074) recommending that H.R. No. 380 be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 380, entitled: "HOUSE RESOLUTION RELATING TO THE DEVELOPMENT OF A STAGGERED OR FLEXIBLE WORK HOUR PROGRAM FOR PUBLIC EMPLOYEES", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1075) recommending that H.R. No. 668 be adopted.

Representative Cayetano moved that the report of the Committee be adopted and that H.R. No. 668 be adopted, seconded by Representative Takamura.

Representative Abercrombie then rose and stated:

"Mr. Speaker, if I may direct your attention to the face of Standing Committee Report 1075, you will notice that my name is there with a 'W/R' signed after it. It may be that in the press of events that I was so used to signing 'W/R' on the committee reports that I signed



it as if by an automatic hand. But I cannot, for the life of me, recall putting that 'W/R' there, nor why I did it, and I would like it reflected in the record that I didn't mean it."

The Chair remarked:

"Point well taken."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 668, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO RECOMMEND IMPROVEMENTS TO THAT PORTION OF KAHEKILI AND KAMEHAMEHA HIGHWAYS BETWEEN LIKELIKE HIGHWAY AND LAIE", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1076) recommending that H.R. No. 459, as amended in HD 1, be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 459, HD 1, entitled: "HOUSE RESOLUTION RELATING TO OIL RESERVES FOR THE STATE OF HAWAII", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 1077) recommending that H.C.R. No. 40, 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. 40, HD 1, 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 adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 1078) recommending that H.C.R. No. 123 be adopted.

Representative Kiyabu moved that the report of the Committee be adopted and that H.C.R. No. 123 be adopted, seconded by Representative Mina.

Speaking against the adoption of the resolution, Representative

Abercrombie stated:

"Mr. Speaker, drawing your attention, and the members' attention, to the second paragraph: 'The purpose of this concurrent resolution is to request the administration to develop and implement a selective growth program and to pledge legislative cooperation and support for said program.'

Mr. Speaker, I do not care to pledge any support or legislative cooperation with any program from the administration before I see what it is. Perhaps the wording of the committee report does not truly reflect what was intended by the resolution. But, nonetheless, the report appears before us as it is, and I do not think that that is the case, that we should pledge ahead of time and to approve something that we do not have before us. I believe that is the case in anything, whether it's in resolution or in legislative bills.

Secondly, Mr. Speaker, the last paragraph on the first page indicates your Committee recommends that the primary responsibility for developing and implementing such a selective growth program to be given to the Department of Planning and Economic Development to insure the coordination of the Hawaii State Plan.

Mr. Speaker, I have a very firm conviction, from the time I came into the House, that it is our responsibility to develop this plan, and that the primary responsibility should be with us, and that the Hawaii State Plan, hopefully, will reflect that responsibility. I do not think that the Department of Planning and Economic Development is in a position to make the policy recommendations to us, in terms of primary responsibility that is necessary to be in the benefit of the people of the State of Hawaii. I have very specific reasons for that; the phrase is quite clear - the primary responsibility, psychologically, if for no other reason, Mr. Speaker, that puts us in a position of reacting to what an executive department of the State is doing in the area of the Hawaii State Plan and the policy of selected or some other kind of growth.

I do not think we should be reacting to propositions put forth by DPED. I think the DPED should be reacting to policies that we have put forward. Perhaps, Mr. Speaker, I might refer to remarks I made previously today, in terms of what I think the functions

of the Legislature is, and I am quite adamant about this. I am not speaking on it merely in a perfunctory sense. I think this is the reason for having interim committees. I think this is the reason for having the variety of committees that we do have here.

We set up a bracketing system because we wanted to integrate the function of policy-making on a presumably rational scale. That is to say, membership of the committees would be in consonance with the various kinds of economic and social activities that take place under the committee titles within the bracket system. Because of that, Mr. Speaker, it is essential, I think, that we take the responsibility to ourselves, and state quite clearly, we will decide these things. We welcome and encourage the input of the executive, but we are not here to simply have, as I say, psychologically or otherwise a reactive basis upon which to make our decisions in this area. But on the contrary, are not only willing able, but feel that it is our duty and obligation to take the primary role in this area. I think the State plan approach is the correct procedure here; and I think that under these circumstances then, it is against our interest and is a positive misstatement of what it is we intend, to say that we pledge our support to this selective growth program, based on the approach of the Governor, as expressed in his 1977 state of the State address.

I have very, very severe and abiding concerns and reservations concerning the Governor's State of the State address. I can understand and, perhaps, go along with some of the sentiments contained. But I can assure you, Mr. Speaker, that the mere statement of intent, as such, has little or nothing to do, as the bills so often show us that come before us, with how it works out. So this advance support situation, the expressed approval of, in essence, the Governor's approach, as stated in his state of the State address, and the abdication of where primary responsibility is to be set, are the reasons why I feel we should vote down the resolution.

Thank you."

Representative Cayetano then rose to speak in "favor, but with some of the reservations expressed by the previous speaker", stating:

"I would hope my vote on this

resolution will not mean that I give carte blanche approval to everything that the administration plans to do in the area of selective growth. Being against selective growth these days is like being against motherhood, and I intend to deal with the administration's programming in this area bit by bit, plan by plan, if you will.

I think, for example, that there were aspects of the Governor's state of the State address that I approved, but also certain aspects that I disapproved, which my vote on certain issues to come before later this evening, or perhaps tomorrow, will reflect."

Speaking in favor of the resolution, Representative Kiyabu stated:

"The resolution requests the Governor to take appropriate steps to develop and implement a selective growth program.

What we are saying in the committee report is that the Department of Planning and Economic Development should be the department with primary responsibility to develop this program. The Committee has some concern in who the Governor will select, and we are suggesting that the Department of Planning and Economic Development to do the job because they are the ones that are developing the State Plan and we want it to be consistent with the State Plan, and the people are concerned with not having input.

The Committee has taken steps to assure that everyone has input. We have shredded the State Plan and sent the appropriate subject areas to the various committees. We have followed similar methods as the Committee on Finance. We've asked all the chairmen for their input. We've had hearings with the agencies. We've had hearings with the Counties.

The resolution also calls for a submission for the next Legislature. So this isn't giving carte blanche okay to what the Governor wants; it has to be reported back to the Legislature for approval."

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

"I have heard the previous speakers and I was a little disturbed that a man as learned as the head of our Transportation Committee did not bring out some of the basic deficiencies of this resolution. It doesn't look like anybody has given it any real

thought. It really is a shallow document. It is so shallow that I don't like to see it made a part of this basic concept.

I think everybody wants to keep Hawaii for the people who are here. I think everybody recognizes certain problems. But when they use these words like 'over-population'. . . I'm head of the pro-life and I hope they are not trying to stop that; they use words like 'over-building' and 'over-development; well, if anything, we are, in many spots, under-developed. We don't have decent highways. We've tried to get decent highways across so people don't come through my valley, and nobody will even support H-3, and Admiral Wright is taking all sorts of abuse on that, and he is doing a magnificent job for it.

I just feel that this resolution should be voted down and next time somebody who is a little more accurate with the pen and has more imagination and resourcefulness and can maybe use this new think tank that C. Brewer has built on the island of Kauai and Mr. Suwa's area and see if we can't come up with something more constructive.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO TAKE APPROPRIATE STEPS TO DEVELOP AND IMPLEMENT SELECTIVE GROWTH PROGRAM", was adopted, with Representatives Abercrombie, Baker, Carroll, Cobb, Kamalii, Sutton, Ueoka and Uwaine voting no.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 1079) recommending that H.R. No. 685, as amended in HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.R. No. 685, HD 1, entitled: "HOUSE RESOLUTION RELATING TO STATE PLANNING", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 1080) recommending that H.C.R. No. 47, 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. 47, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO STATE PLANNING", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1081) recommending that S.C.R. No. 82, SD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.C.R. No. 82, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING EXTENSION OF THE COMMUNITY PHYSICIAN PROGRAM TO NORTH KOHALA, HAWAII", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1082) recommending that S.C.R. No. 100 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee be adopted and S.C.R. No. 100, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO A MEMORIAL FOR THE BIRTH SITE OF KAMEHAMEHA THE GREAT", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1083) recommending that H.R. No. 519 be adopted.

On motion by Representative Suwa, seconded by Representative Peters 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1084) recommending that H.R. No. 236, as amended in HD 2, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 236, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO PROMOTE EMPLOYMENT IN THE PRIVATE SECTOR THROUGH TAX INCENTIVES", was adopted.

Representatives Mizuguchi and Ushijima, for the Committees on Education and

Higher Education, presented a joint report (Stand. Com. Rep. No. 1085) recommending that H.R. No. 597, as amended in HD 1, be adopted.

On motion by Representative Mizuguchi, seconded by Representative Yuen and carried, the report of the Committees was adopted and H.R. No. 597, HD 1, entitled: "HOUSE RESOLUTION 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 adopted.

Representatives Ushijima and Mizuguchi, for the Committees on Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 1086) recommending that H.R. No. 610, as amended in HD 1, be adopted.

On motion by Representative Abercrombie, seconded by Representative Mizuguchi and carried, the report of the Committees was adopted and H.R. No. 610, HD 1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1087) recommending that H.R. No. 42 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 42, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT A PLAN FOR IN-SERVICE TRAINING WHICH ENCOURAGES A LARGE PARTICIPATORY ROLE FOR TEACHERS", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1088) recommending that H.R. No. 613 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 613, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW THE PROGRAMS FOR THE USE OF THE VARIOUS TEACHER SPECIALISTS AND RESOURCE TEACHERS", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1089) recommending that H.R. No. 203, as amended in HD 1, be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 203, HD 1, entitled: "HOUSE RESOLUTION REQUESTING EARLY PLACEMENT OF SPECIAL EDUCATION STUDENTS", was adopted.

Representative Mizuguchi, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1090) recommending that H.R. No. 302 be adopted.

Representative Mizuguchi moved that the report of the Committee be adopted and that H.R. No. 302 be adopted, seconded by Representative Campbell.

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

"Mr. Speaker, I draw your attention to my signature with 'I do not concur'. The reason I did this, Mr. Speaker, is that I don't know what we are getting down to these days, in terms of teaching and what it means.

Maybe my training as a teacher, or my commitment as a teacher, was something different than what is expressed in here. It says: 'House Resolution requesting the Department of Education to conduct inservice training in human relationships for teachers and principals'. Now, I feel I'm a fairly liberal person in my personal relationships. If teachers and principals want to get together, practice a little human relationship, that's up to them. I don't even care if they practice it during a school day, so long as it is between consenting adults. But, I can't see why on earth we have to actually make a request, by way of a resolution, that people are supposed to be able to get along with one another and that we should take in-service training time when we've got problems with reading, we've got problems with writing, we've got all kinds of problems with the DOE having to have teachers double up and triple up on all kinds of activities they have to pursue in the classroom, and so much in-service training that does need to be done in important areas like reading and writing.

Every teacher ought to go in a classroom and be able to help whatever child in that room, no matter what the class

is with their reading and their writing. I don't care whether it's in math, if it's in a history course, a civics course, whatever it is. And to say that we want to strengthen working relationships among school level personnel, if they cannot see that that's necessary in the first place, then we've got a breed of morons in the DOE and in the teaching ranks and among the principals.

The HSTA suggested that in-service training in human relationships may improve discipline and order in the school, while the HFT stated that such training may achieve greater unity of purpose among educators. I always thought that unity of purpose was reflected in your paychecks.

Now, if you can't figure out what the hell you're supposed to do after you get your paychecks every two weeks, in terms of unity and purpose, in order to improve discipline, I'll bet you there's plenty of discipline when the paychecks come in - you go right to the bank and cash it. No problem there at all. I think that's ridiculous. I think it's foolish. And to the extent that this has any credibility whatsoever in anybody's mind, and I've been a teacher and I've got a lot of friends in the HSTA and the HFT, right up to this point I've had these people as friends - probably won't have 'em afterwards - but this kind of damn foolishness is a kind of thing that infuriates the public; absolutely infuriates the public; and I don't blame them.

I think if the unions had been a little sharper and a little concerned and self-centered with all the problems that we have - sure we've got problems, we've got plenty of problems and a lot of them revolve around money and all the rest of it - but the last thing in the world which should be a problem is teach me how to hold hands with teachers across the other room; otherwise, I expect we are going to have teachers coming and telling us how mean teachers have been to them during the day and will we please step in and do something about it. I think this is nonsense.

The parents that said that one aim of human relationship training should be to motivate principals and teachers to 'carry over these skills into the classroom in communicating with students, as well as in working with parents and community'. If I see one more sentence with communicating with somebody . . . I mean

this is a buzz word we use these days in communicating with students - tell them to sit down; tell them to start learning; if they don't do it, kick 'em out. I'm telling you, this is what I'm gonna talk on, the violence too, when it comes up.

I'm so tired of hearing this bull about the necessity of human relationship business. There may be too many people reading ads in the paper about coming to learn about human relationships from some huckster that wants to tell you about it. I can't believe that this is a serious comment that would carry over these skills into the classroom. People are actually going to take in-service training on a weekend and then come back to the class and announce to the class: boys and girls, I'm about to carry over my skills at communicating with you.

Now, this is the kind of nonsense that's just destroying the credibility of the unions; it's destroying the credibility of the DOE. I'm tired of all this touchy, feely crap that goes down with consciousness and all that. The only consciousness he needs and knows about is whether you can read or write; whether you can go out of school with a chance to survive in the world. And there's nothing wrong in going into a classroom and telling them, look, if you don't learn what is going on and you don't pick up the skills that you need to go on, you're going to be sitting on your okole for the rest of your life going nowhere. Now, if you can't figure that one out, then I'm failing to communicate with you."

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

"I totally agree with my colleague that I disagreed with yesterday.

Mr. Speaker, the history of education in Hawaii is a sorry history. I have been here, now, fifteen years and I've heard the same malarkey with a different phraseology. A few years ago it was innovativeness. Until today, I can't understand what the hell they meant. Every session it's one phrase or another. Every session it's one strategy or another.

It has always been the constant drive, on the part of the Department of Education, to keep this Legislature so thoroughly confused that we don't know what the hell they are doing. I think a resolution is in order to severely criticize and audit the Department of Education.

We have created a community college, and we said, great, that's the fruit; two years in higher education; put together with vocational and technical operations to make it a comprehensive full secondary educational system in Hawaii. But, what happened? All, or most of the money that has been appropriated to community colleges, a great portion of it, goes to remedial programs because the products of our schools are so bad that we gotta teach them how to read or write before they can begin to learn what they're supposed to learn in the community colleges.

I think this State needs, not resolutions to get people to get together or hold hands or whatever they want to do, as my bearded friend has stated, but rather, have the Department of Education cut out many of the nonsenses that is going on in the ivory tower, get down to reality of the business of education, get rid of most of the employees up there and send them down to the classroom where the front line of the battle against ignorance, against crime, against intolerance and everything that the child must have as opportunity offered to them and be taught by responsible teachers.

I don't find the teachers and principals not getting together is the fault of education. I think it's the ivory tower, the constant bombardment of new techniques.

You know, Mr. Speaker, I became 54 years old day before yesterday and two plus two is still four. But they're trying to tell children or the teachers to find a better way to make two and two equal four. This is sheer nonsense.

I think it's about time that we take the bull by the horn and, if necessary, castrate the bull and make beef steak out of them. The rest of it would be useful on the table.

So, I must agree, Mr. Speaker, that we should reject this resolution. I would like to say that the Education Committee has worked very hard, come out with a very bright and innovative program of school by school budgeting, but I would like to prevail on the good sense and judgment of the chairman that maybe he ought to take a look and defer this to the end of the calendar and maybe take a second look, because we are going up the wrong tree.

Hey, man, the apple is on the

other tree. We gotta go take a look at education like it should be and bring them down to earth, because 2,000 years ago the man-child, in the year 1977, is the same. But we are confusing our students. We are not giving them the right kind of atmosphere. I believe the school should be a fun place; a place where the child wants to go; but we find today, every morning seems to be a battle in a lot of homes - the child doesn't want to go to school. So, let's settle that first, and I'm pretty sure we would have won the great battle of co-education if we do that, but not this, okay?

Thank you."

Speaking in favor of the resolution, Representative Mizuguchi stated:

"If all of the 8,000 teachers in the State of Hawaii were as articulate and as communicative as our two previous speakers, there would be no need for this resolution. However, Mr. Speaker, we have found that some teachers in the Department of Education lack the kind of communicative or human relation skills that go along with facilitating learning in the classroom.

I think that today our schools are under tremendous strains and stresses and it is a very complex process to educate our children. We've all stood here on this floor to demand affirmative action on the part of the Department of Education, to place more Hawaiian in our curriculum, to try to satisfy the needs and wants of our newcomers to this island State, and this is what we are talking about. All of the 174,000 children in the school system, and their parents, do not come from the same background, and so teachers that have been born and raised in these islands may not have the kinds of skills to deal with the kinds of immigrant children that are coming into our State.

So, Mr. Speaker, I believe that this is not a panacea or the answer to resolve our complex problems of education in the State, but it has been a program that has been started or initiated by the two teacher unions, and we are just saying that the Department of Education should look at this particular training and, if at all possible and feasible, to incorporate this part of the training for teachers. Sure, the aspects or the objectives or the missions of the University of Hawaii is to take a look at teachers. We have a high surplus of teachers in this State and, hopefully, the College of Education of the University of Hawaii

will look at teachers that are coming into their particular college and see whether or not they have the personal kind of qualities that would facilitate teaching in the classroom. It's not only the knowledge of skill, skill in sub-transition learning, but I think that teachers need that kind of empathy - the kinds of personal quality so that they can translate this into better learning for our students. And this is all that the resolution is calling for.

Thank you."

Upon being recognized, Representative Abercrombie stated:

"Mr. Speaker, I want to make clear that in my objection to the resolution, I understand the chairman's point very clearly, and I understand why the rest of the members were in agreement. I like to think that it came down to a kind of situation in basketball called no harm, no fault. That is to say, there is no real harm in doing this; maybe not really much will come out of it, and it satisfies people who are concerned about it. I don't say that in a cynical way. I say that as in the course of events, especially in the Education Committee, with the incredible amount of work, as I'm sure the Majority Floor Leader can well attest to the incredible amount of work involved in dealing with the Education Committee situation.

I think a lot of us forget that it is the most demanding part of the whole budget process. The Education Committee is required to deal with a greater portion of the State budget than any other circumstance, than any of the rest of the chairmen and/or members of the House have to deal with. So, when a lot of these issues come along in the form of resolutions, there's an inclination on the part of the members, including myself, to want to go along with it on the condition of no harm, no fault.

And some of the points that the chairman cited about immigrant children and the capacity of teachers to teach them deserve attention. And, in fact, my point would be, and I think it was in relation to my point, that that's what should be concentrated on; exactly that kind of circumstance is where the concentration should lie. But the resolution deals more with relationships between principals and teachers and among teachers themselves. And the emphasis of the resolution

has a very, very middle class tone - this whole communication business. You're not going to communicate with some kid who is zonked out on glue, stumbling across Roosevelt Field. As I have, I communicated, I stayed the hell out of his way when that was going on, not only was he bigger than me, but he was stoned. This is not an unusual occurrence. I talked with some of the people at the school who have to deal with the kids there, and they are communicating with them, and they don't need a course in them. They are doing it out of experience and that kind of training and so on, I'm all in favor of. I think that's going to help with the three R's and all the rest of it.

My point is that we are moving into this professionalism that somehow if you take a course you'll know how to live. I mean, to me, I'm not quite sure I want to stretch into the castrated bull area for analogy, but I don't think you can take a course to learn how to do some things. I think you have to do them, and this is what I think is the essential feature here.

And so, when I ask it to be defeated, it's not a reflection against the members. What I'm really asking is that why don't we really reflect what we meant to do with this. And if it was really no harm, no fault, let's defeat it as a lesson to ourselves - a kind of a little self-evaluation which doesn't reflect on us adversely, but rather says to us, let's not really cast this no harm, no fault kind of resolution. If we're really talking about relationships, let's get down to the nitty gritty. Okay, just exactly what do you mean? You mean you can't talk to an immigrant kid? Well, if that's the case, maybe you need in-service training in English as a second language and not in human relationships. You'd probably get along a helluva lot better if you have a counselor that has maybe had some training with Quick Kokua, as some people who have had to deal with the nitty gritty problem, then if you take something from some guru clown who changes his name and charges \$250 to find out how stupid you are.

This is the kind of thing I'm against and that's what they mean about human relationships. So this is the point that I want to stress in being against it. It is not a matter of rating the Committee or giving them a bad time. It's a question of just trying to perhaps yank attention

back to what it is we are really doing here. And I don't think we should be dealing with the variation on the National Basketball Association on this floor. I think we should be taking our business seriously and not let ourselves get taken away with terminology and jargons that masks the problem rather than reveals a problem and allows us to confront it in a positive fashion.

Thank you."

Representative Kunimura, upon being recognized, asked:

"Second time, please?"

The Chair directed him to "proceed", and Representative Kunimura stated:

"Yes, I cannot stop now. Since we started this, I feel that the chairman of the Education Committee has almost hit the mark talking about the College of Education.

Let us go look at the source of the pollutions. If we have problems with some of our teachers, then let us go and look at the College of Education because I'm pretty sure there you will find that they are not screening people if they are really dedicated, understanding and really love to teach children. These things are not part of the curriculum to instill and engrain in the prospective candidate for educator.

Secondly, let us go look at the system. I've seen this system because I'm a product of this system. As far back as you can see, every doggone superintendent came from once upon a time a school teacher. Something is wrong. I think we should take a look. Maybe the superintendent should not be a former educator because he's been inhaling the polluted air or the polluted condition so long he cannot see the difference between the forest and the trees. He cannot see the problem because he has wallowed in it so long.

Then, again, let us go talk about in-service training. I believe the parents of this State should be in in-service training because they are also guilty of turning off children. They figure every child born in this State should go to college and become a lawyer or a doctor or something. But God never intended that. A lot of them enjoy being vocational people, you know, working with their hands. But, no, we don't

tell them, we don't counsel them that you make a better plumber and that plumbers make just as much money as college professors. No, it's the dignity. You gotta have the B.A. or the B.S., and that's not bull dung, you know. But all this stupid, crazy thinking that the only successful people in this world, you know, have letters JD. That's attorney, JD, juris doctorate. I've seen some very miserable, unsuccessful attorneys. Nobody wanna talk about them, so they put them in the closet. They only talk about the successful ones that own 8,000 acres on Hawaii.

Well, Mr. Speaker, and who abolished gardening? You know, gardening in the elementary schools. When I went to school, if you wanted to learn about gardening, you had an opportunity. Today, it's grass and you're not supposed to dig around that place. And yet, we are the creatures, and we come from the soil, and there are people who want to go back to the soil. They don't have any opportunity.

They look at kids riding around in motorcycles; trouble makers. Hey, how about motorcycles? Have a class on motorcycles? Repair motorcycles? You gotta learn to read instructions. You gotta have a little math to gage the sparkplugs. All of things should be looked into and let's forget about getting the teachers together.

I think teachers are so overwhelmed with workshops and reports to make, they don't even have time for the children, except if they are willing to sacrifice, make personal sacrifices, like our good teacher from Kauai. This is her second trip, I believe, this year. If I were the husband, I would raise holy hell. I want her home. So, you know, Mr. Speaker, this resolution, to me, is a band-aid. But we are applying the band-aid to the wrong spot because it is not on the wound. I don't mind the band-aid approach, because once in a while you gotta put band-aid on a cut, you know; it's bleeding. But when you got a cut on your right arm and you put 'em on the left arm, I think we are missing the mark, and we are certainly missing the mark by this."

Representative Uwaine then rose and stated:

"Mr. Speaker, as the title addresses itself to in-service training for human relationships for teachers and principals, I think I would be the first one to vote for this resolution if we amended it to include legislators."



The Chair then stated:

"Out of order, Representative Uwaine."

Representative Cobb then rose and, upon being recognized, stated:

"Mr. Speaker, I had not intended to speak, but I am very briefly going to rise and address some remarks against it because we had a legislator who no longer is with us, whose voice was a very lonely one, asking for evaluation of the teaching profession, and I would like to pick up that call that was made in years past and state that if we are going to identify members of the teaching profession with communication problems, then, perhaps, one of the best ways to do that should be through an evaluation process which we do not now have.

Listening to the remarks on the floor today has convinced me that this, in addition to a number of other items, are needed and that I cannot help but agree with the remarks made by the representatives from Kauai and Manoa/Makiki that we are either missing the mark or putting the band-aid in the wrong place."

At 3:32 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 3:34 o'clock p.m., Representative Peters rose and stated:

"Mr. Speaker I would like to rise to speak in favor of this resolution and, in doing so, I would like to point out to all of my colleagues, all of my learned colleagues, it seems to me that education is certainly not devoid of inter-relationships. Everyone of us in this process here continually undergo an educational process and, hopefully, everyone of us is educated, as a consequence.

We know how to read. We all know how to write. We know how to play around with figures. So what? If it were not for our relationship to one another in these halls; if it were not for our feelings and our sharing and understanding to reach other's needs and wants, I dare say that nothing would be accomplished.

To me, this resolution points out very clearly that teachers, principals or whomever the actors may

be in any system, must learn to cooperate with one another, must learn to work with one another and even a teacher/student relationship is vitally important. A teacher comes to school with a hang-up, doesn't know how to shed that, targets in on the educational needs of the child, then the child or the student suffers.

I think the resolution indicates very clearly that the whole and sole purpose of this resolution is for 'the benefit of the students'. Teachers, I'm sure everyone of you recognize this fact, are tabbed with a tremendous responsibility. They are tabbed with the responsibility of molding the minds of the future leaders, of the future citizenry, of this State. If anything, they teach them how to love and how to understand people irregardless of their background, where they're coming from, color of their skin, or whatever. To me, they're accomplishing something, and notions or concerns like violence and education would take care of itself.

Thank you very much."

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

"Mr. Speaker, the purpose for this resolution is to help our students, to help our young ones.

When I was chairman of the Education Committee, I had the opportunity to meet with students all over the State of Hawaii. One of the comments made, in fact this comment was made many times, is the fact that teachers had a difficult time talking to students. So, on that basis, Mr. Speaker, I think that this measure would make it possible for our teachers to understand, to have new life experiences so that they will be able to communicate with our students, the true beneficiaries of this resolution.

I promise to make this speech very brief, Mr. Speaker, so I would like to urge the members here to support this resolution."

Representative Campbell, upon being recognized, stated:

"Mr. Speaker, I hadn't planned to speak in favor of the resolution until I heard so many people speaking against it. But I'll try to make this brief.

I think there's been some misconceptions concerning the resolution. I don't think the resolution addresses the question of teachers communicating

with students. As our Education Committee travelled throughout the State, I think one of the things we learned, prior to the opening of this session, is that teachers, for the most part, did communicate with our students, and the majority of the teachers who teach in the classrooms are dedicated people. That was the result of the trips that we made to every island in the State.

I think the important point to make, which has been touched on by some of the previous speakers, is the fact that teachers are no different from any other human beings. They have the same human frailties as lawyers, as doctors and as legislators. And I think all of our professions and all of our work force may have difficulty getting along with one another, but the reason this resolution is important, and I say very important, is the fact that when there is difficulty getting along with one another in the teaching profession, it is much more serious because the kids are at stake, and that's the reason why I urge all of my colleagues to support this resolution.

Thank you."

Speaking against the resolution, Representative Lunasco stated:

"Although I do agree with some of the comments of the previous speakers about teachers being dedicated, personally, I feel, Mr. Speaker, that in order to be a teacher you have to be a special individual, and by giving them all kinds of in-service training is not going to really solve the problem.

To me, Mr. Speaker, the real problem is the selection process. This problem came about several years ago when we hired, because of the shortage in the teaching profession, any and everything that came out of our colleges. Today we are facing the problem of teachers not being employed. In fact, we have numerous right here in the Capitol that are working, that are darn good teachers, but yet no jobs are available within our teaching profession.

But more important, Mr. Speaker, some of the comments were made about the immigrants. For those of you who are familiar with the COMPED program, the great success of that program is the individual teachers, because of his or her ability to communicate with the youngsters

that he is dealing with. It's not because of the program, Mr. Speaker, it's because of the teachers, and the program is built around the teacher.

Personally, Mr. Speaker, take us as an example. How are you going to teach this legislative body human relations when many of us are very selfish and look at our own needs and goals? In many cases, in the teaching profession, those individuals that are giving us the most problems, I don't care what kind of workshops you send them to, it's not going to change their lifestyle in communicating with our youngsters.

So, Mr. Speaker, I must say we are doing it in the wrong way and let's really get to the basic needs of our youngsters rather than adopting a resolution like this."

Representative Carroll then rose and stated:

"Mr. Speaker, I'm very impressed with the remarks of the representative from the Leeward area and I would like to incorporate his remarks by reference and have them made as my own. Thank you."

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

"Several of the previous speakers have talked about problems and I think that is why we have this resolution, but I think they are missing the mark. They are talking about selection. We've talked about training in the College of Education. I have similar feelings about those problems; however, the problems exist now.

We are not going to get rid of the present teachers. It is well and good to say that we should train these teachers. That's true, but we have to work with what we have today. Eventually, when the cycle permits for us to hire these future teachers, that's okay. But we have the problem now. We have to train or in-service those that we have right now. So, I urge all of our members to vote in favor of this resolution."

The motion was put by the Chair and the Clerk proceeded to take a Roll Call vote. Upon completion of the Roll Call vote, Representative Blair rose and asked:

"Could you please cast a 'no' vote for Representative Blair?"

The Chair replied:

"The vote has been taken."

The Clerk then stated:

"Mr. Speaker, the vote is 29 ayes, 17 noes and 5 excused."

At 3:48 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 3:55 o'clock p.m., the Chair stated:

"The Chair would just like to make a comment on the Roll Call that was being called. We have not, at the time of the last vote that is being cast by the Chair, did not call for the total Roll Call, so at this point, I will allow the representatives that have been voted as 'excused' to cast a vote on this particular measure." The chair then called: "Representative Morioka", who, at this time cast an "aye" vote; and "Representative Blair", who voted "nay".

The Chair then asked if there were "any further 'excused' at the time the Roll Call was taken? If not, Mr. Clerk, could we have the total number of the Roll Call?"

Representative Abercrombie, on a point of order, stated:

"Mr. Speaker, I do not recollect that you were asked for your vote by the Clerk."

The Chair then remarked:

"Representative Abercrombie, this is why I did not recognize any of the representatives that were standing for a point of order, because my vote was taken at that time. Could we have the total number of votes cast, Mr. Clerk."

The Clerk answered:

"30 ayes, 17 noes and 4 excused."

The report of the Committee was adopted and H.R. No. 302, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT INSERVICE TRAINING IN HUMAN RELATIONSHIPS FOR TEACHERS AND PRINCIPALS", was adopted by a Roll Call vote of 30 ayes, 17 noes, with Representatives Abercrombie, Ajifu, Aki, Blair, Carroll, Cobb, Evans, Fong, Garcia, Ikeda, Kamalii, Kunimura, Larsen, Lunasco, Naito, Sutton and Uwaine

voting no, and Representatives Caldito, Nakamura, Uechi and Wakatsuki being excused.

At 4:00 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 7:00 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 7:48 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1091) recommending that H.R. No. 303 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 303, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO FOSTER THE DEVELOPMENT OF A MECHANISM TO SYSTEMATICALLY AFFORD RECOGNITION AND ENCOURAGEMENT TO TEACHER-STUDENT INITIATIVES", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1092) recommending that H.R. No. 646 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 646, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PLACE HIGH PRIORITY ON THE INSTALLATION OF AIR-CONDITIONING OR OTHER NOISE-ABATEMENT SYSTEM AT KAAHUMANU SCHOOL", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1093) recommending that H.R. No. 281 be adopted.

Representative Mizuguchi moved that the report of the Committee be adopted and that H.R. No. 281 be adopted.

Representative Abercrombie then rose to speak in favor of the adoption of the resolution, "with some reservations", stating:

"Mr. Speaker, I have signed this committee report 'W/R', and the reason I think is very pertinent to the whole circumstance under which we are dealing with the Department of Education and in the manner in which we affect the interests of the State in respect to parents and teachers as well as the relationship of principals to the teachers and the teachers to the students in circumstances of violence and in other circumstances where in-service training is presumably required.

The purpose of this resolution is to request the Department of Education to support the efforts of the Hawaii Federation of Teachers and the Hawaii State Teachers Association to solve the problems of school violence by granting credit for participation in conference workshops on school violence.

Now, personally, I think that having to have credit to have, as the last sentence says: 'to provide proper incentives for greater participation', is somewhat of a commentary on the circumstances as regards to collective bargaining. But inasmuch as that requires time from people, I think they should probably be compensated. And to the extent they are, this would probably act as an incentive. I've always thought that if somebody gives him a punch in the teeth, that might be a pretty good incentive to do something about violence. But if it isn't, I am willing to grant credit for trying to do something about it.

But it brings to mind and to bear, Mr. Speaker, and that's why I'm raising it on this particular subject, because presumably it's so blatant, presumably it's such an obvious circumstance, there could be no question - school violence. Every year, Mr. Speaker, we have before us a raft of resolutions concerning in-service training for all kinds of things; many of them are worthwhile.

What I would like to see, Mr. Speaker, and this goes to my reservation, is an end of ad hoc resolutions concerning in-service training and the presentation after consultation with the unions by the DOE, perhaps in conjunction with one another and under the auspices of the Board, of a comprehensive approach, a comprehensive program to the Legislature as to what the DOE considers to be in the interest of everyone in terms of in-service training and workshops. I don't think that we

should continue to, year in and year out, on an ad hoc basis, pass all these resolutions requesting in-service training. There should be a budget. The DOE should tell us what they plan to do. They should tell us the circumstances of consultations. There should be hearings on it. We should have a step by step, program by program outlined for us at the beginning of the biennium or at the supplemental budget year of what precisely they propose. At that point, the Legislature then can have a dialogue back and forth with the parties involved and we can fund, if necessary, the workshops, the in-service training, whatever it is, especially in relation to the budget.

As it is now, we do the budget on one hand, and on the other hand, we pass resolutions asking for all this in-service training. And a lot of times, it's not necessarily any connections fiscally or in terms of program, in respect of the budget as it is finally passed or the programs that are being followed as a result of policy decisions made by the Board of Education.

So, I hope that this will be the last occasion in which we come to in-service training, workshops, the giving of credit, and so on, on a hit or miss basis.

Thank you."

Representative Mizuguchi, upon being recognized, stated:

"Just a short comment in support of this resolution.

I think that the important aspect of this particular resolution that revolves around the problem of school violence is that both the HSTA and HFT have taken their initiative to try and attempt to develop in-service training for members of their particular profession.

I think this is one time where school violence, being a problem, the teachers have taken it upon themselves to participate and try to execute meaningful in-service training for their professionals.

This is why we felt that this resolution is required to request that the department support the efforts of both the HFT and the HSTA in resolving the problem of school violence.

Thank you."

Representative Baker then rose and stated:

"Having missed an opportunity earlier

to speak on the resolution which had my name on it, I would just like to support the chairman on this resolution. I think it's a pretty good one."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 281, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO SUPPORT THE EFFORTS OF THE HAWAII FEDERATION OF TEACHERS AND THE HAWAII STATE TEACHERS ASSOCIATION TO SOLVE THE PROBLEM OF SCHOOL VIOLENCE", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1094) recommending that H.R. No. 633 be adopted.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.R. No. 633, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A REVIEW OF MUSIC EDUCATION PROGRAMS IN THE PUBLIC SCHOOLS OF HAWAII", was adopted.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1095) recommending that H.R. No. 642 be referred to the Committee on Legislative Management.

Representative Garcia moved that the report of the Committee be adopted and that H.R. No. 642 be referred to the Committee on Legislative Management.

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

"My only commentary, and it's pertinent, I believe, in respect to the remarks which I had made previously on the floor concerning the plight of people whose orientation sexually is not heterosexual.

I would hope that in the study of women's rights that is to be conducted, for which this is the purpose of the resolution, to provide a review and study of women's rights, and the law, by committee, composed of your Committee on Judiciary, your Commission on the Status of Women and the Women's Legislative Coalition, League of Women Voters and National Organization of Women

that the rights of women who are not heterosexual in their sexual lives, in the emotional lives will be considered equally.

I make that comment now in the hopes that those organizations who may be observing or reading the Journal to know whether or not further commentaries had been made other than that which is reflected in the committee report, will see this and take it into consideration. Everyone in our society, regardless of their sexual orientation, deserves to have due process of law and deserves to have the kind of review and study that is to be made in this resolution apply to them as well.

Thank you."

Speaking in favor of the resolution, Representative Garcia stated:

"As Chairman of the Judiciary Committee, I believe that's an excellent suggestion and I'm sure that during the interim, should this resolution come out of the Committee, that we'll further look into this area."

Representative Larsen then rose and asked:

"I would like to ask a question of the Judiciary chairman?"

Representative Garcia replied: "I'll yield."

Representative Larsen then asked:

"The question is, Mr. Speaker, why are we referring it to Legislative Management rather than bringing the resolution out and going in that direction?"

Representative Garcia answered:

"Mr. Speaker, this particular resolution calls for an interim study to be made by the Committee on Judiciary in conjunction with the other organizations dealing with women's rights. The practice has been, in the past, to refer all of these resolutions that call for interim studies to that particular committee so that they can formulate a comprehensive program during the interim and to measure the fiscal impact of having these interim hearings."

The Chair then asked:

"Representative Larsen, does that answer your question?"

Representative Larsen replied:

"That does. Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 642, entitled: "HOUSE RESOLUTION REQUESTING REVIEW AND STUDY OF WOMEN'S RIGHTS AND THE LAW", was referred to the Committee on Legislative Management.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1096) recommending that H.R. No. 574, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.R. No. 574, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE OPERATIONS OF THE OFFICE OF THE CHANCELLOR OF COMMUNITY COLLEGES", was referred to the Committee on Legislative Management.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1097) recommending that H.R. No. 375, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 375, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES", was referred to the Committee on Finance.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1098) recommending that S.C.R. No. 53 be referred to the Committee on Housing.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and S.C.R. No. 53, entitled: "SENATE CONCURRENT RESOLUTION URGING PROMPT USE OF THE LAND EXCHANGE POWERS OF CHAPTER 516, HAWAII REVISED STATUTES", was referred to the Committee on Housing.

Representative Kawakami, for the Committee on Water, Land Use,

Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1099) recommending that H.R. No. 697 be referred to the Committee on Legislative Management.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.R. No. 697, entitled: "HOUSE RESOLUTION REQUESTING THE WATER, LAND USE, DEVELOPMENT AND HAWAIIAN HOMES COMMITTEE TO REVIEW AND REPORT ON THE PARK DEDICATION STATUTE", was referred to the Committee on Legislative Management.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1100) recommending that H.C.R. No. 124 be referred to the Committee on Legislative Management.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION 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 referred to the Committee on Legislative Management.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1101) recommending that H.R. No. 531, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 531, HD 1, entitled: "HOUSE RESOLUTION REQUESTING MEASUREMENT OF TRAFFIC CONDITIONS ON KALANIANA'OLE HIGHWAY", was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1102) recommending that H.C.R. No. 99, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.C.R. No. 99, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING MEASUREMENT OF TRAFFIC CONDITIONS ON KALANIANA'OLE

HIGHWAY", was referred to the Committee on Finance.

Representative Blair, for the Committee on Ecology and Environmental Protection Committee, presented a report (Stand. Com. Rep. No. 1103) recommending that H.R. No. 678, 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. 678, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF CITIZENS RIGHTS TO MAINTAIN ACTIONS ON COMPLIANCE WITH ENVIRONMENTAL POLICIES AND ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURES", was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1104) recommending that H.R. No. 677 be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.R. No. 677, entitled: "HOUSE RESOLUTION REQUESTING THE TAX DEPARTMENT TO INVESTIGATE ALLEGED CLAIMS OF UNREPORTED TAXES INVOLVING CONSTRUCTION WORK BY PARTIES FOR CASH", was referred to the Committee on Finance.

At 8:00 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:01 o'clock p.m.

Representative Aki, for the Committee on Youth and Elderly Affairs, pursuant to H.R. No. 101, adopted by the Regular Session of 1977, and directed to review the findings of the 1976 House Interim Committee on Child Abuse and report its findings and recommendations to the House before the adjournment of the Regular Session of 1977, presented a report (Stand. Com. Rep. No. 1105).

The report of the Committee was received and filed.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 1106) recommending that H.R. No.

481, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative Takamine moved that the report of the Committee be adopted and that H.R. No. 481, HD 1, be referred to the Committee on Legislative Management, seconded by Representative Peters.

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

"Mr. Speaker, earlier this session, I introduced a resolution which was read to the members as a memorial to all the workers who had been killed in the line of duty in the State.

As we were signing the committee report, H.R. No. 481, HD 1, which requested the study of the effectiveness of the Division of Occupational Safety and Health for the Department of Labor and Industrial Relations - as that was being signed, Antonio M. Corpuls, 23, of Kalihi was killed yesterday when he apparently lost his balance and fell four stories at an office building construction site on King Street. Police say Corpuls was standing on a wooden, movable plank when he fell around 2:30 p.m.

That is the reason that this resolution is before us, Mr. Speaker. That is the kind of thing that has been happening. That is the kind of thing that is a tragedy, obviously, for the family of the person who is killed. It is a tragedy for the people who are in charge of the business operation where such a circumstance takes place. It is a tragedy for society itself in that we have lost a contributing worker to society; someone who is contributing economically and socially to our society and is a commentary on the necessity that we do everything in our power as a Legislature to insure that business and labor have ample opportunity to provide safe and sound conditions for work so that we may not experience these terrible situations occurring.

It is my hope that with the study to be made that we can join with the Department of Occupational Safety and Health in responding to whatever legislation and/or implementation of regulations as may be necessary to bring this situation as much as possible to a close.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 481,

HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE EFFECTIVENESS OF THE DIVISION OF OCCUPATIONAL SAFETY AND HEALTH OF THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS", was referred to the Committee on Legislative Management.

At this time, Representative Ueoka introduced Representative Uwayne's sister, Stella, who was seating in the gallery with her husband David, and sister-in-law, Alice Matsumoto.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 1107) recommending that S.C.R. No. 143 be adopted.

Representative Aki moved that the report of the Committee be adopted and that S.C.R. No. 143 be adopted, seconded by Representative Campbell.

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

"Primarily, I do so to just express my disappointment with the fact that the Senate does not see fit to include the police in the reporting provisions under our Child Abuse Act as we had passed on to them in H.B. No. 96. The Senate amended that to exclude that, so I hope they are serious in wanting to do this study and reporting that is called for in this Senate Concurrent Resolution and that next year when we come back that they will amend this which, I think, is an oversight on their part.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.C.R. No. 143, entitled: "SENATE CONCURRENT RESOLUTION URGING REPORT OF SUSPECTED CHILD ABUSE BY THE POLICE TO CHILD PROTECTIVE AGENCIES", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1108) recommending that H.C.R. No. 136 be adopted.

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE UNIVERSITY OF HAWAII STUDENT

EMPLOYMENT OFFICE AT MANOA", was adopted.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1109) recommending that H.C.R. No. 128, as amended in HD 1, be adopted.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.C.R. No. 128, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY INTO THE FEASIBILITY OF DEVELOPING A REAL ESTATE DIVISION WITHIN THE DEPARTMENT OF REGULATORY AGENCIES", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1110) recommending that S.C.R. No. 140 be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.C.R. No. 140, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO IMPROVE THE OLDER SECTIONS OF THE H-1 TO EXISTING FEDERAL STANDARDS", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1111) recommending that S.C.R. 90, SD 1, be adopted.

Representative Cayetano moved that the report of the Committee be adopted and that S.C.R. 90, SD 1, be adopted, seconded by Representative Takamura.

Speaking against the resolution, Representative Ikeda stated:

"Mr. Speaker, my opposition is based on two points.

First, the wind energy experiment that this resolution seeks for Oahu would neither produce new scientific information nor be of economic benefit by those touched by it. One windmill generates 100 kilowatt of electricity. And taking as a base say of a community of 8,000 homes, it would provide enough electricity for only 1% of that number; and that 100 kilowatt windmill would cost approximately \$800,000 to construct, which means that the electricity bill of the aforementioned 1% served by



the windmill will be 11.4¢ per kilowatt hour in terms of the 1975 dollar, which is far in excess of what we are now paying for electricity.

All this, Mr. Speaker, is known and documented; therefore, the only foreseeable economic benefit of this project would be the federal money brought for its construction. And that brings me back to my second point.

Mr. Speaker, we ought to give some thought to the estimated size of the sort of wind energy generation that this resolution endorses. It would stand on a tower 120 feet high, with a blade diameter of 126 feet, which means it would be 200 feet tall, or as high as a 22 story condominium.

Now, permit me to ask the members of this body to pause for a moment and try to imagine such a ragged, industrial type structure in their neighborhoods. What it might look like. How it would hover over the landscape, distorting out of proportion everything within viewing range.

Living, as I do, in Hawaii Kai, the specter of this project is particularly horrifying. For, should my neighborhood have the dubious distinction of being selected as the site, there would then be constructed an edifice roughly one-third the height of Koko Head and more than likely would be placed on the summit of Koko Head for all to see and none to admire. That's my particular vision, and I'm sure any member of this body imagining this pilot project in his or her neighborhood would come up with an image equally unpleasant to contemplate. I might add here that considering the strong likelihood that the windmill would be built on a naturally elevated site, we ought to be called before voting on this resolution, with strong positions already taken against the construction of unseemly structures on the heights of Punchbowl and Diamond Head.

Mr. Speaker, I know that the people of Hawaii are acutely aware of our State's large energy demands and of our unfortunate dependence on fossil fuels. And I know that we are all anxious to foster the development of imaginative alternatives. But, Mr. Speaker, I also know that the residents of no community in this State would favor the sort of sweeping endorsement offered in this resolution without first having clear assurances that surrounding landscape would not be scarred, especially for a pilot

project of doubtful economic value. Because this resolution makes no mention of obtaining such assurances, and because it says, in effect, we will take whatever you give us, I'm obliged to vote against it and urge all those interested in protecting the delicate and invaluable natural beauty of Hawaii's environment, to join me.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.C.R. No. 90, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE SELECTION OF OAHU, HAWAII AS THE TEST SITE FOR THE WIND TURBINE SYSTEM CURRENTLY BEING DEVELOPED BY THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION", was adopted, with Representatives Ajifu, Carroll, Garcia, Ikeda, Kamalii, Kawakami, Poepoe, Sutton and Uwayne voting no.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1112) recommending that S.C.R. No. 157 be adopted.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and S.C.R. No. 157, entitled: "SENATE CONCURRENT RESOLUTION PROCLAIMING THE MONTH OF MAY, 1977 AS MENTAL HEALTH MONTH IN HAWAII", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1113) recommending that S.C.R. No. 132 be adopted.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and S.C.R. No. 132, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO EFFECT A SYSTEM TO PROTECT AND ADVOCATE THE RIGHTS OF PERSONS WITH DEVELOPMENTAL DISABILITIES", was adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1114) recommending that S.C.R. No. 93, SD 1, as amended in HD 1, be adopted.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and S.C.R. No. 93, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION TO PROMOTE THE IMPORTANCE

OF HEALTH EDUCATION, POSITIVE HEALTH MAINTENANCE, AND PREVENTIVE MEDICINE IN GOVERNMENT PROGRAMS", was adopted.

Representatives Toguchi and Kawakami, for the Committees on Ocean and Marine Resources and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 1115) recommending that S.C.R. No. 119 be adopted.

On motion by Representative Toguchi, seconded by Representative Kawakami and carried, the report of the Committees was adopted and S.C.R. No. 119, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONTINUED EFFORTS TO ENCOURAGE THE DEVELOPMENT OF OCEAN MINERAL RESOURCES", 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. 1116) recommending that S.C.R. No. 120, SD 1, be adopted.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the Committees was adopted and S.C.R. No. 120, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING GREATER EFFORTS TO PROTECT HAWAII'S TARO INDUSTRY THROUGH THE PRESERVATION OF AGRICULTURAL LANDS IN THE RELATIVELY FEW AREAS WHERE TARO CAN BE COMMERCIALY GROWN", 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. 1117) recommending that S.C.R. No. 111, SD 1, be adopted.

On motion by Representative Uechi, seconded by Representative Kawakami and carried, the report of the Committees was adopted and S.C.R. No. 111, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO AN AGRICULTURAL PARK AT KEAHOLE, KONA", was adopted.

Representatives Kawakami and Machida, for the Committees on Water, Land Use, Development and Hawaiian Homes and Tourism, presented a joint report (Stand. Com. Rep. No. 1118) recommending that S.C.R. No. 28, SD 1, as amended in HD 1, be adopted.

On motion by Representative Kawakami, seconded by Representative Machida and carried, the report of the Committees was adopted and S.C.R. No. 28, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PROVIDE SUBSIDIES FOR CRUISE SHIP FLEETS BETWEEN THE MAINLAND UNITED STATES AND HAWAII", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1119) recommending that H.C.R. No. 134, 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. 134, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REGARDING LAND AND WATER USE CONTROL REQUIREMENTS AND PROCEDURES", was adopted.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1120) recommending that H.C.R. No. 119, as amended in HD 2, be adopted.

On motion by Representative Cayetano, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.C.R. No. 119, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION 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 adopted.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1121) recommending that H.C.R. No. 111, HD 1, be adopted.

On motion by Representative Say, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.C.R. No. 111, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PARTICIPATION OF THE STATE OF HAWAII IN THE FORMATION OF A JOINT IOLANI PALACE CELEBRATION COMMITTEE", was adopted.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1122) recommending that H.C.R. No. 124 be adopted.

On motion by Representative Peters, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION 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 adopted.

At 8:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:18 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1123) recommending that S.B. No. 254, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Peters, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 254, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SECURITY OFFICERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 15, 1977.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1124) recommending that S.B. No. 258, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Carroll, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 258, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BIKEWAYS AND THE OPERATION OF BICYCLES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, April 15, 1977.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 254, SD 1, and 258, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

At 8:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:22 o'clock p.m., the Speaker assumed the rostrum and stated:

"The Chair would appreciate it

if we could move along as rapidly as possible."

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1125) recommending that H.C.R. No. 114, HD 1, be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 114, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONSIDER RECOMMENDATIONS OF THE LEGISLATURE IN THE FORTHCOMING RENEGOTIATION OF EXHIBIT ONE OF THE AIRPORT-AIRLINE LEASES", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1126) recommending that H.C.R. No. 63 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE 'SUNSET' CONCEPT", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1127) recommending that H.C.R. No. 110 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A PERMANENT, FULL-TIME MARINE AFFAIRS COORDINATOR", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1128) recommending that H.C.R. No. 103 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INTERIM COMMITTEE ON HORIZONTAL PROPERTY REGIMES", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1129) recommending that H.C.R. No. 112 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee

was adopted and H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF BUDGET AND FINANCE, AND PERSONNEL SERVICES AND THE UNIVERSITY OF HAWAII TO CLEARLY DELINEATE THE IN-SERVICE TRAINING FUNCTIONS, RESPONSIBILITIES, AND AUTHORITIES OF THE HAWAII INSTITUTE FOR MANAGEMENT AND ANALYSIS IN GOVERNMENT AND THE CENTER FOR GOVERNMENTAL DEVELOPMENT, IN RELATION TO THE RESPONSIBILITIES OF THE DEPARTMENT OF PERSONNEL SERVICES", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1130) recommending that H.C.R. No. 120 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION 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 adopted.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1131) recommending that S.C.R. No. 13 be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and S.C.R. No. 13, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A PLAN THAT WILL PROVIDE FOR THE MAXIMUM UTILIZATION OF FEDERAL FUNDS IN THE PROVISION OF HEALTH SERVICES AND PROGRAMS", was referred to the Committee on Finance.

Representative Say for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1132) recommending that H.C.R. No. 131 be adopted.

On motion by Representative Say, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE THE HAWAIIAN LANGUAGE AS THE OFFICIAL LANGUAGE OF THE STATE OF HAWAII", was adopted.

#### CONFERENCE COMMITTEE REPORT

Representative Garcia, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1308, SD 2, presented a report (Conf. Com. Rep. No. 44) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 44 on S.B. No. 1308, SD 2, HD 1, CD 1, was deferred until tomorrow, April 15, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1308, SD 2, HD 1, CD 1, were made available to the members of the House at 8:15 o'clock p.m.

At 8:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:29 o'clock p.m.

#### DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conference Committee Report No. 5 (S.B. No. 577, SD 1, HD 1, CD 1):

Representative Blair moved that the report of the Committee be adopted and that S.B. No. 577, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Larsen.

Representative Peters then rose to speak against the final passage of the bill, stating:

"Again, by way of reiterating some of my remarks when this bill first came before us, I find it very difficult to comprehend exactly how the administration expects to implement this program.

The standard for perhaps citing violators under this particular section can perhaps be, or as I understand it, based upon the vehicle as equipped from the factory. The noise emitted from a muffler of a vehicle would be based on that standard.

It is my understanding that we passed the bill pertaining to noise pollution - for we talked about decibel sounds. It seems to me that if we want to remain consistent with that concern, that particular measure or act should be supplemented in some respect within

this measure.

So, in that context, I am against this bill and I urge my colleagues to vote 'no'."

Speaking against the bill, Representative Abercrombie stated:

"My objection, Mr. Speaker, is that we have in the report, in the second paragraph, the new section would prohibit the selling, buying, transferring, and this is what I am directing the members' attention - using or installing a muffler device which amplifies or increases noise.

Then, referring, if I might, Mr. Speaker, to the bill itself. On the first page, under 'Section 291 - Motor vehicle muffler. (a) No person shall use on a public highway'. My objections, Mr. Speaker, is based on the fact that we may find people using, on a public highway, a muffler and not having any idea that it is prohibited. It is one thing to sell it. It is one thing to buy it. It is one thing to transfer it. It is one thing to install it in terms of the muffler. But to use it itself, it seems to me to do damage to due process language of our constitution as I understand it; therefore, I cannot vote for it."

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

"Mr. Speaker, one of the responsibilities we have as legislators is that whenever we pass a law, the violation of which imposes a fine of any kind on the public, we should give the public the advantage of some standards to follow.

Some of the previous speakers have pointed out their concerns. I only want to add this. Under section (a), it says 'no person shall use on a public highway, sell, alter or install a muffler which will noticeably increase the noise emitted by a motor vehicle above that emitted by the vehicle as equipped from the factory.' The only standard that we have here, Mr. Speaker, is the word 'noticeably', and that, in my view, is extremely vague. I do not know how the police are going to enforce this provision. There should be some kind of decibel count in here so that people will know when products they are buying will break the law.

This bill is extremely vague, and for that reason, I think it is unenforceable, and I ask my colleagues to vote against it."

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

"Mr. Speaker, the previous speakers mentioned several points which were taken into consideration by your conferees.

We had Major Anderson, representing the Honolulu Police Department. And, at that time, going into conference, Mr. Speaker, I also suggested decibel levels. But one of the problems with measuring the amount of noise is that each vehicle had to be run at a certain speed; making the same noise in a 25 mph zone in Honolulu would be different travelling at 50 or 55 mph on the H-1 freeway.

One of the biggest problems we also had, Mr. Speaker, was that if the individual modified his engine, the engine also contributed to the noise level.

While I do agree that we had some problems with the decibel level, the Police Department felt that it would be harder to enforce than the present language that is presently within the bill before us. Mr. Speaker, one of the biggest offenders today, and one of the vehicles that is being cited is the Volkswagen.

Many of the shops around town sell mufflers that presently make a lot of noise than the present ones that are being installed; what we call stock mufflers. In fact, we had a representative from Ron's Racing Parts who asked the Honolulu Police Department if they would certify the mufflers before he would bring them in. At that point, Major Anderson said that it would be impossible because of the variations in the engine size and vehicle and too many tests would have to be run. He also stated that, presently, unless the vehicle is making a loud noise, many times, the officers would not cite the individual, and I can assure the members that their concerns have been taken care of in this bill.

One of the reasons we also included the seller, for the point mentioned by the speakers before me, is that many citizens who buy things might not know it is illegal to run on the street. And if it is illegal, then the seller should also be liable. And this is why we included the seller as well as the buyer.

For those reasons, Mr. Speaker, I ask the members to vote in favor of this bill."

Upon being recognized, Representative Kunimura stated:

"I would like to apologize for talking so much today, but in all the years I have been here, Mr. Speaker, I speak against this bill.

I have never seen and held in my hand an instrument that is going to be maybe the law of this land, so poorly constructed. A bill without any benchmark; anything the public or the enforcing officer can rely upon or the Judiciary can rely upon in passing judgment.

Now, if you read the bill very carefully, this is going to affect the seller. And, as just explained by one of the conferees on this bill, that they cannot certify. According to his testimony before this House that one muffler might be good for 'a' car but may not be good for 'b'. Now, how can you cite the seller when he is not responsible for the installation or for driving that automobile? How are you going to hold him liable and haul him into court?

I would rather not thread in the area of constitutionality because I think it is for the courts to decide that. But, I think we should be very careful, especially when we thread in this area, that every opportunity be given and every consideration or whatever we do here will be to the best of our ability and the best product. This, I cannot say, is the best product of the House."

Representative Cayetano, "in rebuttal to one of the previous speakers and in support of the testimony given by Representative Kunimura against this bill", stated:

"Just as the seller is unprotected because the Police Department admits it cannot certify a muffler, similarly the buyer is unprotected because when he goes into the automobile shop to buy a muffler he does not have any kind of standard or indication that the muffler he is buying may be as, I quote in the bill: 'may noticeably increase the noise emitted by the muffler that he had on his car from the factory'.

And until we get some kind of benchmark, this is a very bad bill because it doesn't give the public proper notice as to what constitutes a violation."

Representative Kamalii, upon being recognized, stated:

"Mr. Speaker, I rise to speak against this bill. And the reasons that I speak against this bill is because I want

to point out, again, to the members of this House that the conferees who served on this Committee have clearly violated the authority that they have, according to our House Rules.

Senate Draft 1 proposes amendments truly outside the authority of the House conferees to make; and I refer to House Rule 14.5: the 'noticeably louder', that was changed. The standard of the Senate Conference Draft 1 is suspect in that the standard used in both Senate Draft 1 and House Draft 1 were worded differently in that the noise level was not to exceed that of factory-equipped vehicles. They also changed the monetary amount of \$2,500 to \$250, which is fine; but, by the same token, according to our House Rules, and I quote 14.5: 'The authority of a conference committee shall be limited solely to resolving differences between the House and the Senate versions of a bill or resolution. Accordingly, a conference committee shall not amend those provisions of a bill or resolution which are identical in both the Senate and House versions of a bill or resolution; provided, however, such identical provisions may be amended to conform to all other provisions of the bill'.

Our conferees did not live up to our House Rules; therefore, Mr. Speaker, I ask all the members of this House to vote down this measure if you are going to be true to the rules of this House."

At 8:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:57 o'clock p.m.

Representative Blair then asked:

"Mr. Speaker, could we defer this item to the end of the calendar?"

The Chair then asked:

"If there's no objection."

Representative Kamalii, upon being recognized on a point of information, asked:

"Mr. Speaker, doesn't that have to be in a motion?"

Representative Yuen then stated:

"The Speaker has asked if any member has any objections, to so state the objection."

Representative Kamalii then said:

"Well then, I object."

Representative Yuen then stated:

"Thank you. Then, we shall make it in the form of a motion."

On motion by Representative Blair, seconded by Representative Yuen and carried, action on Conference Committee Report No. 5, S.B. No. 577, SD 1, HD 1, CD 1, was deferred until the end of the calendar.

Conference Committee Report No. 10 (S.B. No. 1059, SD 1, HD 1, CD 1):

Representative D. Yamada moved that the report of the Committee be adopted and that S.B. No. 1059, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Garcia.

Representative Carroll then rose to "speak in favor of this bill, with reservations", stating:

"For the last several years State legislatures throughout the nation have been wrestling with an awakened giant - the medical malpractice liability. It is our second turn in the ring on this subject matter, and I humbly suggest that we should have solved this problem once and for all by going to the heart of the problem. This bill needs additional provisions.

The central issue is a simple one to state: How do we provide our citizens with adequate financial protection against medical negligence without seeing medical costs skyrocket beyond all reason?

There are four links in the chain of cost escalation: negligence in a medical setting; the judicial process established for recoupment, with its costly process, involving attorney's fees, legal research expenses and expert testimony, time, effort and often pre-recovery agony; health care providers, faced with the responsibility that they may be sued for the amounts needed to compensate for severe injury must purchase adequate insurance protection. Hospitals and doctors require testing and services far beyond what is generally considered prudent because of a well-deserved fear of the trial lawyer and his panel of experts.

The end result of the unbroken chain of cost escalation is that the consumer, the patient, bears the burden of paying for insurance. Those physicians unwilling to pass the cost of insurance

along to their patients often retire early, thus causing a great loss to the community because of the loss of their professional abilities for the general public.

To break the vicious circle of rising medical costs, the Legislature must address itself to the core of the problem. Certain improvements would have solved the problem by breaking the chain of escalating factors. This bill should have required all insurers to sell malpractice insurance. It should require all malpractice claims to be filed with a medical injuries compensation board. . ."

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

"Some of the suggestions that the speaker is talking about, if we did, would make us in violation of our House rules and that is why I don't think it is germane to the issue at this time."

The Chair then replied: "Well taken."

Representative Carroll then stated:

"Mr. Speaker, my comments are germane to the bill as it is before this House, all matters contained therein, and not simply just those matters which were made by the Conference Committee."

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

"What I am saying is that the comments that he is making - the changes he would like to see - if it was included in the bill, would . . . ."

Representative Ajifu, on a point of order, stated:

"Mr. Speaker, I think the previous speaker had called for a point of order, and I think he proceeded by arguing some of the statements made by the first speaker, and I think on a point of order there must be an infraction of the rules and I really do not see any infraction of the rules and therefore the speaker that is speaking should be protected by you, Mr. Speaker, and that he should not be interrupted."

At 9:03 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:05 o'clock p.m., Representative Carroll was directed by the Chair to continue his debate, and Representative Carroll did so by stating:

"I would just like to point out, Mr. Speaker, that I am speaking for the bill, with reservations, and I am now expressing my reservations."

Representative D. Yamada interrupted and asked:

"Mr. Speaker, did you make a ruling on my point of order?"

The Chair replied:

"My ruling was very well taken, but I did not rule Representative Carroll out of order."

Representative D. Yamada then asked:

"In other words, you are ruling my point of order out of order?"

The Chair answered: "Yes."

Representative Carroll then rose and stated:

"Mr. Speaker, I believe that we should have, in this bill, that we require all malpractice claims to be filed with the medical injuries compensation board. We know that administrative adjudication is less expensive than formal court procedures. We should allow general and other damages, based on willful or wanton negligence only, to be handled by the courts. Attorney's fees, on a contingent fee basis, should have been limited to an amount certain or percentage certain.

Now, as you can see, the elements missing from this bill strike at the basic element of cost escalation, which are the judicial costs, unlimited awards and uncontrolled insurance rates.

Now, the first and worst cost escalator, and I say this with some trepidation, is attorney's fees. In this bill it is a question mark and instead of a set percentage as is set forth in the current law, the bill before us allows the courts to set reasonable attorney's fees. Unknown factors such as flexible fees for insurers to raise their rates in order to protect against surprises. We have our current automobile no-fault insurance policy rates as prior example of what happens when this area is not pinned down in advance.

The second needed, but missing provision, and by far the most critical change, is this: ordinary negligence claim should be taken out of the courts and settled by the administrative determination. Only appeals should involve expensive court proceedings.

Mr. Speaker, while I will vote in favor of this bill, I sincerely hope that you are aware that this measure does not replace the courtroom with a less costly administrative process. Until this additional change is made, the nagging problems of medical malpractice insurance will not be solved. Administrative procedures have strong credentials; they have proved themselves in worker's compensation law. While this measure is obviously sympathetic to the plight of the medical field, and consequently sympathetic with the consumer's plight, it simply has not done enough. I ask that this House have the courage, the foresight, and the resolve to see the weaknesses in this bill and to correct these weaknesses next year. But, until that time, I would urge that we vote 'aye'. And, Mr. Speaker, I would ask leave of the Speaker to insert the rest of my remarks, which are rather lengthy, in the Journal."

The Chair stated: "No objections. So ordered."

Accordingly, the remaining remarks of Representative Carroll are hereby inserted into the Journal:

"This is an essential change if we really wish to reduce the cost of health care. It is not an untried concept. Years ago legislative bodies realized that everyone would be better off if injured workers surrendered the chance for huge court awards in exchange for prompt, fair compensation determined by an administrative process. The success of workmen's compensation law should suggest to all of us that the true answer to breaking up cost escalation is to avoid costly court actions. Let me add here that court appeals would still be possible under the changes left out of this bill, but which should be added.

Please consider that juries award huge amounts because they know an insurance company will actually be paying the award. These juries apparently do not consider the fact that when insurance rates go up, the cost of medical services for everyone goes up accordingly.

Formal judicial proceedings are by their very nature more expensive than administrative proceedings. Please note that the missing alterations would provide for service on the compensation board by medical personnel and attorneys without compensation. This would be part of their contribution to solving a public problem of threatening dimensions.



Note, also, that the changes I have mentioned would include disallowing general damages such as mental distress in cases of simple negligence. This is another concession which must be made if society is to continue to have adequate health care. General damages such as mental distress, in cases of simple negligence. This is another concession which must be made if society is to continue to have adequate health care. General damages should be permitted in the case of willful or wanton negligence; however, the cost of escalators, with the additional measures I have just mentioned, would be broken in two important places - clear-cut attorney's fees of a reasonable amount and removal of simple negligence actions from the courtroom. One further link in the chain must be broken - controls on the insurance industry should be established. While the before-mentioned changes should do much to relieve insurance costs, protection against windfalls to insurers must be maintained. Insurers must do their part, just as health care providers, attorneys and injured parties must to help reduce the cost of the most vital care we can ever need.

The changes offered by the bill do not address this need to involve the insurance industry in necessary concessions for the public good. In fact, the bill recommends doing away with mandatory insurance, thus increasing the risk to the injured patient that he will not be compensated for negligent harm to him. This measure may please health care providers and insurance companies, but it does little to solve the overriding problem.

All appropriate insurers should be required to offer insurance to health care providers. This measure spreads the risk throughout the industry, encourages competitive rates and increases the pool of resources available.

The insurance commissioner should determine minimum insurance limits and coverages and control the nature of policies. In other words, the Legislature should require a strong public interest to be protected and should take an active on-going role in watching the cost factors of medical care. Insurance rates should be based on loss experience in this State. Insurers should be entitled to a reasonable profit. Any excessive profit should be returned to policyholders in the form of a rebate.

I ask that you compare the absent measures I have just mentioned with the changes advocated in the bill.

The bill deletes the statement that one of the purposes of the act is to impose appropriate sanctions on 'errant' health care providers; it provides that attorneys' contingent fees would be set by the court after consideration of 'reasonableness' instead of a known percentage rate; the bill would increase the number of attorneys and physicians sitting on the medical claims conciliation panel; the bill removes the mandatory insurance requirement; the bill sets minimum amounts of insurance which must be purchased by those who wish to participate in a patients' compensation fund; the bill would eliminate the present requirement that the patients' compensation fund accumulate \$5 million by 1981; the bill provides for the payment by the patients' compensation fund of the total recovery made for any claim instituted more than six years after the occurrence of the medical tort on which the claim is based; the bill would delete 'past addiction to drugs' as a cause for disciplinary action; in the current law, which makes the performing of any surgical or medical treatment which is contrary to 'accepted medical standards' a cause for disciplinary action would be deleted; a statute of limitations change is recommended which would limit the time for bringing medical malpractice actions; lastly, the Senate would change the original bill by permitting full access by a patient to his medical records.

I ask you to consider the eleven changes the Senate recommends be made to the current law and to ask yourself if even one of these changes directly confronts the real problems of rising medical care costs. Mr. Speaker, the Senate is suggesting that band-aids be applied where major surgery is in fact a necessity. At the risk of stretching an analogy, allow me to point out that our society is afflicted with a financial disease that panaceas will not cure. Let us do what truly needs to be done. We owe a duty to the citizens to protect them if possible and to do so at the earliest opportunity."

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

"Mr. Speaker, we put on the books an act relating to medical and health care providers. We had certain findings. These findings are not correct. The national crises, in the area of medical malpractice, affects Hawaii, to the potential disadvantage of all recipients of health care. The facts are that this is not the case. It was the case in California; it was the case in Michigan; but it was not the case in Hawaii.

Then we go on to say that there is only one insurance carrier. Our solution was to have more insurance carriers. How? By just saying anybody that wrote insurance in Hawaii had to provide malpractice. It was that simple.

Then next, premium rates for medical malpractice insurance have increased substantially. Certainly it increased substantially. We had a complete monopoly, but we didn't do anything about it. Then we go on and saddle these poor doctors as if somehow or other they had committed some sin. And what did we do? We said that there will be revocation, limitation, suspension of licenses - any licensee to practice medicine and surgery may have his license revoked if he does what? - procuring, aiding, abetting in procuring a criminal abortion? We haven't had a criminal abortion case here in years; not since the Democrats put the abortion law on the books. Employing patients, for it is no solicitation case against doctors and . . ."

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

"Mr. Speaker, if the speaker who is speaking now will address himself to the amendments I think then we would not have any confusion as to what these amendments are all about."

Representative Sutton then stated:

"I hope that you would start at the beginning and tell this gentleman from Kauai what he's talking about.

We should repeal a medical malpractice law in total, not the amendment, in total, and the bill is before us - reinstating, leaving the medical malpractice, making a few amendments; and we fail to do what we should have done for the doctors - repeal this thing in total; and I am showing why."

The Chair then directed Representative Sutton to "proceed".

Representative Sutton then stated:

"Proceed? Thank you.

Now, the next thing we have is this: that the individual will lose his license while excessively impaired by alcohol. I don't know what 'excessively impaired by alcohol' means, but I do know this . . . ."

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

"Mr. Speaker, I think one of the amendments takes care of the objections that the speaker is talking about."

The Chair remarked:

"Point well taken. Representative Sutton, could you please state your remarks to the bill itself."

Representative Sutton continued, stating:

"So we have all of these things that we did not repeal. Now, we go to the amendments, to the basic insurance coverage necessary to participate with particular funds, as provided in Section 36, in such amounts as shall be set by rules adopted by the insurance commission. We don't know what is going to be said. These are the new amendments the gentleman from Kauai wants.

We have, subject to the limits of liability of insurance coverage, purchased from the fund of the health care provider, that claims resulting from the medical tort of malpractice will go up to the necessary insurance coverage. We only repeal the \$100,000. We still have hanging over a doctor the strangest type of liability - he operates on a child, the statute of limitation doesn't run to majority - that's 18 - you add two more years and he sits on this thing for 20 years. We didn't take care of that. No other provision in the world do they have this type of liability for 20 years. Nothing is comparable . . ."

On a point of order, Representative D. Yamada stated:

"The fact stated is not the fact. The statute of limitation applies to all tort actions irrespective of the tort act."

The Chair then stated:

"Representative Sutton, could you please keep your remarks in accordance with the bill in question and not flounder all over the Capitol here; otherwise, I will rule you out of order."

Representative Kamalii, on a point of order, stated:

"I believe Representative Sutton has the right to speak to the penalty of this bill. He is speaking to the conference draft and the bill, and

he is not out of order."

The Chair replied:

"That's correct. I didn't rule him out of order, Representative Kamalii."

Representative Sutton then stated:

"Mr. Speaker, I have Cushings here. Just so that we can have the gentleman from Kauai understand what Cushings says about relevancy, could I read it?"

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

"I'm a gentleman from Kauai, and I would like to rest while he is talking, and for him to refer to the Chairman of the Conference Committee."

At this time, Representative Sutton said: "I apologize."

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

Upon reconvening at 9:17 o'clock p.m., the Chair recognized Representative Sutton, who stated:

"Mr. Speaker, we are a legislative body, addressed to the amendment to the malpractice law, Senate Bill No. 1059,

The various amendments of a bill relating to medical and health care have not met the requirements of our community. They have kept the doctors saddled with a statutory law that makes the practice of medicine exceedingly burdensome. The purveyors of health, the doctors, are amongst the most noble members of our community and we could have done them a great favor had we repealed this law.

It says in the committee report that admittedly the purpose of this bill is to make various amendments to the laws relating to health care providers, the medical malpractice insurance system and medical torts in order to more effectively meet the problem of rising medical malpractice insurance rates. But we did not address ourselves to that. We did not make the amendment which would have secured a basic proposition where the consumer, the ultimate consumer, the person who is the patient of the doctor, would have received the most precious thing there is in his life - proper medical service at appropriate rates, and the doctor preserved from the ruinous

type of malpractice insurance rates that he has to pay.

And I would hope that this body would address itself to this basic need of our community to have an appropriate medical malpractice law that would encompass the entire sphere of the practice of medicine in Hawaii; not in California; not in Idaho; but in Hawaii; and that we would address ourselves to something that would reduce malpractice rates and would allow the doctors the freedom to practice the most noble profession that there is.

Thank you very much."

Speaking in favor of the bill, Representative D. Yamada stated:

"I would just like to say that the amendments contained in Conference Draft 1 are all the amendments contained in the House draft that we sent over to the Senate, except for technical changes. These changes came about from the input of the Act 219 Committee of the HMA. And following their recommended amendments, this is how we came to the amendments to the malpractice act which we passed last year. Such being the case, Mr. Speaker, I urge all the members to vote for this amendment, which reflects the input of the doctors who are affected by this law.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 1059, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL AND HEALTH CARE PROVIDERS", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Conference Committee Report No. 11 (S.B. No. 1203, SD 1, HD 1, CD 1):

Representative D. Yamada moved that the report of the Committee be adopted and that S.B. No. 1203, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Cobb.

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

"Mr. Speaker, I am in favor of the attempt of the bill, and I'm also in favor of the addition that had been put into it, but I cannot vote for it

on the basis that we have, on the first page of the committee report, in the second paragraph, the last two lines of the second paragraph: 'unless prior written approval is obtained from the Director of Regulatory Agencies'.

That refers, in turn, in the bill itself, to the last line, line 16 of the first page of the bill, in the conference draft: 'no more than 25% of the issued and outstanding voting stock of the corporation organized under the laws of this State, etc., be foreign corporations, non-resident, unless prior written approval is obtained from the bank examiner'. My confidence in the bank examiner is not all that great at this point, in time, referring to such instances as the industrial loan company situation, etc., and I do not understand that if the intent is to in fact prevent the acquisition of voting stock by foreign investors at a rate or proportion greater than that, which we think is in the interest of the State, that we simply turn over to the Director of Regulatory Agencies the opportunity to abrogate this law at will; virtually, as far as I can see, without any kind of impact, either in law or in the committee report or as to the intent of the Legislature as to when such an exception may be made.

Now, either we mean in what we say in the bill or we do not. Now, if we want to leave the discretionary to the Director of Regulatory Agencies, why don't we just say so and forget the rest of the bill? I can't see voting for something when I'm ostensibly doing one thing, and, in fact, ostensibly doing one thing in terms of what I'm saying to the public and, in fact, doing something else by giving the Director of Regulatory Agencies the opportunity to do anything that he or she pleases.

Thank you."

Representative D. Yamada, upon being recognized, stated:

"Mr. Speaker, the purpose of the bill is to prevent the take-over of a corporation here in this State by foreign investors. As to what constitutes the take-over, I think it varies from corporation to corporation - from maybe 25, some maybe 50, some maybe 45. Such being the case, it was felt that we needed some person from the State to make that determination, whether, in fact, the acquisition of stock would be detrimental to the Hawaii corporations.

As far as the use of the Department of Regulatory Agency, as far as the

director or the bank examiner, I think all the members would know that the Director of Regulatory Agencies is also the bank examiner and is also the insurance commissioner."

Representative Larsen then rose and asked:

"Will the Chairman of the Consumer Protection and Commerce Committee yield to a question?"

Representative D. Yamada replied:

"I will."

Representative Larsen then asked:

"The question is, reading the bill itself, I get the impression that a foreign corporation is definitely made up of foreigners, not just people outside the limits of the State of Hawaii. Is that correct?"

Representative D. Yamada answered:

"Mr. Speaker, there is a definition of the word 'foreign corporation'. A foreign corporation, in this instance, means corporations outside the State of Hawaii, and also a foreign, foreign corporation."

The Chair then asked:

"Does that answer your question, Representative Larsen?"

Representative Larsen replied, stating:

"No, it does not. My question is the language of the bill states that a foreign corporation means a corporation not incorporated within the territorial limits of the United States or stocks held by non-resident aliens. Now, does that mean that it has to be a foreign corporation or just a corporation outside of the State of Hawaii?"

Representative D. Yamada answered:

"Mr. Speaker, my comment was as referred to Section 2."

Representative Larsen remarked, saying:

"I didn't get my answer, Mr. Speaker, I'm sorry."

The Chair then answered:

"His answer was that of Section 2 of the bill."

Representative Larsen then asked:

"Section 2? Can I stand here while I look it up?"

At 9:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:27 o'clock p.m., Representative Larsen rose and stated:

"Mr. Speaker, thanks to my colleague, I was able to get my answer. I appreciate it."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 1203, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ACQUISITION OF VOTING STOCK BY FOREIGN INVESTORS", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Abercrombie voting no.

Conference Committee Report No. 14 (S.B. No. 1350, SD 1, HD 2, CD 1):

The Chair, at this time, said:

"If there's no objections, Senate Bill No. 1350, SD 1, HD 2, CD 1, will be placed at the end of the calendar."

Representatives Kamalii and Narvaes both voiced their objections, at this time.

Representative Garcia then rose and moved that action on S.B. No. 1350, SD 1, HD 2, CD 1, be deferred to the end of the calendar, seconded by Representative Stanley.

Representative Ajifu then stated:

"There are several bills that are deferred to the end of the calendar; therefore, Mr. Speaker, I would like to table this motion."

At 9:29 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:36 o'clock p.m., the Chair stated:

"There was a motion made by Representative Ajifu to table the motion made by Representative Garcia and seconded by Representative Stanley. I shall recognize Representative Kamalii to second that motion that was made by Representative Ajifu."

Thereupon Representative Kamalii

rose and stated:

"I second the motion."

The motion was put by the Chair and carried and the motion to table the previous motion made by Representative Garcia and seconded by Representative Stanley was defeated.

The motion to defer action on S.B. No. 1350, SD 1, HD 2, CD 1, to the end of the calendar was put by the Chair and carried.

Conference Committee Report No. 17 (H.B. No. 193, SD 1, CD 1):

Representative Stanley moved that the report of the Committee be adopted and that H.B. No. 193, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Abercrombie.

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

"Mr. Speaker, I think this is a very, very important bill precisely because it affects so few people.

Many times, we pass bills, in this instance a bill relating to the employment retirement system of the State of Hawaii, and what we are talking about here is the 'purpose of the bill is to waive the 30-day waiting period for the effectuation of death benefit payments'. Many times, as I said, Mr. Speaker, we pass bills on the basis that they will benefit a majority of people. We define, so often, the public interest as that which affects great numbers of people. But it is very important for us to remember that the hallmark of any democracy, I believe, is its ability to protect the few; to protect the people who are in circumstances that may not accrue to others in the society, but which, nonetheless, deserves the protection of the due process of law; and it is our responsibility, our obligation and our opportunity to do so, Mr. Speaker, and the passage of this bill, H.B. No. 193, is one such instance.

There are one or two points that I think need to be made and I would like to address them if I might, right now. This situation arises, Mr. Speaker, when we have the death of someone due to a terminal illness and when there is some confusion concerning the 30-day waiting period in terms of any death benefit that may be made.

I want to indicate, Mr. Speaker,

that as we have it now, we are putting somewhat of a burden on the doctors who will have to certify the circumstance of terminal illness. If I may quote from a letter sent to me in early April by an attorney that I had consulted on this matter, he indicates that he feels that there is a threshold practical matter with the doctor's affidavit as the bill written does not solve the problem entirely and I believe he is quite right and I think the chairman would agree with me. It does not solve the whole problem.

But, as has often been said on this floor and in this instance, I think it is apropos that it is not only a step in the right direction but it moves us into a policy situation in which subsequent amendments be made to take care of the circumstances of a situation arising in which an ambiguous circumstance might occur in respect of whether a doctor was able to determine accurately whether or not someone had a terminal illness in the time frame required by this bill.

I would like to just quote one sentence: 'I am informed by my friends in the medical community that virtually any person who has terminal illness can be hooked up to a life-maintaining apparatus which will keep them technically alive for thirty days'. I don't think that this will cause a new problem, given the rarity of the circumstance. This bill would have to be applied. But I do think it is something that we should keep in mind for the future, and I am assured by the chairman that we would address the broader issues involved in this next year.

In the meantime, Mr. Speaker, there is no question in my mind that if we pass this bill, find at some point in the future a very grateful individual, a very grateful family, as a result of the foresight of the Legislature in passing this legislation at this time. We will help to assume some of the grief and tragedy that takes place when someone has put in long years of service, with deserved retirement death benefits, and then if it was not for the passage of this bill, would have been deprived of them against the wishes, I'm sure, of every member of the Legislature.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 193, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES'

RETIREMENT SYSTEM OF THE STATE OF HAWAII", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conference Committee Report No. 20 (S.B. No. 140, SD 1, HD 1, CD 1):

Representative Stanley moved that the report of the Committee be adopted and that S.B. No. 140, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Machida.

Representative Abercrombie then rose and, upon being recognized, stated:

"I rise to speak against the bill and call the members' attention to the fact that I signed the original free and clear.

Mr. Speaker, in referring to Standing Committee Report Number 804, page 3, you will see my name there. I am sorry I did it. I've thought about it subsequently and I expressed some reservation at the caucus, this morning, to the chairman.

I think, on the whole, the bill is good; that is to say, in its purpose. But, the more I thought about it, the more I came to realize that I think that I have allowed myself to be lulled into thinking that this 95% compensation section on page 2 of the Conference report was warranted. I no longer think so. I suppose one could appear foolish or could appear to be contradictory, but having signed a report and encouraging others to vote for a bill by virtue of that, and then stand up on the time of final passage and then have to take back your words. But, nonetheless, it is what I must do.

Section 2 says for officers and employees covered by Chapter 3 or 4, 95% of the compensation established by section. . . , etc., for the president of the University. Now, this is for the adjustment. I think that's too high. It probably should be something closer to 75%.

As was pointed out to me, I have every right and responsibility, if I think that's the case to, next year, bring that forward. And if this bill passes, I shall do so.

I regret that I supported it up to this time, and I apologize to the chairman for having put my name on the report

and now have to take my vote back - as that signature indicates. But the more I think about it, especially when I think about the University and its administration, 95% compensation of the president appalls me when I think of the people who will be getting that kind of money.

Thank you."

Speaking in favor of the bill, Representative Stanley stated:

"I accept the previous speaker's apology and I hope that I shall lull him into changing his mind again in voting for the bill.

I understand the previous speaker's concern about the 95% limitation at the University of Hawaii. When the Committee, and then the Conference Committee, were working on this bill, we tried to keep in mind the principle that we were establishing, and that is the legislative policy of setting ceilings on salaries. We tried to find the mechanism that best fitted this for excluded employees and tried to do it in the most equitable manner that would fit into the circumstances that face us today.

We found that at the University, they have a pay scale which allow, if they are to continue, members in the excluded category who are administrators or executives, to receive pay at the same salary of the University president. We felt that this was not in keeping with the principle we were trying to establish in this bill that excluded employees deserve pay, and a mechanism by which their pay and compensation can be adjusted, but that their salaries shall not exceed the executive and managerial people that they work with and are associated with.

Therefore, looking at the circumstance we found ourselves in, we felt that this limitation set the legislative policy was one we could live with, that the people at the University could live with, and make the adjustments that will be necessary, and that we have finally been able to say that the Legislature is going to set the policy with regards to salaries and not someone else.

So, in light of that, I hope that the previous speaker will change his mind again and that all the other members of this body will take a firm stand on this issue and vote for this bill."

Representative Abercrombie, upon being recognized, stated:

"On the basis of the transient comments made by the chairman of the Public Employment and Government Operations Committee, and the context within which she presented the choice to me about changing my mind, and inasmuch as I do have the opportunity then to change this, and the speaker has indicated that it is the policy, which is the key here, and the number may always be changed, I consider myself lulled and will change my vote 'yes'."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 140, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

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

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

Conference Committee Report No. 23 (H.B. No. 817, HD 1, SD 1, CD 1):

By unanimous consent, action was deferred for one day.

Conference Committee Report No. 30 (H.B. No. 1284, HD 1, SD 1, CD 1):

Representative D. Yamada moved that the report of the Committee be adopted and that H.B. No. 1284, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Cobb.

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

"Mr. Speaker, Hawaii has long been considered to be the national leader in condominium law. Nevertheless, we are all aware that remedial measures are in order if consumers in Hawaii are to be adequately protected. The consumer is often the little man, the hard-working citizen who has worked and scraped his entire life to be able to finally afford to purchase housing - the condominium type - and, as you are aware, Waikiki has many of these.

The bill before us tonight is nothing

but a wolf in sheep's clothing. It does little nor nothing to protect the consumer. Quite the contrary, it is a boiler-plate for the developers. It represents a subtle but substantial advancement of those interests and not the interest of the purchasers and renters who are also involved in this.

My specific objections are as follows: Section 514-53, which has to do with limitation of action for civil and criminal actions, raises the period from one to two years, and I think it is laughable.

The conference report admits that most complaints deal with multi-million dollar condominium projects and extensive review of documentation is required before an investigation can be completed and charges brought - negotiations can be complex and time-consuming, and an extension of the statutes of limitation will guard against unforeseen complications which otherwise could result in the dismissal of a legitimate case to raise it now to two years, which is the same as what we have in negligent tort. I suggest that a six-year statute of limitations would be far more appropriate if this Legislature is truly interested in protecting the consumer.

White collar crime is far more costly in terms of economics than blue collar crime, and yet, we continue to encourage white collar crime by allowing ridiculously short statutes of limitations. Let us not forget the 'Hale Nani case' where a tolling statute of limitations made white collar crime profitable and escapable.

Section 514-20.5 (a) - the bill, at this point, provides that if the developer or its affiliate is the managing agent, this fact will be disclosed to the Association of Apartment Owners no later than the first meeting of the Association. A disclosure at this time is too late. The consumers would be truly protected only if the agency is revealed prior to the purchase, and the inter-relationship between the developer and that agency.

Section 514-20.5 (b) - under this measure, the bond required for managing agents is set at a minimum of \$25,000, and I don't think anyone seated here could honestly believe that this amount is sufficient under the financial circumstances. Managing agents for condominiums, particularly the larger ones, handle several

hundred thousands of dollars yearly, and in some cases, close to that monthly. This is yet another measure which encourages white collar crime embezzlement and absconding with funds. And that has happened in my short experience here.

The common profits and expenses subsection limits the developers' share of common expenses to those related to apartments. This unfairly relieves the developers from paying their share for common benefits appurtenant to commercial footage retained by the developer.

The bill does not explain the seeming conflict concerning when an apartment purchaser is obligated to pay his share of common expenses. Under another sub-section, 514-10, the apartment owner shall not be obligated until the developer files an amended abstract which provides a date certain for the owner's obligation. The prior paragraph, however, states that the owner will not become obligated for common expenses until the time the certificate of occupancy is issued. The second paragraph of this subsection may be a further protection for the consumer or it may be used to hasten the consumer's responsibility.

Mr. Speaker, I don't wish to spend the time of the House going through all the technical changes to this, but I would like to summarize by saying that this bill is not a consumer-oriented bill. There are anti-consumer measures in here and they will not go un-noticed by those who are willing to take up the cajoles with the man who is hurt. I think that this bill is a disgrace to the program this Legislature has made in protecting the average consumer, and we should reject it. I know we always talk about half loaf measures in compromise, but this is one that we should not go that remote with.

If we're going to pass legislation concerning condominiums, then let us pass the good work which your Committee, and I say Representative Shito did such a fine job with, and which now have been left out by this conference committee. I think that we should vote this measure down and retain our place as a national leader on condominium laws.

Thank you."

Speaking in favor of the passage of the bill, Representative D. Yamada stated:

"Mr. Speaker, I don't quite agree



with all the statements and the insinuations made by the prior speaker.

First of all, as far as the statute of limitation, we increased it from two years to conform with some of the problems that the real estate people have had in finding violation of the laws. Actually, the statute of limitation, as amended, would be more than the statute of limitation as it states now, that it is two years after discovery with the outside limit of ten years; whereas, our present statute of limitation is two and six.

I did not quite understand the arguments presented as far as when the owner of the apartment will be informed as to when he has to pay his bill or maintenance fees. This bill specifically provides that he shall be informed and that the amended abstract shall be mailed at least 30 days in advance, with copies of the abstract being delivered either by mail or personal delivery, after filing, to each of the apartment owners, with mailing expenses being assumed by the developer.

Lastly, the prior speaker talked about the liability limits for managing agents. What your Committee intended to do was at least start by regulating an area in which, at the present time, is completely unregulated. At the present time, there is no necessity for filing of a bond by a managing agent, and at least we want to start getting our foot in the door by providing the bond limits as outlined on page 6.

Mr. Speaker, as far as the other horizontal property regime bills that the prior speaker alluded to, that was part of the package by Representative Shito and Representative Blair. Your Committee had decided that since it was so comprehensive, to take it up in the interim. And, as I recall, tonight we passed a House Concurrent Resolution which would do that.

Thank you."

Representative Carroll, upon being recognized, stated:

"Mr. Speaker, I will not waste any time rebutting the comments which were made by the chairman of the Consumer Protection and Commerce Committee here, but I would like to ask that my remarks, in total, be inserted in the record."

The Chair, noting that there were no objections, "so ordered", and the following is Representative Carroll's remarks:

"Under Section 514-26, Insurance, found on page 6, the Association of Owners is forced to purchase the insurance covering the common elements and all their exterior and interior walls, floors and ceilings. What a bargain for the developer who retains any interest in any part of the property.

The amendment made to Section 514-39, One Year Limit, found on page 7, effectively guts any protection which the initial section provided. Under previous law, if the final public report is not issued within one year from the date of issuance of the preliminary report, each purchaser is entitled to a refund of all moneys paid by him without further obligation. With the amendment, if the report is not issued within one year, the consumer can still be trapped into losing his money. In other words, the consumer is punished for the default of the seller. The consumer's right to a refund would be deemed 'waived' if he fails to act within a mere thirty days after receiving notice of the seller's failure. Please note that the seller could notify the buyer of his failure in the most obscure language, written in complicated 'legalese', and the buyer would still forfeit. I seriously doubt whether anyone present here will stand up and defend this measure as being aimed at consumer protection.

The amendment to Section 514-41, Copy of Public Report to be Given to Prospective Purchaser, found on page 8 of the bill, is the same scam as the change I just mentioned. Here, the buyer is trapped into a binding contract by default if he fails to react to the seller's error within thirty days. This change effectively shifts the onus to the buyer; the innocent party. I can hardly believe that there are sufficient votes to pass such an obviously slanted change in favor of developers and against consumers. If so, why did we vote to put this protection for consumers in the books in the first place? Thirty days is an extremely short time for the average person to react to a complicated and technical document. In contrast, the developer probably has lawyers as well as expertise. This law was designed to protect the buyer. What is happening to that legislative intent? Please remember that notice of the seller's error can be conveyed to the buyer in the language chosen by the developer or seller.

I fear that obscure 'legalese' will become standard with little real chance for the buyer to react in a timely fashion.

The last change, made to Section 514-9, found on page 9 of the bill, again benefits the developer. It extends the time the developer can encumber the property by changing the date of possible encumbrance of the common elements from the time of recordation of declaration to the date of the first conveyance or lease of an apartment.

Mr. Speaker, I wish to point out to you and to the members, that anti-consumer measures will not go unnoticed by all those who are willing to defend the small man. This bill is a disgrace to the progress this Legislature has made in protecting the average consumer and should be soundly rejected. If we are going to pass legislation concerning condominiums, let us pass the good works which were left out by the Conference Committee. This would advance our law to its proper place as the national leader in condominium legislation.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1284, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Abercrombie, Carroll and Sutton voting no.

At 10:01 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:02 o'clock p.m.

Conference Committee Report No. 34 (S.B. No. 1193, SD 1, HD 1, CD 1):

Representative Machida moved that the report of the Committee be adopted and that S.B. No. 1193, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Dods.

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

"Mr. Speaker, you may know that we have, in the anteroom here, oxygen devices if anyone needed it, and I think Representative Machida's possibly

in shock now and needs some oxygen on this, and I'd ask Representative Kamalii to go and get it, but she appears to be in the same condition."

The Chair then remarked:

"I guess, at this point in time, we all need oxygen, Representative Abercrombie."

Representative Abercrombie then continued, stating:

"I would like to proceed. The reason I want to do it, Mr. Speaker, is I have taken the members' time in the past to indicate to them that I thought that various bills and resolutions that have come before the body concerning improvements in Waikiki were deficient in terms of what they sought to accomplish, and I said so as a result of various comments that I had made, that I had seen progress in Waikiki and I thought that it was inappropriate to state that none had been made.

So, the reason that I am voting for this bill, at this time, this conference draft, at this time, is that we will have before us shortly, Mr. Speaker, if the Standing Committee report receives sufficient signatures, and I trust that it did, House Resolution No. 149, I will not recite some of the circumstances in that, Mr. Speaker, because as I said, it will come before us in due course. But I may say that the Committee on Tourism, which was 'directed to evaluate', and I'm quoting, 'and prepare a progress report on the status on the current plan and program of the State, Federal and County agencies, etc., to meet Waikiki's various needs. It did so, and that the Committee's approach, the background that is cited in the findings and recommendations, are very thorough and very fair in their presentation, and I think indicate in the manner that is acceptable to me is that the circumstances of disagreement between the City and the State may no longer be a bone of contention and that such problems as may exist may revolve more around the capacity or the willingness of money to be realized on the State level; therefore, it is now clearly, or will be shortly clearly presented to the House, the real circumstances in regard to Waikiki improvements. And, it is my sincere hope that as this bill passes, that the improvements that are necessary in Waikiki will be taking up a pace, and as they are put forward, the citizens around the State, as well as the hotel industry, will realize that it is in everybody's interest to have a hotel room tax at the same time.

Thank you."

Representative Machida, upon being recognized, stated:

"Mr. Speaker, after listening to the previous speaker, it almost forces me to vote against my motion; however, I urge all the members to support this measure. Thank you."

Representative Kamalii then rose and, upon being recognized, stated:

"Mr. Speaker, I won't take up the time of this body, but I wonder if I could have my remarks in favor of the bill inserted into the Journal."

The Chair then stated:

"No objections, so ordered."

In accordance therewith, Representative Kamalii's remarks are hereby inserted:

"Mr. Speaker, I rise to speak on behalf of Senate Bill 1193, SD 1, HD 1, CD 1.

Mr. Speaker, this bill extends the lapsing date of Waikiki improvements originally authorized in 1971, from June 30, 1977 to March 1, 1978. This extension is justified on the ground that unexpected delays might affect the encumbering of the fund remaining in the original \$9 million appropriation.

Mr. Speaker, it is inconceivable that honest, objective, and intelligent opposition to this extension could exist, inasmuch as Waikiki, despite its enormous contributions to the economy of this State, and to the taxes contributed to Hawaii, amounting to some \$200 million a year, also happens to be home to over 20,000 permanent residents.

Mr. Speaker, the tourists who flock to Waikiki, numbering some three million last year, pay a fair share of the costs involved in supporting the tourist industry. They pay, as we all do, the four percent general excise tax on goods and services, which they consume in staggering quantities. Compared to what they pay into the coffers of this State, the \$9 million appropriated to Waikiki six years ago is peanuts. To argue that this appropriation is a rip-off, and a form of blackmail payment to the tourist industry, as has been suggested in this House, is absolute nonsense. The physical improvements

specified under that 1971 appropriation call for waterlines, sewer lines, street widening, lighting fixtures, and mini-parks. These improvements, Mr. Speaker, would be required for the Waikiki residents even without tourists.

Mr. Speaker, to continue sniping at the tourist industry and to attribute sinister motives to this legislative body for assisting in the elevation of the quality of life for Waikiki residents and tourists alike serves little or no useful purpose. By this time, Mr. Speaker, using the tourist industry as a convenient football to kick around is pure demagoguery.

Mr. Speaker, I would hate to think of what this State would be like today, economically, if it weren't for those three million tourists. Instead of an eight percent unemployment rate, we would have an unemployment rate of almost thirty percent. Instead of worrying about paying \$50 million for salary increases for our government employees, we would be worrying about how we would continue government services.

Mr. Speaker, the only point of relevant discussion before this House on this bill is whether the physical improvements so badly needed in Waikiki, the citizens of Hawaii, for residents as well as tourists, should continue to be installed. On this point, 20,000 permanent residents and three million tourists are emphatically agreed. These many people can't be wrong, and neither is the almost universal support of both houses of this Legislature.

Mr. Speaker, as a citizen of Hawaii, I ask the members of this House to support me in voting for S.B. No. 1193, as amended.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 1193, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS AT WAIKIKI, OAHU", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conference Committee Report No. 37 (H.B. No. 171, HD 1, SD 1, CD 1):

Representative Garcia moved that the report of the Committee be adopted and that H.B. No. 171, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by

Representative K. Yamada.

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

"Mr. Speaker, here we were with an opportunity to make amendments to the election law and to reform two things that are grossly abusive according to the National Election Commission: one, is our closed primaries, and the other is that our primary precedes our general by only 30 days. The closed primary precludes people from exercising their prerogative to a free ballot and then we have a secondary proposition that 30 days is not only a very short time between the primary and the general. It is the shortest in the nation, but it is so short that the Lieutenant Governor can't compile all of the necessary data in that 30 days, and has so stated. And yet we did not remedy either the closed primary or the 30 days between the primary and the general.

Furthermore, Mr. Speaker, if you will turn to page 15, there is language which I am not sure how to interpret, and which has me very much concerned. It says that 'the chief election officer, at his discretion, may have a background design imprinted onto the ballot. When the electronic voting system is used, the ballot may have pre-punched codes and printed information which identify the voting districts and precincts to facilitate the electronic data processing of these ballots'. I certainly hope he doesn't put Democrat or Republican on the back of those.

Mr. Speaker, with those remarks, I would ask my colleagues to vote 'no' so that next time the Committee can take care of the closed primary and repeal that and make a primary law that is at least 60 days before the general.

Thank you."

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

"Mr. Speaker, if we had adopted either of the two propositions advanced by the previous speaker, we would have been guilty of piggy-backing in the conference committee.

The Committee on Judiciary, in open session, made two decisions during the earlier course of the session: one, on a very close vote, of which I was a part of the minority on the question, it was decided

not to repeal the closed primary law this year - that attempt, I'm sure, will be made in the future and it will be for us to consider again by a separate bill, which was proper. The other was to advance the date of the primary election. And, again, the subject matter committee in the House made the decision that since we not only have the last primary date in the nation, but we also have the most intensive campaigning in the nation and we recognize that the cost of campaigning is approximately \$2,500 per week in the closing days of the campaign for a House race; and that most of us operate on limited budgets and that there is no longer any limit due to the Supreme Court decision on the amount of money that may be spent, that this is a matter better left for further experience before we go tampering with the date that would substantially amend the conduct of elections when there are no limits.

Since this was an original House position, Mr. Speaker, the conferees were precluded by our rules from acting on this since the Senate did not do so when the bill passed over. As a result, we were limited to the areas of disagreement in this bill, and I think the conference committee report is a fair compromise, and I would urge my colleagues to support it."

Speaking in favor of the bill, Representative Dods stated:

"Just on a point of clarification. I don't agree with the previous speaker mentioning that the representatives here spent \$2,500 a week to get here because, I, for one, did not spend that kind of money and I don't want it inserted into the records that we did spend that type of money to get here."

Representative Cobb, upon being recognized, stated:

"On a point of clarification, in response to the previous remarks, the figure of \$2,500 was arrived at by taking the average cost of elections.

The previous speaker nor I did spend \$2,500 a week, but when we take the average cost of elections during the 1976 general elections, taking that figure and dividing it by the number who spent the money, the figure spent for the last week of the election was \$2,500."

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

"I believe the counsel to the committee did a very good job in describing some of the positions that we've gone through relating to the two points brought up by the representative from the 15th district, so I would just like to respond to the third point that he brought up relating to the fuzziness of the language on page 15.

It is very clear to me that under this particular section, on the contents of ballots, what it really says is that the chief election officer can have these ballots for a background design; that's all there is to it. But, he can, at his discretion, allow this whether it be in the form of a flag or some other patriotic type of insignia, it can be done by him.

But, the more important thing is the insinuation that perhaps by giving this particular discretion to that election officer, he may try to amend or juggle the way in which that particular ballot will be presented to the voters. That is simply not true, Mr. Speaker. I think, judging from the results of the last election, it's really not necessary for Democrats to win in that fashion; they've been able to win on their merits. So, I would take exception to the point that was brought out by the representative and merely say that I have every confidence and faith in the chief election officer to run a good campaign and making sure that ballots that are presented are fair."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 171, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

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

The House of Representatives reconvened at 10:29 o'clock p.m.

Conference Committee Report No. 39 (H.B. No. 1698, HD 1, SD 1, CD 1):

By unanimous consent, action was deferred for one day.

Conference Committee Report No. 43 (S.B. No. 1100, SD 1, HD 1, CD 1):

On motion by Representative Uechi,

seconded by Representative Inaba and carried, S.B.No. 1100, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1297 and 1678 had passed Final Reading at 1:59 o'clock p.m.; H.B. No. 833 at 2:00 o'clock p.m.; S.B. No. 12:09 at 2:01 o'clock p.m.; S.B. No. 1202 at 2:02 o'clock p.m.; H.B. Nos. 672 and 727 at 2:03 o'clock p.m.; S.B. No. 475 and H.B. No. 1198 at 2:05 o'clock p.m.; H.B. No. 678 at 2:06 o'clock p.m.; H.B. Nos. 1062 and 1173 at 2:07 o'clock p.m.; S.B. No. 74 at 2:08 o'clock p.m.; S.B. No. 237 at 2:09 o'clock p.m.; H.B. Nos. 155 and 433 at 2:10 o'clock p.m.; S.B. Nos. 563 and 485 at 2:12 o'clock p.m.; S.B. No. 251 and H.B. No. 1153 at 2:13 o'clock p.m.; S.B. No. 533 at 2:18 o'clock p.m.; H.B. No. 512 at 2:22 o'clock p.m.; S.B. No. 1074 and H.B. No. 1065 at 2:23 o'clock p.m.; H.B. No. 1059 at 2:25 o'clock p.m.; S.B. No. 1059 at 9:20 o'clock p.m.; S.B. No. 1203 at 9:27 o'clock p.m.; H.B. No. 193 at 9:42 o'clock p.m.; S.B. No. 140 at 9:48 o'clock p.m.; H.B. No. 1284 at 10:01 o'clock p.m.; S.B. No. 1193 at 10:06 o'clock p.m.; H.B. No. 171 at 10:14 o'clock p.m. and S.B. No. 1100 at 10:30 o'clock p.m.

At 10:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:50 o'clock p.m.

Conference Committee Report No. 14 (S.B. No. 1350, SD 1, HD 2, CD 1):

By unanimous consent, action was deferred for one day.

At 11:51 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:55 o'clock p.m.

#### ADJOURNMENT

At 11:56 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, Friday, April 15, 1977.