

SIXTIETH DAY

Friday, April 15, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by the Reverend Mark E. Guerin of Our Lady of Peace Cathedral, after which the Roll was called showing all members present with the exception of Representatives Ajifu, Carroll, Garcia, Kamalii, Wakatsuki and D. Yamada, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 461 to 499) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 461) returning House Concurrent Resolution No. 53, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 462) returning House Concurrent Resolution No. 56, HD 1, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 463) returning House Concurrent Resolution No. 67, HD 1, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 464) returning House Concurrent Resolution No. 138, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 465) transmitting Senate Concurrent Resolution No. 18, relating to agricultural education,

which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 466) transmitting Senate Concurrent Resolution No. 20, relating to storage and handling of agricultural produce, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 467) transmitting Senate Concurrent Resolution No. 101, requesting the University of Hawaii to give first consideration to certified WICHE exchange students when considering admission of non-resident students in its professional school and departments, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 468) transmitting Senate Concurrent Resolution No. 127, requesting the Community College System and the College of Continuing Education and Community Services of the University of Hawaii to establish a statewide pre-retirement training program, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 469) transmitting Senate Concurrent Resolution No. 161, requesting submission of amendments to the Hawaii Income Tax Law to conform to the Federal Internal Revenue Code as provided herein, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 470) transmitting Senate Concurrent Resolution No. 162, SD 1, requesting the Governor to adopt energy conservation standards by Executive Order by January 1, 1978, to meet Federal Energy Administration requirements for Hawaii, which was adopted by the Senate on April 14, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 18, 20, 101, 127, 161 and 162 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 471) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill

No. 155, HD 1, was adopted by the Senate; and House Bill No. 155, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 472) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 171, HD 1, was adopted by the Senate; and House Bill No. 171, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 473) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 193 was adopted by the Senate; and House Bill No. 193, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 474) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 433, HD 1, was adopted by the Senate; and House Bill No. 433, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 475) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 512, HD 1, was adopted by the Senate; and House Bill No. 512, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 476) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 672 was adopted by the Senate; and House Bill No. 672, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 477) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 678, HD 1, was adopted by the Senate; and House Bill No. 678, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 478) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 817, HD 1, was adopted by the Senate; and House Bill No. 817, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 479) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 833, HD 1, was adopted by the Senate; and House Bill No. 833, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 480) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1062, HD 1, was adopted by the Senate; and House Bill No. 1062, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 481) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1153, HD 1, was adopted by the Senate; and House Bill No. 1153, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 482) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1173, HD 1, was adopted by the Senate; and House Bill No. 1173, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 483) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1198, HD 1, was adopted by the Senate; and House Bill No. 1198, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 484) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1297 was adopted by the Senate; and House Bill No. 1297, SD 2, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 485) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1678, SD 1, was adopted by the Senate; and House Bill No. 1678, SD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 486) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 74 was adopted by the Senate; and Senate Bill No. 74, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 487) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 140, SD 1, was adopted by the Senate; and Senate Bill No. 140, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 488) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 237, SD 1, was adopted by the Senate; and

Senate Bill No. 237, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 489) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 246, SD 1, was adopted by the Senate; and Senate Bill No. 246, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 490) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 251, SD 1, was adopted by the Senate; and Senate Bill No. 251, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 491) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 475, SD 2, was adopted by the Senate; and Senate Bill No. 475, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 492) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 485, SD 1, was adopted by the Senate; and Senate Bill No. 485, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 493) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 533, SD 1, was adopted by the Senate; and Senate Bill No. 533, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 494) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 563, SD 1, was adopted by the

Senate; and Senate Bill No. 563, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 495) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 577, SD 1, was adopted by the Senate; and Senate Bill No. 577, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 496) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1193, SD 1, was adopted by the Senate; and Senate Bill No. 1193, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 497) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1203, SD 1, was adopted by the Senate; and Senate Bill No. 1203, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 498) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1209, SD 1, was adopted by the Senate; and Senate Bill No. 1209, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 499) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1350, SD 1, was adopted by the Senate; and Senate Bill No. 1350, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 14, 1977, was placed on file.

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

Representative Shito introduced 18 students from Mililani High School (American Studies Class), and their teacher, Ms. Sharon Yamashita.

Representative Segawa introduced Mr. Ed Harada, Chief Engineer of the County of Hawaii, and Mr. Milton Hakoda, Director of the Department of Parks and Recreation, in Hilo.

Representative Narvaes introduced 28 fourth grade students from Kalihi Elementary School and their teacher, Mrs. Ito.

Representative Toguchi then rose and asked:

"Mr. Speaker, may I be permitted to make a special introduction this morning?"

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

"Mr. Speaker and honorable colleagues, the quality of our Legislature is often dependent on the quality of its staff, and each member of a Representative's staff makes a unique contribution to the work here in the Legislature.

Mr. Speaker, the Legislative Intern Program at the University of Hawaii has fostered a successful participation of students in the legislative process, and legislative interns have joined the staffs of many legislators and have served with distinction and enthusiasm.

Mr. Speaker, during the Ninth Legislative Session, Atomman Kimm has served as a legislative intern with diligence, intelligence and resourcefulness in my office. Mr. Speaker, Atomman Kimm, as a member of the legislative community, shared the long hours, the intense workload, and the rewards and disappointments of our democratic experience. Mr. Speaker, he has demonstrated to me that the Legislative Intern Program of the University of Hawaii is a program of great value, both to the students that participate and to the legislative staffs that afforded the opportunity to work with them. Mr. Speaker, he has also gained significant insights and knowledge of our democratic form of government and will, no doubt, continue to actively participate in public affairs

to the benefit of Hawaii's people.

Mr. Speaker, at this time, I would like to commend and congratulate the University of Hawaii for selecting an individual such as Atomman Kimm to serve in my office and to help us with our committee work."

Representative Toguchi then presented Atomman Kimm to the members of the House.

Representative Lunasco then rose and stated:

"Mr. Speaker, we intended to adopt a resolution welcoming this certain individual, but because of the time constraint and he has to leave, I would like to introduce to this honorable body, a gentleman that I had the pleasure of meeting on my recent trip to the Philippines with the Agriculture Committee.

He is with the Ministry of Agriculture in the Philippine government, and we met with them several hours to discuss some of the problems they have in relationship to agriculture. It was basically a brainstorming meeting and we, as legislators, were trying to pick ideas that, hopefully, could help us here in Hawaii. He is presently the Executive Director of the National Food and Agricultural Council of the Philippines, and he left the Philippines in March and headed towards Europe and then to the United States where he was hosted by the United States government, and later toured the United States to inspect some of the agricultural programs throughout the United States, and he is here for a brief stopover. He visited the East-West Center and also the University of Hawaii and will be leaving, probably today--late this afternoon or tonight--on his way to Singapore."

Representative Lunasco then introduced Mr. Domingo Panganiban from the Philippines to the members of the House.

Representative K. Yamada introduced four students from the Hilo Students Council. They were accompanied by their advisors, Mr. and Mrs. Celion, to observe the legislative process.

At 11:49 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 2:55 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Ajifu, Carroll, Garcia, Kamalii, Wakatsuki and D. Yamada.

At this time, the Speaker assumed the rostrum.

Representative Abercrombie then introduced Senator Andy Anderson to the members of the House.

The Chair then stated:

"The Chair would like to remind the members that the conference between the Senate Ways and Means conferees and House Finance conferees convened at 9:00 this morning. They had recessed at 2:00 p.m. and they are now awaiting for the House to finish its business so that the conference can be reconvened and the subject matter before them be resolved.

With that in mind, the Chair would appreciate that we abide by the rules of parliamentary procedure, decorum, and orderly debate."

Representative Abercrombie then rose to a point of clarification and stated:

"Mr. Speaker, in respect of your last remarks, I trust that incorporated in those remarks is the idea that every issue will be very thoroughly debated as is warranted."

The Chair replied:

"Every issue will be debated upon the desire of this body and of each individual on this floor."

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>
18	Committee on Higher Education
20	Jointly to the Committees on Agriculture and Higher Education
101	Committee on Higher Education
127	Jointly to the Committees on Employment Opportunities and Labor Relations and

Higher Education

- 161 Committee on Finance
- 162 Committee on Energy and
Transportation

SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended for the purpose of considering Final Reading bills on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 5 on S.B. No. 577, SD 1, HD 1, CD 1 (Deferred from April 14, 1977):

Representative Blair moved that the report of the Committee be adopted and S.B. No. 577, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Larsen.

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

"That motion is already on the floor, Mr. Speaker. When this motion was put on the floor, there was discussion taking place and following the discussion, it was deferred to this day, Mr. Speaker, and so the motion is not necessary."

The Chair replied:

"We will accept your explanation."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 577, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE CONTROL", having been read throughout, passed Final Reading by a vote of 40 ayes to 11 noes, with Representatives Carroll, Cayetano, Evans, Fong, Kamalii, Kunimura, Peters, Say, Shito, Sutton and Ueoka voting no.

Conf. Com. Rep. No. 9 on H.B. No. 1685, HD 2, SD 2, CD 1 (Deferred from April 14, 1977):

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 14 on S.B. No. 1350, SD 1, HD 2, CD 1 (Deferred

from April 14, 1977):

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

Representative K. Yamada then rose and stated:

"Mr. Speaker, I rise to speak against Senate Bill No. 1350, Senate Draft 1, House Draft 2, Conference Draft 1.

Mr. Speaker, I am aware of the problems which are existing in the State of Hawaii; I am aware of the high unemployment rates and what appears to be a stagnation of our economic growth.

I truly believe that, as much as possible, the resources existing within the State of Hawaii must be utilized for the residents who reside within the State of Hawaii. If we are to take care of the citizenry of the State of Hawaii, then our natural resources and those other resources which are created by our people ought to be utilized for the benefit of our people. Just yesterday, Mr. Speaker, addressing this problem, this honorable body adopted House Concurrent Resolution No. 123, for the development of a selective growth program and, I think, this is a step in the right direction.

But, Mr. Speaker, that is not to say that we ought to adopt legislation in utter disregard of the constitutional mandates, especially those constitutional provisions, which have been interpreted by our courts. I think most of you are aware of my position on this bill when I last rose to speak against it, and I'm not going to dwell on this subject much longer. But, Mr. Speaker, this bill is patently unconstitutional on its face since it provides for an invidious discrimination as horrendous and repugnant as religious or racial discriminations, or those which violate the First Amendment right of free speech.

The determination of the Hawaii Supreme Court is clear in *York vs. State* wherein the Court says that the discrimination imposed by Hawaii Revised Statutes 78-1A 'denies arbitrarily to certain persons merely because of their status or residency of less than three years duration the right to pursue otherwise lawful occupations. It is, therefore, unconstitutional.'

The United States Supreme Court, last year, in *Leftkowitz vs. CDR Enterprises, Inc.*, in interpreting the New York State labor law, states that 'Section 222 of the New York Labor Law, giving preference in employment, must be given to citizens of New York who have been residents of the state for at least twelve consecutive months to be unconstitutional.' The mandate of the Hawaii Supreme Court and the United States Supreme Court is clear that a durational residency requirement of the sort which is proposed by Senate Bill 1350 is clearly unconstitutional on its face.

Could any of you, in this body, propose any legislation which would discriminate between Protestant over Catholics, or Catholics over Buddhist, or Blacks and Whites? Or, could any of you suggest that we have separate, but equal, school facilities for the Chinese, the Japanese, the Filipinos, the Blacks, such as that which was proposed in southern states in the 1950's? If you were to leave it to the proponents of this bill, Mr. Speaker, without considering the merits of such a proposal, they would say, why not adopt it and let the courts decide.

But if we are to adopt any legislation in derogation of the constitutional requirements, Mr. Speaker, we will seriously injure the residents of this State. Senate Bill 1350, SD 1, HD 2, CD 1, has a serious flaw in it which will surely injure a lot of our citizens. Today, Mr. Speaker, there are hundreds, if not thousands, of students currently attending schools on the mainland who are from the State of Hawaii. And I dare suggest, Mr. Speaker, that even some of you may have children attending schools on the mainland, and I am further sure that all of you will agree with me that there has been a tremendous increase in the cost of education during the past decade. It is for that reason, Mr. Speaker, that a lot of our citizens--a lot of our students from the State of Hawaii--take advantage of the residency requirements in other states and also pay resident tuitions in those other states. This bill, if passed, will make it practically impossible for those students to come back to the State of Hawaii to work.

Yes, we have a high rate of unemployment and jobs are very scarce in the private sector. To a large extent, in these troubled times, our people have relied upon the State and County

governments to provide the necessary jobs to alleviate the high rate of unemployment. But if you were to impose this one-year residency requirement, then, many of your children who are now attending schools on the mainland, will be unable to come back here because of the one-year waiting period. This, I would suggest, Mr. Speaker, will create a serious drain in the intelligence which we ought to retain here in the State of Hawaii--the intelligent minds which we need to improve our economy. The conditions of life here will not be utilized here, but other states will take advantage of it.

Proponents of this measure are right when they suggest that they want to establish a policy here in the State of Hawaii, but more importantly, I think they fail to understand that they reflect the conscience of the people of the State of Hawaii and can anyone, in good conscience, suggest that we suspend certain constitutional rights when it suits our purpose? As legislators, we ought to realize that every single one of our constitutional rights must be zealously guarded because these are the rights which the people have retained to themselves. Therefore, Mr. Speaker, I recommend that we vote down this measure and retain those rights for the people of the State.

Thank you."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against the residency requirements for public employees embodied in Senate Bill 1350, SD 1, HD 2, CD 1.

Mr. Speaker, the previous speaker has dwelled upon the concept of unconstitutionality and in the Committee Report, the third paragraph, it says, 'The United States Supreme Court, in *Shapiro v. Thompson*, refers to the doctrine of 'compelling state interest' relative to the imposition of residency requirements. . . ' and there is an inference that, somehow or other, we have a compelling state interest before us, such as the Committee Report indicates. Such is very far from the truth.

Mr. Speaker, Justice Bryan Mines' decision says that this court, long ago, recognized that the nature of our Federal union and our constitutional concepts of personal liberty unite to require that all citizens be free to travel throughout the length and breadth of our land, uninhibited by statutes, rules, or regulations, which unreasonably burden or restrict this movement. For all the great purposes

for which the Federal government was formed, we are one people with one common country. We are all citizens, Mr. Speaker, of the United States of America, and as members of the same community, must have the right to pass and repass through every part of it, without interruption, as freely as in our own State. We have no occasion to ascribe the source of this right to travel.

It suffices that in *Guest vs. United States*, 383 U.S. 745, a case in 1966, Mr. Justice Stewart who, incidentally, was a roommate of mine, Mr. Speaker, said as follows: 'The constitutional right to travel from one state to another occupies the position fundamental to the concept of our Federal union. It is a right that has been firmly established and repeatedly recognized. The right finds no explicit mention in the constitution.' That is true, but the reason it has been suggested is that it is a right so elementary that to be conceived from the very beginning to be necessary concomitant of the stronger union that the Constitution itself created.

In any event, freedom to travel throughout the United States has long been recognized as the basic right under the Constitution. Thus, the purpose of deterring the in-migration of other people cannot serve as justification for the classification created by the one-year waiting period since that purpose is constitutionally impermissible.

Let me show you the statutes here. The statutes says that we have in front of us, citizens, nationals, or permanent resident aliens of the United States, and residents of the State have at least one year. We go back; we pick up citizens; we pick up nationals; we pick up the in-migration from Asia; we pick up the in-migration from the United States, and we say, you can't get a job here unless you are a University of Hawaii professor; unless you have been one year in residence in this State. . ."

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

"Mr. Speaker, the bill before us does not say that unless you are a University professor. The point being raised by the speaker is not in this bill as I. . ."

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

"Mr. Speaker, I think the individual that is calling for the point of order should state the infraction. I think he is using this as an argument of fact and if that is so, I think this is wrong, Mr. Speaker, and you should rule him out of order."

Representative Abercrombie responded, stating:

"If I am, Mr. Speaker, I apologize. I don't believe I am."

The Chair then said:

"Representative Abercrombie, I believe you'll have a chance to speak on this bill, and I believe you intend to. At that time, you can raise an infraction."

Representative Abercrombie thanked the Chair and the Chair asked Representative Sutton to continue with his remarks.

Representative Sutton continued his remarks, stating:

"I am not going to answer that, but I will subsequently. I would like to keep this continuity of thought because I am so anxious for my colleagues to understand this constitutional issue. It is not something where we have droned on for hours and hours about non-essentials. We are coming right to an essential constitutional proposition and *Shapiro v. Thompson*, 394 U.S., at page 618, has this very basic concept and enunciates this concept so that we here know that if we pass legislation of this nature, that we are violating the very nature of the Federal union of which we are now the 50th state. We violate the constitutional concept of personal liberty that requires all citizens to be free to travel throughout the length and breadth of the United States, uninhibited by statutes, rules, or regulations, which unreasonably burden or restrict this movement.

In the case, Mr. Speaker, of *Shapiro v. Thompson*, we had a factual situation where we were talking about a residency requirement of one year for the purpose of collecting welfare. Admittedly, we have a different subject here. We have the subject of one-year residency requirement for employment. Can we equate employment to welfare? The courts have said that the concept of employment is a right. The concept of welfare is a right and the word 'privilege' has been explicitly denied in both. Both of them can have the concept of what an individual requires for his sustenance in life. If he doesn't have a job, he has to go on welfare.

If he is on welfare, he doesn't have a job, and he is seeking employment. They're both concomitants of a state of human beings trying to sustain himself and to live and to have his family live. Therefore, I think that we can equate and, therefore, I think that *Shapiro v. Thompson* is excellent authority.

Mr. Speaker, any classification of citizens which serves to penalize the exercise of their constitutional right to move from state to state, or to the District of Columbia, unless shown to be necessary to promote a compelling government interest, is unconstitutional. A State statute making such a classification is a violation of the equal protection clause of the Fourteenth Amendment, the due process clause of the Fifth, and in our own Constitution, likewise.

Now, what is a compelling government interest? The courts have not defined the compelling government interest, but they have given us clues of what they are talking about. For example, we would have a compelling government interest here in Hawaii, in the time after Pearl Harbor, where we had Marshall Law. Assuming that Marshall Law was unconstitutional, we would be able to have something, even though we had not suspended the right of habeas corpus. We would be able to say that there was a compelling interest to prevent this right of free travel; of a right to come to Hawaii and establish an opportunity for getting employment or welfare. Therefore, compelling interest would be something quite extreme. The courts have just skirted on this, but in the concurring opinion of *Shapiro*, we have a further hint, and Justice Stewart there says that, in response to the descent of our land, that the court, in its opinion, did not pick a particular human activity, characterize him as fundamental, and give them added protection but, on the contrary, simply recognized and established constitutional right--the right to travel from one state to another--and gave that right no less protection than the Constitution itself demands it; which right is not a mere conditional liberty, subject to regulation and control under conventional due process or equal protection, but a right broadly assertible against privacy and interference such as this particular statute, Mr. Speaker, as well as governmental action; a virtually unconditional personal right guaranteed by the Constitution. So, nowhere do we have a definition

of what should be our process in achieving what, I guess, all of us want. We want to prevent over-population and overgrowth of these Hawaiian Islands. The clue, however, seems to lie in a whole series of decisions.

First of all, we must make a broad basic plan for Hawaii, for the type of in-migration, whether it be immigrants coming from the Orient, or whether it be migrants of our own citizenry coming from the continental United States. But to see that we have an overall plan of growth--controlled growth. The Supreme Court is now taking on the case of Marin County. Here, the courts of California, and sustained by the Supreme Court, have indicated that Marin County has a right to control growth; to control the number and height of condominiums; to control, therefore, the population. But they have said there must be a plan.

Last night, we saw the Governor come down and you went into that little room, Mr. Speaker, and talked to him. Next time you see him, tell him, please, not to send these unconstitutional bills down, but to send something on controlled growth.

Thank you."

Representative Abercrombie then rose and stated:

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

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

"In doing so, Mr. Speaker, may I preface my remarks by indicating that I believe Representative Ajifu was correct in objecting to my point of order when he pointed out, I believe, that I was arguing the fact of the situation and I apologize to the previous speaker, as well, for interrupting him. I wanted to say also, Mr. Speaker, by way of incorporation, that I have often heard the previous speaker on many issues that I have subsequently voted on in opposition, to the point made by the previous speaker, and I heard him speak on many occasions when I thought his arguments were not persuasive. But seldom, Mr. Speaker, have I heard a case made in this chamber as cogent, as clear-sighted and, if I may say, as brilliantly presented, as the previous speaker's remarks. I appreciate them; they give a new perspective in my objection, and I hope and trust that in time to come when this bill is defeated, that people

will refer to the Journal to the remarks of the previous speaker as having been, in great measure, persuasive in the negative vote.

My particular point, Mr. Speaker, revolves around Section 3F, which is why I rose on the objection, and I would like to discuss for the members that point--3F on page 3 of the bill, because I do not believe that has been addressed by previous speakers' commentary, and I think that it is important for us to consider over and above the legal implacations that have been raised to this point. It also has implications, Mr. Speaker, for bills which will follow this, that we will have to consider. If I may quote, 'The requirement of residency, as defined in subsection B, and the requirements of subsection C, shall not apply to persons recruited by the University of Hawaii under the authority of Chapter 304-11.

Yet, Mr. Speaker, if you will refer to the Committee Report, on page 1, you will see in the second paragraph, 'The purpose of this bill is to provide that public employees shall be residents of the State for at least one year immediately preceding employment under certain conditions and with certain exceptions as provided therein.' Now, if I read up to that semi-colon, as I just have, that's what is provided for; that's what the second paragraph says in no uncertain terms, my friends, that the requirement of residency shall not apply to persons recruited by the University of Hawaii.

There is no ambiguity; there is no vagueness; there is no exception to the exception; there is no additional language in respect of that section and, yet, on page 2 of the Committee Report, fourth paragraph from the bottom, and I quote, 'With respect to the application of this Act, your Committee intends that the University of Hawaii shall insure that whenever the recruitment of academic personnel occurs, out-of-state recruitment shall be carried out only after a determination is made that the requirements of the position necessitate national recruitment, or only after in-state recruitment efforts fail to produce qualified candidates.' That's not the language of this bill.

Now, if that is what you mean, write it in the bill. And I am going to bring this up because if this bill should pass, I can guarantee you I am going to rise, in respect of other bills. We are not writing language and passing lan-

guage in bills about what we mean unless we say it in the bill. You don't pass meaning; you pass bills that go into the law. This should read, 'The requirement of residency as defined under subsection B in the requirements of subsection C shall not apply to persons recruited by the University of Hawaii under the authority cited until the recruitment of academic personnel occurs, out-of-state recruitment, on and on and on. . . that I just read, because if that is what you mean, write it in the language, because I know what is going to happen. The law says here that it should not apply, but as soon as the bureaucrats get a hold of it, they are going to refer to the Committee Report and say, oh, that is what we really meant. Of course, the law doesn't say so, but we don't have to put it in law because we have a Committee Report and if that is the case, don't pass laws, pass Committee Reports. Let's toss this law out right now and pass the Committee Report because this law does not say that and that's why I stood up on that objection, mistakenly, I might add, for the Representative from Nuuanu, because my point is that what is assumed here is not, in fact, the case and we are being asked more and more in this Legislature to pass law which doesn't really say what the people who want it passed mean. But because they want it passed, we have to do it. That's what we are being told. We're supposed to pass concepts instead of laws. We are not passing concepts; we are supposed to incorporate concepts into law.

The previous speaker is correct and the speaker before him was correct that you do, in fact, when you deal with law, deal with concepts. But the obligation and duty of a Legislature is to translate those concepts into legal language which, in fact, does what the concept conceives of as being in the public interest. You do not pass concepts anymore than you pass titles on bills; you do not vote on titles; you vote on the substance of the language in the bill.

This bill, as written, in terms of the Committee Report is a sock to the University of Hawaii personnel who raised this question to people in the community who raised the question about recruitment for the University. It is a sock, I feel, to some of the remarks made by the very first speaker on this as to where we may recruit individuals and/or groups who may be of use to the State, intellectually and otherwise. This does not say that we may recruit

without exception if, in fact, the Committee Report means what it says. And if we mean it, that is what we should have done.

I'll continue, provided, however, that all persons recruited as administrative, professional, technical personnel at the University of Hawaii shall be subject to the requirement of residency. All persons recruited--that means the entire Unit 8--must be recruited from people who meet the residency requirement; provided further, that the appointment of persons to positions requiring highly specialized technical and scientific skills and knowledge may be made without consideration of residency. Can you conceive of the horror show of bureaucracy that is going to take place inside the University of Hawaii with research projects with that kind of vague language, especially in respect of the paragraph that I cited to you concerning the determination of requirements about national recruitment and failure to produce qualified candidates inside the State. You cannot run a research program under these conditions. What is highly specialized as opposed to specialized? Where do you make a differentiation between a highly specialized immunologist, as opposed to a specialized astronomer. How are you going to deal with the research capacity? Under what circumstances will this be done? This isn't addressed because, again, we are trying to pass a concept without really going into what exactly we meant and whether the language reflects what we meant. It is going on all over this Legislature at this time and we are going to pay for it, as a result. We are going to leave, in the hands of people, political considerations. Make no mistake about what that means. This is going to get into the rottenest, lowest kind of politics. This is going to get into a situation about whether union leaders can direct what research activities is going to be going on in this State and who is going to carry it on.

Now, we are talking about circumstances in which an organized research, for example, \$35 million a year comes into this State, and I will not be someone who is going to vote for a bill that gives a license to a union leader that comes in and tells the director of organized research who shall carry out that research because that is exactly what is going to be. The bureaucrats at the University are going to come down and start telling the research project directors

who they can hire and who they can't hire as researchers. That is exactly what is going to happen and the reason for this is, is that this is political. This bill is political from in front because it does not go to the fundamental problem as has been cited by the previous speaker and has been cited in previous testimony in commentary on this floor in respect to the general plan.

This is politics; that is all it is. It is an attempt to smoke-screen the real problems that we have of underemployment, of unemployment, of overpopulation, of growth problems which we should be dealing with. But, instead, we are coming up with rank propaganda to spread to our people that, somehow, we are coming to grips with the problem. Now, I am not one to stand here and decry the fact that politics is being carried on as such, that part of the situation occurs in any democratic society, but I don't have to stand silent when, in the process of playing the politics, you actually commit positive harm in respect of the University, in respect of the people who work there, in respect of the citizenry that may expect, in terms from us, that we provide for the public interest when it comes for recruitment at the University. That is what you're supposed to be doing.

Now, if you have a political interest, fine. You come and state what it is and do the best you can. But don't start bringing into law something which is a positive harm to the people of the State and which could jeopardize \$35 million worth of research projects in this State and which can live in this State in a situation in which the people who have ultimate control over the funds--in foundations, in government, in agencies, internationally and otherwise--that this State cannot be counted on to carry through on those projects; cannot be counted on to hire the people that truly qualify because of a political game being played over residency.

This is defective--Section 3F is defective. Section 3F does not mean what it says. The intent of 3F is not as is written in the language and this bill should be defeated for no other purpose than those already mentioned for the fact that now, the University has been dragged into sordid political game.

Thank you."

Representative Cayetano then rose and asked:

"Will the Chairmen of the Committees involved yield to a question?"

Representative Garcia replied in the negative.

Representative Cayetano asked:

"Mr. Speaker, I have a question about the statement made on page 2 of the Committee Report. I would like to direct Chairman Garcia's attention to that--first paragraph. It states that, 'Your Committee further finds that our State is unique among the fifty states in the Union in that its insular character serves to effectively hinder the mobility of its population.' Then it goes on to say, 'More importantly, this insular character of our State has nurtured an unprecedented type of cultural environment and particular lifestyle which may cause adjustment difficulties for our residents who may contemplate moving to other parts of the nation.'

Mr. Speaker, I would like to know what that means."

The Chair asked:

"Are you addressing the Chair or are you making a statement?"

Representative Cayetano replied:

"I am addressing the Chairman, Mr. Speaker."

The Chair asked:

"Are you addressing the Chair?"

Representative Cayetano asked:

"Did he say he will not yield?"

The Chair replied:

"That is correct."

Representative Cayetano then stated:

"Well, Mr. Speaker, I will ask you the question then."

The Chair answered:

"The words speak for itself. The intent of the words that you spoke of--not having been on the Conference Committee, the Chair begs to decline also."

Representative Cayetano then stated:

"That's fine. Mr. Speaker, then,

I rise to speak in opposition to this measure.

Mr. Speaker, as I understand this bill, the purpose of this bill is to provide that public employees shall be residents of the State for at least one year immediately preceding employment and certain conditions and certain exceptions provided to this bill. Now, Mr. Speaker, other speakers have made mention of some of the problems with this bill so I would like to limit my discussion on this bill to a more general approach.

The case of *York v. State of Hawaii* mentioned by Representative Kats Yamada imposed a school teacher employed in our public schools who was dismissed from employment because she had not acquired the necessary three years residency which was required under the old law. Our Hawaii Supreme Court, in striking that law down said, in essence, that the State had to show either a rational connection or a compelling interest for the three-year residency requirement before it could be sustained. In my view, there has been very little that has changed since that opinion was given on June 9, 1972, to change the court's ruling.

At the hearing on this matter, before the Public Employment Committee of which I am a member, the State Administration was unable to show that newcomers, in-migrants from the mainland, or immigrants from the foreign countries, have had a substantial, or any kind of impact, on public employment. As a matter of fact, my recollection of the testimony of the Director of the Department of Personnel Services was that the impact on public employment by newcomers was minimal. Despite this evidence, or these facts, the State Administration has gone on to justify passing this kind of law by saying that a one-year residency requirement for public employment will be a symbol, a symbol to outsiders that we, here in Hawaii, wish to control our population and control the quality of life that we have here, or that we want to have. There are other ways in which we can try to control the growth of population and I have supported, as a member of this body, most of the measures which have been directed to that purpose.

The Committee Report, justifying this bill, states that employment is one of our State's primary resources and that we must reserve or try to limit the use of that resource to a bona fide island resident. Mr. Speaker, Hawaii is no different from any other State in the Union. The problem of

employment is a problem which all other states have dealt with. But we, I think, are truly more fortunate than many of these other states because I know of no other state, Mr. Speaker, which has a water barrier of 2,500 miles. It will take a person with a family quite a bit of money to travel to this State to seek employment. That, Mr. Speaker, is one deterrent to growth.

If we are experiencing an undue influx of immigrants, for example, that is something the State cannot deal with because everyone here knows that immigration falls within the jurisdiction of the Federal government. If that is what we are concerned about, I would suggest that we try to get Congress, or try to have an amendment to our United States Constitution, passed. We should not try to pass this kind of legislation which already has been struck down by not only the highest court of our State, but the highest court of our land.

The bill, Mr. Speaker, discriminates capriciously and arbitrarily. For example, previous speakers have pointed out that in cases where island students, or island youngsters, seek to get an education in other states and leave Hawaii, and because they are unable to afford the out-of-state tuition, declare themselves residents of the states and after graduation, want to come back, will be hindered in doing so by this bill. Perhaps, the island youngster who is able to afford to pay to travel to the other states, to pay the out-of-state tuition, to pay for room and board and things like that, he will have no problem with this bill.

There is one other aspect of this bill. Today, we have an unemployment problem in our State. Engineers, for example, have a hard time finding jobs here, so many of them have left. They have gone to the mainland to work but, like most Hawaii residents, or like most people who are born here, most of them, I am sure, in their hearts, feel that they want to return one day. This bill would stop many of them from doing so.

There have been some amendments to this bill which, I think, materially, undermines whatever merit the bill had when it first came to us. The amendment to the House conference draft materially weakens the rationale behind this bill. The amendment

exempts from the imposition of residency requirements, certain employees of the University of Hawaii. For example, the bill says on page 3, that the residency requirement 'shall not apply to persons recruited by the University of Hawaii under the authority of Chapter 304-11.' Then, it goes on to make another exception: 'Provided however, that all persons recruited as Administrative/Professional/Technical personnel of the University of Hawaii shall be subject to the requirement of residency;'. Then, it goes on to make another exception: 'Provided further that appointment of persons to positions requiring highly specialized technical and scientific skills and knowledge may be made without consideration of residency.' I can understand the reason behind the exception. Many of us are concerned about our University of Hawaii. We want to develop it to a point of high excellence and this is why we open the doors when it comes to recruiting faculty. But the same considerations that are made to justify the exceptions made for the University of Hawaii apply to every other State agency that we have in this State. So, in my view, these amendments do nothing except materially weaken the bill.

Now, the Representative from Manoa, I think, put his finger on a very subtle, or a sensitive singular problem with this bill. There are, Mr. Speaker, at this present time, segments of our community who feel they have been shut out from equal opportunity in State government. Whether their fears are justified or not, it is not for me to say, but the fact remains that many of them have not had the opportunity to become employed in either State or county government. I think a measure like this only goes to feed their suspicions as to why they have not received that kind of employment opportunity.

This bill is a bad bill. It offends, or should offend, the sensitivities of anyone who believes that the United States is one nation; that we should be able to travel free and without restrictions from state to state. For that reason, I urge all my colleagues to vote against it."

Representative Say then rose and requested a roll call vote on this measure.

Representative Uwaine then rose and stated:

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

Mr. Speaker, I concur with the

Governor's position that something must be done to curb excessive growth and unemployment. I even applaud his attempt at rectifying this grave situation. However, I cannot concur with his proposed method of a one-year residency requirement.

Mr. Speaker, the residency requirement is unconstitutional. Since enough has already been said on this subject, I will not further elaborate.

However, Mr. Speaker, I would like to make one point. I must ask my colleagues to question our motives. Are we really helping to provide better job opportunities for our local people by discriminating against outsiders? Or are we really, perhaps unconsciously, admitting that, as a legislative body, we have failed to keep our promise to the people of our State to provide new and better employment opportunities.

Mr. Speaker, with this in mind, I urge my colleagues to vote 'no' on this bill.

Thank you."

Representative Abercrombie then rose and asked whether or not the Chairman would yield to a question, to which Representative Stanley said, "I will not."

Representative Abercrombie then stated:

"Mr. Speaker, in that case, I rise to speak a second time on this bill.

Mr. Speaker, I rise to speak a second time because I am unable to get an answer from the program; therefore, I will have to pose it to the body and leave it to their good judgment to decide it. Mr. Speaker, when the State contracts with people, we often contract with people in private firms. This bill indicates all employees in the service of the government or in the service of the county, then, it refers on page 2 'for the purpose of services which are essential to the public interest for which no competent person with the qualifications, et cetera, et cetera, is found.' How are we going to interpret that, Mr. Speaker--the purpose of obtaining services which are essential for the public interest? Often, we hire consultants, Mr. Speaker, that is being paid for by public funds. They are employees; they are obtaining

services which are deemed essential in the public interest.

When these consultants are hired by the State, just to give an example, a consulting firm--are we then saying that the consulting firm can't bring someone in to the State to work in the furtherance of the public interest unless they meet the one-year residency requirement? That is the question I would have liked to have answered, and more in that area had the Chairman been willing to accede to the question and, because the Chairman is unwilling to do so, can only pose it to the body, and then ask you to think about it, and I point out, then, once again, in this separate instance from the first one I brought up. Are we really voting on language in a law that fixes clearly the concept that is being espoused or we are, in fact, passing a concept and incorporating language into law which may have nothing to do with the concept, but merely satisfies the political purposes.

Think very clearly, my friends, before you vote as to whether or not we are putting ourselves into a circumstance where, in obtaining services which are deemed essential to the public interest, we will, in fact, be doing the exact opposite by our failure to be absolutely clear in the language of law as to what it is that we mean and what it is we intend to do."

Representative Cobb then rose and stated:

"Mr. Speaker, I rise to speak against Senate Bill 1350, SD 1, HD 2, CD 1. As I do so, Mr. Speaker, and pursuant to the request of a Representative from the Ninth District who has asked for a roll call, it is with a sense of sadness as I look upon the names of the roll call, to think that all of us, sitting in this beautiful chamber, are immigrants or the descendants of immigrants, and if that roll call is called, as each of our names are called, that we should think either where we came from or where our ancestors came from and there are no exceptions, even to names such as Kamalii, or Peters, or Aki, for last year we celebrated a voyage of immigrants who came from Tahiti, and who are now associated with the aina.

The only difference, Mr. Speaker, is really the time. How long has it been since we migrated to this beautiful land? The young man who asked for the roll call has ancestors who came from China."

Representative Say, at this time, rose on a point of personal privilege and stated:

"Mr. Speaker, I believe the Representative from the Tenth District is defaming my cultural heritage. I think the Representative from the Tenth District should, maybe, apologize for what he stated on the floor this afternoon.

The reason for my roll call was that no one defended this bill right here this afternoon, and I believe the cons against this bill is overwhelming right now that I've already made up my decision about this residency bill. So I see no purpose in having a great debate continue on since the Finance Committee has to meet a certain timetable also.

Thank you."

The Chair then recognized Representative Cobb and he continued:

"I will apologize for any offense taken, both personally to the previous speaker and to any member of the House who was offended, and I will try to keep my remarks brief."

The Chair interrupted:

"If I recollect correctly, Representative Cobb, you are a stickler to parliamentary procedure. You have always cited individuals for naming individuals who were referring to individual members by name. The Chair would appreciate if you would take that into consideration."

Representative Cobb answered:

"Yes, Mr. Speaker, that will be possible in the discussion of the bill; unfortunately, it will not be possible when the roll is called.

I would like to quote very briefly, if I may, a recent article from the 'Honolulu Advertiser' that, I think, outlined one of the principal objections that a number of us on the Committee have had; not so much to the philosophy of the question of a residency requirement, but to the lack of a compelling State interest if, in fact, a compelling State interest could be shown that we, as legislators, should have that information before us and this article quotes: 'The public jobs bill represents more of a symbol than anything else. Even the Governor's own aides acknowledged newcomers

do not represent a major threat to the government job market.'

Mr. Speaker, throughout the Committee hearing, myself and others asked for data of any kind relative to the impact of newcomers on the government job market and that data was not available. Mr. Speaker, that is going to be one of the primary considerations of any court that hears this bill on a constitutional test because it is based on the premise that there must be a compelling State interest that can be shown as evidence in a court of law.

Now, we were told by the Director of Personnel Services that such information may be forthcoming or will be very difficult to achieve. Mr. Speaker, we are being asked to make a policy decision. In the absence of such information, knowing full well that the court of law will then make a constitutional interpretation and they will insist on such information, and if it could be shown that we do have this kind of compelling State interest, in terms of the natural facts and data, I would be willing to listen to that and reassess my position, but at no time, Mr. Speaker, was that shown. I think a number of arguments, in terms of the constitutional questions that have been raised, are well taken but, Mr. Speaker, simply because we are policymakers does not mean that we should ignore the facts or let them slide by, or make a decision without getting those kinds of facts.

Thank you."

Representative Kamalii then rose and stated:

"I rise to speak against Senate Bill 1350, SD 1, HD 2, CD 1, but because I would like to get on with the voting, with your permission and the permission of this body, I would like to have my remarks entered into the Journal. Thank you."

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

The following are the remarks of Representative Kamalii:

"Mr. Speaker, I rise to speak against Senate Bill 1350, Senate Draft 1, House Draft 2, Conference Draft 1.

Mr. Speaker, the arguments advanced in the various Committee Reports supporting this bill boil down to this--that the local residents don't want any competition for government jobs. Well, Mr. Speaker, for your information, most of this

competition has already been eliminated within those government agencies which do a lot of hiring, thanks to union pressure. For example, if you want a job with the University of Hawaii, or with the Department of Education, you practically have to be working for either of those departments to even know there is a job offering, because such jobs must first be offered to University of Hawaii or the Department of Education personnel before public advertising is done. Also, a lot of the job advertising you see in the papers is a lot of shibai. The selectee has usually already been chosen, and a recruitment process is instituted for public relations purposes only.

Mr. Speaker, nobody knows how many State or county government positions have been filled by non-residents. I doubt if the number is very significant. Even in our temporary emergency employment programs such as S.C.E.T. or C.E.T.A., I am sure that the great majority of workers are, in fact, residents of Hawaii according to the requirements established in this bill. Therefore, Mr. Speaker, what purpose does Senate Bill 1350 serve?

If the purpose of this bill is to prevent outsiders from swarming into Hawaii and taking jobs away from our residents, why not slap a blanket moratorium on all further employment, private as well as government? After all, the private sector is still four times bigger than the government, in terms of employment.

I fail to see how the preservation of Hawaii government jobs is going to preserve the 'unprecedented type of cultural environment and particular lifestyle' referred to in the Committee Reports. I also fail to see how this restriction of government jobs to local residents is going to enhance Hawaii's economy. Instead of restricting employment to local residents, why not expand the economy so there will be jobs for everyone? Why should any U.S. citizen who wants to work be told he or she cannot apply for any job?

Mr. Speaker, since constitutional arguments seem to have little effect upon the merits of this bill, or any other bill, let us assume that we pass this bill. What is to prevent other states from following our example? The 20,000 or so Hawaiians who move to the mainland each year would be faced with the same kind

of economic discrimination propounded by this bill. Would they then decide to stay in Hawaii? If they did, our population would increase dramatically, which is exactly what we are trying to avoid.

Mr. Speaker, what is the real purpose of this bill? Can it be that this 'Hawaii for the Hawaiians' kind of thinking is actually a shrewd move by the Ariyoshi Administration to remain in power? After all, the Administration has the most to lose if there is more immigration into Hawaii. I say this because citizens new to our State look at our State government with a kind of detachment not possible for the rest of us. These newcomers are beholden to no politician or political machine.

Mr. Speaker, I believe this bill is intended to perpetuate an Administration that has lost touch with the people. I believe it is a bill designed to close our doors to new ideas and fresh talent from the larger world of which we are a part. For these reasons, I say we should vote against it."

Representative Carroll then rose and stated:

"I would like to have the remarks of the Representative from Kahala, by reference, reflected as my own in the Journal. Thank you."

The Chair stated:

"If there is no objection by the Representative from Kahala, so ordered."

Representative Peters then rose and stated:

"Mr. Speaker, I didn't have any intentions of standing up and speaking on this bill. Just for my colleague's information, I speak in favor of this measure.

First of all, Mr. Speaker, during the Opening Day ceremonies, the Governor came down here and he gave us his address. It, perhaps, ruffled a lot of feathers throughout the State, perhaps even the mainland; I don't know.

In my own mind, it took a hell of a lot of guts, and a hell of a lot of guts, to stand before us and say, 'Hey, man, we do have a real problem.' We do have limited resources, and we are not talking about providing jobs--jobs produced outside of the public sector. We are talking about public jobs. Why not give first consideration to residents of this State? I see nothing wrong with that--one

year residency requirement. As far as I am concerned, it could possibly be more than that. I would buy that, too. Nobody has the damn guts to stand up and say, 'Hey, man, there is that problem. What are we going to do about it.'

As you know, Mr. Speaker, I learned a long time ago, decision-making is simply a process of selecting from amongst alternatives. We have developed a hell of a lot of alternatives, comprehensive plans, lower development, all that bull. It doesn't address to decision. We are talking about public jobs--jobs that are produced through public funds, and where do we get this public fund? From taxes that the residents of this State pay. Why not give them the first consideration for these positions. That is where it is at.

A lot of people talk about the Constitution and about the law. I have talked about that once before, that there is that difference between law and justice and the newest instance calling for you folks may not like the way all the words fit together in this measure. Okay, sure, I admit, there are some exceptions. We recognize that. But, perhaps, to address one issue brought before this House by way of saying that, okay, the State may have the opportunity of entering into a contract with some kind of private firm. That is not an employee/employer kind of relationship. Very clear to me. It is a contract. The relationship between a contractor and a contractee. We are not talking about employees there. This measure addresses itself to employees of this State.

Many of you know that I stand here very often, spilling out my guts because many a time, that's how I speak--from inside here, not up here, you know. Quite often, they get together at times, too. I am speaking from my gut, but that is exactly how I feel, and our people should have first consideration for these jobs. That has nothing to do with the movement of people from one state to another. Welcome, komo mai, come and join us anytime, but understand that we face some constraints here. We have limited resources. We don't have all the damn jobs in the world to give to everybody.

Somebody talked about a compelling state interest and as far as I am concerned, the court does have an interest in this. If we can say that we have

all the money to produce all the necessary jobs, provide for all the opportunities of this nation, of the world, to come here and utilize, then fine, but you and I know that we don't, so stop bull shitting."

Representative Garcia then rose and made the following request:

"I would like to request that the points I made in my previous speech relating to this particular bill be entered into the Journal."

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

The following are the remarks of Representative Garcia:

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

Mr. Speaker, I am not going to kid myself that on this particular bill we are going to have major disagreements, that there is a likely possibility that this bill may not even pass, and I have a job in front to try and convince some people why this particular legislation is needed.

I can respect the views of my Vice Chairman--Vice Chairman of the Judiciary Committee--relating to the constitutional question. I think he has researched it well and I think he is correct in many of his observations, but the one point that I would like to make is that not one of us sit on the Supreme Court. Every member here is a legislator, not a judge. We are the ones that develop the policy. We are the ones that set the tone for what we would like to see happen in this State. We are not the ones that interpret the laws or interpret the intent of these laws--that is the role of the court.

It was mentioned earlier that the right to work is a fundamental right, but that is not true, Mr. Speaker. The right to travel is a fundamental right, and although the right to travel is not specifically mentioned in the Constitution, the Supreme Court has found that the right to travel is necessarily inferred from the right specifically mentioned. The Supreme Court has found that the right to travel is one that has constitutional dimensions. Thus, in evaluating restrictions on the right to travel, including the requirement of residency, the court has traditionally relied upon equal protection language in arguments. But equal protection requires that any restriction that touches either a fundamental right

or suspect classification is subject to strict scrutiny.

The argument, then, becomes one of basically balancing conflicting interest. In effect, this means that the burden is on the State to prove that the classification, whether it be by race, sex, religion, ancestry, or restriction of a fundamental right itself, is justifiable, and that justification must be what amounts to a compelling state interest. Only when the State has demonstrated this compelling state interest, may the classification be found valid.

Now, in any discussion, focusing on this fundamental right to travel, or any legitimate interest in restricting that right, the State must show that there exists a compelling interest and that the desired end cannot be reached by any other means. So, what it means then is that any statute drafted must meet two requirements.

The first is that the state interest is of such a nature as to justify restricting a constitutional right and second, that there are no other less restrictive means of accomplishing the desired ends. So, the focal point of any equal protection argument is deciding what state interest is compelling enough to infringe on a constitutional guarantee.

In recent Supreme Court decisions, the court has held that administrative convenience, fiscal restraints, and other interest on the level of expediency, do not meet this compelling interest, and that is true. However, no court, no argument before any court, has ever focused on the State's interest in preserving its physical or economic composition. At least none of the order that I believe the State of Hawaii will be able to show.

Hawaii is the only island State in the nation. The lack of contiguous states and land mass to accommodate those who want to come is an argument that the court has never had to consider, and I am talking about the Hawaii Supreme Court. An argument was brought out about the statutes that happened in New York, that was struck down, but New York is a different example. They are part of a large land mass. They have a different tax system. They have a different way of running their particular state, and this is where the difference is.

Hawaii is unique. Arguments

that might apply to other circumstances like New York may not apply here. The very concept that we are talking about is a concept of self determination and preservation of the quality of life are arguments that Hawaii needs to explore in court. We need not feel constrained in pursuing these legitimate objectives. Arguments abound here in Hawaii, and we have talked about it here on the floor of the House--about shipping strikes, about lack of adequate food productivity, and the growing reliance that we have on the beauty of Hawaii and the effect of what more and more people coming to Hawaii would have on the natural beauty. Not only that, but what about the State's economic well-being. To avoid becoming another New York City, it becomes necessary then, that we, in the State of Hawaii, exploit these features and not be burdened by constraints, legitimate in other places like New York.

I would hope that all of these arguments will be argued in the brief that will go before the Supreme Court as I am sure that an appeal will be forthcoming. However, I firmly believe that the House should take a firm position that this is in the State's best interest. I believe it is compelling. I believe that our unique situation will force a re-examination of the right to travel. We should not shun our duty to the citizens of this State by relying upon a fear that our action is unconstitutional. That is not up to us to decide. We are policymakers. This is something, I believe, the court should decide.

Now, some people have talked about our Constitution. Well, I would like to contend, for all of us here, that the Constitution that was drafted was not cast in stone or concrete. The Constitution was written by men, and it is a living instrument. It bends and it changes with the times. The government has had an increasing effect upon regulations in the public interest. Environmental impact statements, sunshine legislation, agency accountability, have all been worked on by many of us here over the past few years. But what we need to do is to look at the larger picture. New rights are created by the courts and conversely, restrictions are often added into law.

The right to travel, as I mentioned earlier, is not explicitly mentioned in the Constitution; nor are other rights that we consider to be basic. For example, veranda warnings. Theories of due process have waxed and waned with the times; minority rights, religious freedoms, freedom of expression, women's rights, have

all been examined and re-examined, often with the result of change, and this change was influenced by a growing awareness of the change in public opinion--the change in societal needs; the change in their own outlook. So that right to travel is not cast in stone, and we need a careful reanalysis of this particular right. Legal theories do not live in a vacuum. Laws can only be effective when the majority of the people submit to their covenants. A decision that reflects careful consideration and thoughtful analysis can be tampered by public opinion.

This bill attempts to define parameters of acceptable, responsible, State action. Our responsibility is to the preservation of the State. This bill tries to accomplish this end, and probably by the least restrictive means. Consideration must be given to the alternatives. How can we enact laws which, in effect, will limit or at least drastically slow down in-migration into the State.

This bill doesn't impose any hardship on any industry as a bill stopping all construction would. This bill will not cripple any major economic business in this State. The case decided and mentioned many times earlier by the Hawaii Supreme Court in 1972 can be distinguished from this bill under consideration.

In the decision of *York v. State*, the Supreme Court found that the State's three-year residency requirement for the right to public employment was unconstitutional. But the statutes under consideration in *York* required the three-year residency requirement which is not proposed in this bill. In terms of residency and an intent to reside in the State, one year, we felt, was a more reasonable amount of time in which prospective employees are required to wait.

But let me be more specific in *York v. State*. When the State took this case to court, the State laid its particular claim and asserted that the rational basis test be applied in this situation in 1972, in determining whether a residency requirement for public employment violates the equal protection clause. And this particular test states that the Legislature may not act arbitrarily, that the classification of a particular group as a subject for regulation must be reasonable in relation to the purpose of that legislation. But this rational basis test is a less stricter standard than the compelling

state interest test.

In the compelling state interest test, this test is applied in the standard, when the classification of groups would infringe upon a fundamental right, or such classification which is a suspect classification. Because the State came into court with a rational basis test, the court considered its arguments and the court held, in *York v. Hawaii*, that the State did not meet the standards of the rational basis test, but the real point to remember in this case is that the court did not consider the compelling state interest test, and the court also said, in its footnote, that perhaps the appropriate test to be applied could be the compelling state interest test. So, Mr. Speaker, we have this particular interest that we are talking about, but I would like to expand further about the direction of the United States Supreme Court.

Four Supreme Court cases, in the past three years, indicate that the U.S. Supreme Court has a more open perspective on the importance of the right to travel and may be receptive to a state's effort to reduce its population growth by testing and treating recent arrivals differently from long-term residents, or even by limiting, or prohibiting, in-migration directly.

In 1975, in *Sausner v. Iowa*, the court upheld Iowa's one-year residency requirement. In 1974, the court held in *Village of Bellterre v. Borrass* that a residential community's restriction of its house to families is constitutional. The court recognized that the important aesthetic cultural and social values that are preserved and promoted by limitations on population and dismissed, as without importance, the incidental infringements on the right of travel and the right of association. This decision, therefore, was read as a means of reducing the right to travel in importance, and holding that other interests are of equal importance. So what, in effect, this means then, the court handed down two decisions in conjunction with this one, in 1976, that recognized the importance of a state sovereignty and deferred to a state, its essential state functions. And these two court cases were *Hughes v. Alexandria Scrap Corporation*, in 1976, and the *National League of Cities v. Uswheel*, in 1976. These cases indicated that a state can attempt to define an area of essential state concern, including cultural heritage, as well as its environmental and economic base and, moreover, in these two cases, they said that we could pass legislation to protect that concern.

Legislative hearings and findings will be essential, but the court has indicated that it is open to legislation that would favor long-term residents over recent immigrants.

Several arguments brought out, Mr. Speaker, by the past few speakers, talk about the welfare case. This is something that should be addressed by the proper committee. Several Representatives talked about data not being readily available for us to take this to court and, yet, we just passed a tax bill, less than an hour ago, and one of the criteria used in the passage of that bill was, we weren't ready to come in with an alternative funding scheme and that's why we need it. Mr. Speaker, what is good for the goose is also good for the gander.

Another point that was brought out was, perhaps, we are afraid of our educational system. Now, Mr. Speaker, I am not going to talk about race because, in my mind, this particular bill, in no way, addresses this particular issue of racism, and I am not going to even consider that particular point of view.

But because of these reasons, Mr. Speaker, the bill under consideration, I think, will be different from that which have been considered before. I think we are in a climate that is more receptive to a bill like this than ever before.

In 1972 and in 1977, the circumstances are different. H-3, Waihole/Waikane, Chinatown, the location of West Oahu College are examples of the type of public struggle that people are willing to engage in to keep the islands from submitting to increased crowding. It also indicates a change in peoples' attitudes, a change that has taken place over the years.

I have tried, Mr. Speaker, to articulate some of the concerns that some members of the House have and I realize that a bill of this nature raises some strong emotions and feelings. But I think those of us who have considered it, and I believe all of us have considered it, on the basis of merit and not on emotion.

The Supreme Court is not bound by public or popular opinion but, rather, by legal theories. Mr. Speaker, I am not going to stand here on the floor of the House to defend the current Administration's

position on anything. I will defend what I think is right. I think this particular legislation deserves the debate that it had this afternoon, and I don't think that the present Governor has gotten any message, or has forgotten the legacy that the previous Governor Burns has left us. It is because all of us are thinking of the future. It is because all of us are thinking about our children; it is because all of us are beginning to recognize that we are an island community, and that is why we are considering this legislation.

Thank you very much."

Representative Cayetano then rose to rebut, stating:

"I hope this will not come up. . . these remarks will not come up because I had hoped that I would not have to get up to spill my guts, so to speak.

One of the previous speakers made mention that this is the Governor's state of the State speech and what he said regarding the imposition of residency requirements as a courageous act. I disagree. I disagree because the people most affected by the imposition of this law or this bill, if it becomes law, are politically powerless in the State. I disagree because those people, many of them anyway, are usually relegated to taking the kinds of jobs that we have here which our local people do not want. I disagree because those people who will be affected by this measure truly do not have an effective say in the government.

As far as I am concerned, passage of this bill is a politically popular thing to do. It is what many of our local residents want. Unfortunately, I think it is our duty, as legislators, to remind our constituents. That is what we are here for. We are not here just to take polls and do whatever the majority of the constituents want but to remind them about some of the values of our society and some of the values that we hold and cherish for our government.

So, I disagree. I don't think this took guts at all."

Representative Peters was recognized by the Chair and he stated:

"Thank you, Mr. Speaker.

You know, Mr. Speaker, I must admit that I am very sensitive to the remarks made by every one of the previous speakers, and I speak in favor of this measure."

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

"I would like to ask that the speaker state the purpose for which he is rising."

Representative Peters replied:

"I said I speak in favor of this bill my second time around. You want to check the rules?"

Representative Carroll responded:

"I couldn't hear what he was rising for, Mr. Speaker."

Representative Peters continued his remarks, stating:

"Okay, brother Carroll. Anyway, I don't know if this is a popular measure. For the record, I don't give a damn. I don't take polls. Maybe all the other previous speakers do. I don't need to. I got put into this office to make decisions, to vote on measures which, in my own mind, reflect the interest and welfare of my constituency. That is exactly what I am going to do.

You know, many of my people, as Hawaiians, have been ripped off by way of the law so don't throw that law at me; you know, and that is the point I want to make, too.

Thank you."

Roll call having been requested, the motion was put by the Chair and failed to carry by a vote of 21 ayes to 30 noes, with Representatives Abercrombie, Ajifu, Baker, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Ikeda, Kamalii, Kawakami, Kunimura, Larsen, Lunasco, Medeiros, Mina, Narvaes, Poepoe, Say, Sutton, Suwa, Takamura, Toguchi, Ueoka, Ushijima, Uwayne, D. Yamada and K. Yamada voting no.

At 4:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:09 o'clock p.m.

Representative Garcia then moved to reconsider action taken on Senate Bill No. 1350, SD 1, HD 2, CD 1, seconded by Representative Kondo.

The Chair stated:

"The motion before the House is to reconsider the action taken by the House on Senate Bill No. 1350, SD 1, HD 2, CD 1."

Representative Ajifu then rose and asked:

"Mr. Speaker, I would like to know what was the vote of the maker of the motion--how did he vote?"

Representative Garcia replied:

"Mr. Speaker, I voted 'aye'."

The Chair remarked:

"The Chair realizes that the movant is not the proper person."

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

"If that is the case, then, I withdraw my motion."

The Chair then ruled:

"The Chair so rules that the motion is out of order."

Representative Kunimura moved to reconsider action taken on Senate Bill No. 1350, SD 1, HD 2, CD 1.

The Chair stated:

"The Chair requests that you be recognized before what you say is given any substance."

The Chair recognized Representative Lunasco and he seconded the motion to reconsider action taken on Senate Bill No. 1350, SD 1, HD 2, CD 1.

At 4:10 o'clock p.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:17 o'clock p.m.

Representative Abercrombie then rose on a point of clarification and asked:

"Would you state for us what an 'aye' vote would mean and what a 'no' vote would mean, please?"

The Chair replied:

"An 'aye' vote will sustain the motion for this body to reconsider its action made on Senate Bill No. 1350, SD 1,

HD 2, CD 1. A 'no' vote will not sustain that motion. A 'no' vote, in effect, is not for the reconsideration. An 'aye' is for it."

Roll call having been requested, the motion to reconsider action taken was put by the Chair and carried by a vote of 26 ayes to 25 noes, with Representatives Abercrombie, Ajifu, Baker, Blair, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Ikeda, Kamalii, Larsen, Medeiros, Mina, Narvaes, Poepoe, Say, Sutton, Takamura, Toguchi, Ueoka, Uwayne and K. Yamada voting no.

Representative Stanley then moved that S.B. No. 1350, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Garcia.

At 4:22 o'clock p.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:36 o'clock p.m.

The Chair then announced that the motion before the House is for the passage of S.B. No. 1350, SD 1, HD 2, CD 1, on Final Reading.

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

"I wonder if everybody in this House can raise both hands? I see a lot of them were broken, weren't they."

Representative Lunasco rose and stated:

"Mr. Speaker, I rise to speak in behalf of this bill, but with some reluctance. Mr. Speaker, presently, I am still opposed to the bill but, basically, I feel that the Administration should have a chance of, hopefully, implementing this law. As the way it stands, I still have some problems in thinking that it does have some constitutional problems but, Mr. Speaker, that is my personal belief and for the information of the individual across the aisle, nobody twisted my arm. I just personally feel that the Administration should be given a chance to implement some of its ideas, and I will be voting in favor of this bill."

Representative Uwayne then rose

and asked whether or not Representative Lunasco would yield to a question to which Representative Lunasco replied in the negative.

Representative Uwayne replied:

"Thank you, Mr. Speaker, I think he answered my question."

Representative Ajifu then rose and stated:

"I would like to request that this matter be deferred to the end of the calendar."

The Chair replied:

"I believe we've had debate on this at great length. The body voted on it. The House reconsidered its action. The Chair is of the opinion that the body is ready to vote on this."

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

"Mr. Speaker, how many times has this bill been deferred to the end of the calendar before?"

The Chair replied:

"I have no idea at this point."

Representative Narvaes then stated:

"To my knowledge, it has been deferred more than once, more than twice."

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

"I don't see what the point of order was."

Representative Abercrombie then asked:

"Have you finished your ruling, Mr. Speaker, before I say anything?"

The Chair replied:

"I believe Representative Narvaes is satisfied with the Chair's remarks."

Representative Abercrombie then rose and stated:

"I rise to speak against this bill.

Mr. Speaker, when the previous speaker makes the point that the Administration ought to be given a chance to implement the provisions, it seems to me that it flies in the face of all the arguments that have been made

previously to the negative; rather, in the negative. If we are to be given the chance to see if we can keep people in bondage, is that an argument? If we give the Administration the chance to see if it can enforce an unconstitutional law, is that an argument? Should it be given the chance to see if it can juggle meaning and Committee Reports with the actual language of the law? Is that an argument?

Mr. Speaker, is it necessary to remind the body that we are passing a law and not a concept; that it does violence; that to do so does violence to the fundamental principles that underlie the legislative process? I find it incredible. I should take that back. I don't find it incredible; I find it all too much a trend as we descend into the administrative chaos in this country that we are pleased with ourselves, that we find the capacity to maneuver and manipulate to do those things which we know, fundamentally, destroy and debilitate the constitutional system that we are supposed to uphold.

When we confine the political considerations are such that we are required, in order to suit that, perhaps, misplaced emotions of those of us in the community who do not accept, as a result of the social and economic conditions which prevail, the point of view that the Constitution is in jeopardy, that we must pass such legislation. I find it offensive to my sense of American history that I should be in the position of actually having to argue with my colleagues about something which verges on the edge of moving to the kind of administrative process which is just short of totalitarian. All the emotional arguments in the world--I'll take that back, too. Just because an argument is emotional doesn't mean it's not a valid argument. That is for certain. I have made emotional arguments; people have agreed or disagreed with the validity of those arguments; emotion perhaps is necessary and there is no question that we have moved into the area of emotion now. But I will tell you one thing--it will probably be brought up again today by me or someone else that the difference between this country and totalitarian countries, in American history, has been pluralism.

The capacity for different groups to have their needs addressed in a way that does not do violence

to the rights, constitutionally and morally, in terms upon which this country was founded. That is what pluralism is. It's been under steady erosion since the end of World War I. With the advent of mega-technic proportions in technology, mass industrial society, to a degree never before witnessed in the face of the Earth and the crowning glory of the Constitution of the United States, if I can refer to something outside the boundaries of this particular hall in the individual web and tangle of alliances in this hall, if I can refer to the Constitution of the United States, the crowning glory of that document is its flexibility, not in terms of principle, but in how those principles can be applied in a just and fair manner which reflects due process for every single citizen and/or individuals who reside in this nation, whether they be citizen born, citizen acquired, or resident alien; that by virtue of the fact that they are human beings residing within the borders of this nation that they are entitled to the fundamental respect due any human being, in respect of the laws of this country. And what this does is say that we are incapable as people in the United States, that we are incapable as citizens of the State of Hawaii, of addressing adequately the mandate that was handed to us 200 years ago by the people who founded this country, that we carry on what they set out to do and tried to free us from the domination of another system and another people who did not respect those same rights.

Blood has been shed in this country over those principles. Blood has been shed in this State. People have been killed in this State; people have been intimidated in this State over the rights to organize themselves, over the rights to be able to express themselves as men and women, free human beings, in this State, when it was a territory; when it was a State. People came from other countries, other lands, other circumstances, came from the United States itself--on the mainland--when this was a territory and just asked to be able to live, to be able to support themselves and to make a contribution to society, and they were hounded. They had to meet in fields to organize themselves if it was a union to organize the party of which I am now a member. People had to meet surreptitiously--they had to meet in secret in order to express their constitutional rights to exercise their civil rights under the Constitution of the United States. They find themselves with their jobs, their lives, and their fortunes in jeopardy because they

wanted to organize a political party, the Democratic Party, and yet, I find myself now with the possibility of the Democratic Party of this State being the principal advocate, at this time, and in this place, just after the bicentennial year, of denying the right of the citizen in this country to come here and make a living; to be able to sustain himself or herself with the skills that they may have acquired, with the talents that they may have in the contribution that they might make to us. Now, that's where the death of pluralism comes in.

Now, you know, it has been mentioned here on the floor before about speaking with one's heart and, boy, I respect the gentleman that made that remark, because that's true, and I think I have done it too. And I am doing it now. I guarantee you, and it has also been mentioned on this floor by me and by others that, yes, I have a background in teaching and I have taught the students in this State, and some of them may be in this gallery right now, and one of the things that I have taught when I was out at Leeward Community College is, I put on the board, in my Sociology 150 class, all of the characteristics associated with John Anthony Burns, and I put them down in a column--where he came from, how he got here, what he was, what he did, who was he associated with, and I proved on the one hand how it was impossible for that man to be elected Governor of this State with those characteristics associated with him--being a haole, being a military brat, being a Roman Catholic, being a police sergeant, being a democratic, being associated with Japanese and Filipino laborers, being associated with people who were shut out of the economic system, not allowed to get jobs, not allowed to make a living and I proved conclusively that he could not have been elected Governor of this State and then on the other hand, I took those same characteristics and I showed how it was impossible for John Anthony Burns not to be elected Governor of this State because those very same characteristics, when put together in that man under the Constitution of the United States, made it impossible for any other things to occur. Nowhere else in the world would John Anthony Burns have been elected Governor of the State of Hawaii, except under the Constitution of the United States, and the circumstances which existed here. Why? Because people were able

to come here and work for a living and make a life for themselves, and they have been shut out, and they organized themselves and said, that's not right. And if we pass this bill, we are saying that we are going to fly in the face of the whole history of the territory and the State of Hawaii and turn our backs on that.

I won't do it. I'll vote no, and I'll vote no again and again and again because I stand for pluralism. I stand for the Constitution of the United States. I stand for all the blood and sweat and tears that have been shed in this State on behalf of the right to make a living, to grow up, to raise your kids, to be able to live in the State of Hawaii and be proud of it; that we welcome everybody here; that we wanted them here for what they could produce and what they could give to us in the way of their talents; what they could share with us in the way of their love, especially those of us who have come here from somewhere else, to be able to share with those who were born here, this glorious place, this paradise. We all know what that is. We all know what that means. Let's not turn our backs on the history of this State at this time. Let's not be smirch. The record that has been made by the people who came before us in this State and many of whom are alive right now, who fought the battle that I was talking about; the kind of thing that made me proud to be a teacher at Leeward Community College; to be able to show right on that blackboard the difference between this country and this State, and other places in the rest of the world, and I don't want to have to take that back. I believed in it then and I believe in it now, and that's from my heart."

Representative Garcia, in rebuttal, stated:

"I am not going to stand up here and argue the points pointed out by the last speaker because many of the points that he brought out are correct and accurate and they reflect a very proud tradition of people in Hawaii--people who are able to welcome other people to come here and work and play and marry and grow kids. But let's not forget one significant aspect of this.

During the administration of John A. Burns, we did have a residency requirement of three years, not one year, and let's keep the facts straight when we talk about that particular individual and his administration.

Many people who are leaders in Hawaii now went to school on the mainland and elsewhere to receive an education and when they came back here, they had to meet and wait for a certain period of time before they could get into any kind of profession. We had a residency requirement. This, in no way, determines how or why we are proposing this particular bill today. What we have before us is a bill which, we think, will recognize that Hawaii is an island State. We are no longer talking about people who came over on the Mayflower to a country that had very few people living in at that time. We are talking about a metropolitan neighborhood, 2,500 miles away from any other land mass, an island that has certain capacities that can support only so many people and that's what we are talking about.

Now, if he is going to tell me that things don't change, that we don't have more people, that we don't have infinite resources, then I would agree with him, but that is simply not the case. We are not preventing people from coming to Hawaii, but we are setting some guidelines for them to follow. Now, I wasn't born in Hawaii. I am an immigrant myself and so are a lot of other people.

But the main issue here is that we recognize that we are an island community. We recognize that everyone is part of a minority group but, more important, is we recognize that we have limitations.

Now, we are not talking about us and how it is going to affect us. We are talking about how it is going to affect our children. We are talking about the future and that is what this Legislature is all about. It is about legislators who, hopefully, have visions, who can plan for the future by doing things now.

Now, I have reservations about the bill. I have some reservations about whether or not the Administration can put together a case that will be successful in the Supreme Court. But the point that I want to make is, let's give it a half decent chance. Now, if it fails, I will be the first one to eat my words. But, Mr. Speaker, I think we need this bill and I think the matter should stand on its merit.

Thank you."

Representative Kamalii then rose and stated:

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

Mr. Speaker, it was said that we need visions, but let me say right here now what we have today, what has been demonstrated is blinded vision, for I fail to see how the preservation of Hawaii government jobs is going to preserve 'unprecedented type of cultural environment and particular lifestyle', as referred in our Committee Report. I also fail to see how this restriction of government jobs to local residents is going to enhance Hawaii's economy. Instead of restricting employment to local residents, why not expand the economies so that there will be jobs for everyone. Why should any United States citizen who wants to work be told he or she cannot apply for any job and particularly here in the State of Hawaii--the Aloha State.

Mr. Speaker, since constitutional arguments seem to have little effect upon the merits of this bill or any other bill, let us assume that this passes. What is to prevent other states to follow this great vision of ours. The 20,000 or so Hawaiians who move to the mainland each year would be faced with the same kind of economic discrimination perpeded by this bill. Would they then be obliged to stay in Hawaii? If they did, our population would increase dramatically, which is exactly what we are trying to avoid.

Mr. Speaker, what is the real purpose of this bill? Can it be that this 'Hawaii for Hawaiians' kind of thing is actually a shrewd move of the Ariyoshi Administration to remain in power? After all, the Administration has the most to lose if there is no more immigration in Hawaii. I say this because citizens new to our State look at our State government with a kind of detachment not possible for the rest of us. These newcomers are beholden to no politician or political machine.

Mr. Speaker, I believe this bill is intended to perpetuate an administration that has lost touch with the people of this State. I believe it is a bill designed to close the doors to new ideas and fresh talent from the larger world of which we are a part, and for these reasons, Mr. Speaker, I urge my fellow colleagues to think, and think hard, about the ramifications of this bill, and I urge them to vote 'no'."

Representative Blair then rose and inquired whether or not Representative Abercrombie would yield to a question to which Representative Abercrombie replied in the affirmative.

Representative Blair asked:

"Representative Abercrombie, when we were both freshmen several years ago, did you not co-introduce with me an act called the Hawaii Act?"

Representative Abercrombie replied in the affirmative.

Representative Blair asked:

"Do you recall the provisions of that Act?"

Representative Abercrombie replied, "Yes, I do."

Representative Blair remarked:

"I presume you've had a change of heart since then."

Representative Abercrombie replied in the negative.

Representative Blair commented:

"Mr. Speaker, thank you very much. The arguments raised today appear to be inconsistent with the previous actions."

Representative Abercrombie answered:

"Mr. Speaker, they are not. I will elaborate to the body if they care to hear it, but I am not sure that they do."

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

"My good counsel of the Finance Committee, will you save your voice for the main events tonight? I would appreciate that."

Representative Sutton replied:

"Mr. Speaker, for the first time in my life, I am speechless."

The Chair then remarked:

"Shall we leave it at that and proceed with the business before the House."

Representative Sutton responded, stating:

"Mr. Speaker, as you know, I

am not very easily seduced and the excellent attempt by the Chairman of the Finance Committee--he fails to recognize that I have played in a few Rose Bowls and we didn't tire. I have been working all night with him and he can take me into any backroom, and I will out-think Dennis O'Connor at 1:00 o'clock tomorrow morning."

The Chair then directed Representative Sutton to "proceed" and he stated:

"Mr. Speaker, I am quite anxious to have this body really contemplate what they are doing and I feel that you have not really addressed their minds. There have been extraneous subjects.

I went back to see if I couldn't get statehood for a territory, and the late Senator Taft felt that we were not ready for statehood, because we would not be able, in a body like this, to understand that there were superimposed on any law that we pass, a constitution. And if this constitution would require that we comply with this higher type of law--have equal protection, due process, have 200 years of adjudication--we would have a concept that is exceedingly subtle, exceedingly difficult to explain.

Various speakers here have referred to the issue here as emotional. I have never heard more pertinent remarks than I hear from the gentleman from Waianae. He doesn't seem to be in his seat. He is getting a bouquet, but he is not in his seat. I am sorry that he doesn't hear it, but what I had hoped was to reach the basic concept that we are attacking this problem by putting in something patently unconstitutional. In my own district, I have a running mate who is not from the same party, and I don't think that we've ever even had dinner together, but I recognize the validity of what he, as the Chairman of the Committee, has done because he did not wish to even come out of his own Committee something which he knew was patently unconstitutional. This is another thing that required immense courage and I applaud him for it and when I go house to house directly after he has gone house to house, I shall not cut him up on this issue.

But, Mr. Speaker, I want you, for a minute, to address your mind to the late Justice Black. Justice Black came from the southern states. He had been a member, in good standing, of what was known as the Ku Klux Klan. In that Klan, they had as their By-laws that all the carpetbaggers that came in from the North were to

be harassed, intimidated and driven back North. They had the strictest residency requirement of all times, and when he was to be confirmed by the United States Senate, he came out and he said, 'I realize the error of my ways and I want to confess the error of my ways. I was a member', said he, 'of the Ku Klux Klan and we did have, not only residency requirements, we drove them out of the South if we thought they were carpetbaggers.' The whole history of reconstruction was the fight between carpetbaggers and the people in the South who had been run over by the army of the Civil War.

Now, sir, Justice Black got on the court and he made this statement: 'Congress, under the commerce clause, has the power to impose minimal nationwide residency requirement or to authorize the State to do so.' Immediately after, Justice Harlan got up and he said that he was shocked that any Justice of the Supreme Court would make a statement of that nature and that the court's opinion represented a very unwise extension of the branch of the compelling interest and he said that he felt that Justice Black was suspect. It then occurred, Mr. Speaker, a very severe confrontation between Justice Black and Justice Harlan, and they don't have the type of thing in the Supreme Court that you have here. The moment you have trouble, it's recess, subject to the call of the Chair. They don't have that in the Supreme Court. And this became one of the most bitter debates that we have seen in the Supreme Court and it was personalities, unfortunately. At the end, we had Chief Justice Warren take them aside and say, 'Listen, this is nine men. We have a job to do. We recognize the error of this confrontation, but it must not hurt the image of the court.'

Now, we are a body of 51 men--really 50 men and you. You are not down here with us and you don't have to fight to get the floor and you can't be out of order. But we got 51--I'll include you--and we have an image. Are we, seventeen years after statehood, able to say to Senator Taft's son because he died and the son is now--excuse me, the son was just defeated--anyway, are we able to say to the Taft family that you were wrong; the way Senator Bob Taft was wrong when he said that we were not capable of ruling ourselves under the constitu-

tional government?

That is the issue. The issue is so beclouded by the basic proposition of this enormous unemployment, by the basic proposition that you and I, as we grew up and took the Bar exam, we didn't like to see these new haole attorneys coming in--neither you nor I. We didn't like to see a proposition of an infiltration. . ."

At this point, the Chair interrupted and stated:

"Representative Sutton, I take it that your remarks are confined to your thoughts and not the Chair's."

Representative Sutton responded, stating:

"Yes, sir, but we have this feeling; all of us have had this feeling, but that doesn't mean that we put on the books of this State laws which are patently unconstitutional, and it doesn't mean that we engage in the type of thing which is going on here today. You start the day off and you say, alright, you got to be in the Finance meeting. We pass this and then we have a reconsideration. Why are we having a reconsideration? Because we had a change of vote, but we are going to put on the books something that has already been repudiated by this body and I think when we repudiated it, we were thinking clearly, and I would ask those colleagues of mine, and those colleagues on the other side of the aisle, and they are my colleagues--I sent just as much birthday cakes to them as the other side and I enjoy them--but I would ask them to consider the basic proposition that in a vote to reconsider and looking at our own Cushing's, that there must be some basic reason for reconsideration and we don't have that basic reason. There is no reason. We already had had this decided in favor. . ."

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

"The debate on the reconsideration should take place at the time in which the motion is on the floor. Unfortunately, we have already taken that particular motion and have acted upon it so I wish that the gentleman from the 15th district simply relate his remarks to the bill rather than reconsideration."

The Chair then stated:

"Representative Sutton, will you so relate your remarks to the bill."

Representative Sutton replied:

"Yes, indeed I shall. That was just a tie-in thought, and I do hope that the gentleman from the Palama area will understand that I am trying to make my arguments on what the calendar will eventually show as a reconsideration.

The gentleman from Manoa brought out a very cogent proposition on how we are trying to make an exception to this to take care of recruitment at the University of Hawaii, and then when you make exceptions, you have a concept of violating equal protection of the law. You also have somebody who could bring a class action against the fact that you would have to bring a class action for all immigrants and probably get a public defender to bring the case. That's what is happening today--Legal Aid and public defender bringing all these class actions, as you know. He would bring this and he would say, if the law has no other purpose than to cure the assertion of the constitutional rights to move from one state to another, to get another job and to get the various prerequisites of life and all of the Bill of Rights in another state, then that law which tries to prohibit it is patently unconstitutional.

Therefore, I would say to you that it is a whole nature about Federal unions they they do not seem to understand the constitutional concepts of personal liberty that seems to unite and require that all citizens have these rights. The mere fact that we happen to be 2,500 miles out in the middle of the Pacific was one of the arguments against statehood. They said we are not contiguous, but we are a State; we are part of the union and this is why I would hope that my colleagues would keep the same vote that they had initially.

Thank you."

Representative Lunasco then rose and stated:

"Mr. Speaker, I must apologize to this body for taking up your time, but I feel that I must state my position so there's no misunderstanding in this place here.

Mr. Speaker, six years ago, as your Chairman on the Committee on Welfare, I was one of the prime movers of the so-called residency law which passed at that time.

Mr. Speaker, personally at that time, I felt that it was unconstitutional and, in fact, I didn't want to report the bill out, but because it was a needed thing in our State, because of the problems which existed in the Welfare Department, I felt, at that time, that my personal feelings shouldn't get involved. Mr. Speaker, personally, we all tend to seem or act as judge and jury. Mr. Speaker, this is why we have our courts today.

If this law is unconstitutional, Mr. Speaker, I am pretty sure that the courts will decide that. I am not a judge or a jury and this is one of the reasons, Mr. Speaker, I felt that I shouldn't get my personal feelings involved with the measure before us and at least give it a chance, whether it's in the courts or wherever. At least, it has a running chance and that is why I am changing my vote."

Representative Takamura then rose and stated:

"Mr. Speaker, I rise to speak against this measure and in doing so, I would just like to make two brief points.

The first is that, personally, despite the questionable constitutionality of this thing, I think earlier, I had been willing to consider supporting this measure if I had seen in a demonstrated evidence and some kind of sound argumentation that this bill would have achieved the purpose that it sets out to achieve, but I think, as has been pointed out by previous speakers, this kind of presentation was not made even in the Committee hearings or here on this floor. I think we have heard more emotions than any kind of real facts to support the necessity of this kind of measure before us today. In fact, the only solid fact that seems to come out is the fact that this thing is unconstitutional.

Now, people are saying we could take this to court and test that out. I personally don't feel that's a good way to move, although we would consider doing that, but I felt that by taking such a risk, we might achieve some kind of demonstratable game which, I feel, hasn't been demonstrated to this point.

Secondly, I rise because I feel it is important to state my feeling that it is not fair, I think, to attribute motives to the Administration with regard to why this particular proposal is here before us. I believe that the Governor was sincere in his motives for making this proposal. I believe he does feel that

this would be a benefit to the people of the State of Hawaii. However, Mr. Speaker, this bill is now before us and we have to make a decision and if we feel that, despite his sincerity, that it's the wrong way to go about doing this, I think it is our responsibility to tell him that. I don't want this vote to be interpreted as being a vote either for or against the Ariyoshi Administration because I think that is highly unfair. We should look at the merits of this issue and vote our feelings that way.

Thank you."

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to speak against the measure very briefly on one point and that is, that it's clear the way the bill is created with vision and so forth, that it is going to end up at an appellate court level. It may not even get passed. I would suggest, Mr. Speaker, the Federal district court here.

Now, regardless of how anybody feels about migration, regardless of how we feel about interstate commerce, there is nothing in this bill to support the primary issue of compelling state need so, if we disregard, for the purposes of this afternoon-- what's been said with respect to these issues--we're down to the single point of what kind of measure is going to go out of this House under the seal of this legislative session, and I submit to you, Mr. Speaker, as persons theoretically learned in the law, that we would not want our hands on this measure, even assuming that we are in favor of the basic underlying philosophy. There is no clear-cut statement as to the legislative intent that is backed up by any kind of evidence and the purpose of the particular measure is in the most nebulous of terms.

I do not think that it will ever make it to the United States Supreme Court because I don't think it will pass our own Supreme Court, assuming that it does pass the Governor's signature. I would submit that this measure should be voted down at this point and then reworked during the session so that it can be, at least, legally viable and legislatively viable, and for that reason, I ask that we vote 'no'."

At 5:18 o'clock p.m., on request

by Representative Narvaes, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:29 o'clock p.m.

Representative Baker then rose and stated:

"I rise to speak against this bill. Regardless of anything else, there is such a thing as right and wrong and this one is wrong."

Representative Dods then rose and stated:

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

In sixty days, this is the first time I have changed my vote, but because of the implications of the prior speakers and what they've said, I think really turned my guts inside out on some of the implications that they have made, and because of these reasons, I will be voting 'aye' on this measure."

Representative Abercrombie then rose to rebut, stating:

"Mr. Speaker, I rise on a rebuttal."

At this point, Representative Uwaine rose and yielded his ten minutes to Representative Abercrombie.

Representative Abercrombie continued, stating:

"Mr. Speaker, mention has been made on the floor of the time. Mr. Speaker, we were in recess for hours while the votes were hunted up and down and round and round, so I don't apologize one single second for any time that I take on this floor for the right that I have to do so. We can move expeditiously when we have a full discussion of the measures that we are going to pass on behalf of the people of this State.

In rebuttal then, Mr. Speaker, my references to the late Governor of this State were made in a context that were to indicate to this body how I felt about that man and what that man meant to me as an individual citizen in this State who came here from somewhere else, and who had the privilege of being the first student at a campaign headquarters of the Democratic Party when the Governor first ran for office after statehood. That is the man I was talking about. I was talking about the man who headed

the Party and reference was made to my remarks about it. That is why I feel he must be rebutted. He was the head of the Party that I joined and I believe, earlier today, I saw in the gallery ex-Senator Vincent Yano--the people I supported in my district--Vincent Esposito and Vincent Yano. That's who I worked for under that man's leadership and I went to work for that Party just as hard as I could because I just reached my majority when I arrived in these islands.

The reason I came to these islands was because I had reached my majority and done my duty by my parents as I saw it. I came here from 6,000 miles away. That is a lot further than some people in this room where their ancestors came from--6,000 miles away--and I came here to start a new life. I came here within one month of statehood and I came here because I hoped that the place that I left which was rife with bigotry, with scandal, with corruption, viciousness, venality, hate, ugliness, filled with all the destructive forces of government that could be brought to bear. They were in the process of murdering a lake, destroying the very context of oxygen in that lake with pollution, and I remember what that pollution was like. When I was a little kid, we used to stand--my brother and I--in the beach at Lake Erie and we would watch this tongue of fire as Bethlehem Steel and Lacuwana Steel cast their skegs into Lake Erie in the middle of the night, and it was beautiful. It was gorgeous; it was thrilling, and because we were little kids and because we didn't know, we thought it was just a marvelous thing to see. We didn't know the Lake was being murdered. And I came from a place where the rivers were fire hazards, where the water itself was a fire hazard because of the chemical pollution that was incendiary to those rivers, and I came from a place where they pile their garbage in the waterfront. I came from a place where they pile their garbage in the offices in the halls of government. I came from a place that was run by the mafia. I came from a place where people were afraid to speak their mind for, in order to hold the job, they had to be with the right crew of people, and I came to the State of Hawaii because when I was a little kid, I remember being in an office--in the health office--and picking up a book on Hawaii. Now, I was all alone in that office and reading. I never forgot it because

it talked about the fields, the pineapples, the sugar cane, coconut trees, and how everybody in Hawaii was a brother and a sister to everyone else. And I am telling you the God's truth. I was in the sixth grade in RS 63, Buffalo, New York, and I never forgot it.

Then, I had the opportunity to come here to the University of Hawaii for \$1,800 a year. Mr. Speaker, I saved money on \$1,800 a year. I lived in a cottage on a private property of ex-Representative Stanley Roehrig--his mom--on Armstrong Street in Manoa Valley. I shared that place with someone else who came here from the mainland; now, Dr. Henry Yoshihara, then Henry Yoshihara, ex-prisoner-of-war in the concentration camp in California because he was Japanese and he served in the Korean War, was in a Veteran's benefit at the University of Hawaii, and he was a roommate and my first friend in the State of Hawaii. He had been in a concentration camp in California because he was Japanese. He knew all about brotherhood; he knew all about rights; he knew all about the Constitution and we paid \$25 a piece for rent in that little old cottage and, by golly, I loved it. And I love it today, and I am happy that I had the opportunity to be a roommate of Henry Yoshihara because I learned a lot about what it was like to get the shaft because of what you were. His father had a grocery business and he was wiped out. You know what he got for it? Fifty bucks, before they carted him off to a concentration camp. And make no mistake; that's what it was--a concentration camp. I don't give a damn if it was an American version. That is what it was; a citizen of the United States.

So I knew very well what I wanted when I came to the State of Hawaii. I knew very well what my hopes were with statehood. I came here with statehood. I am an immigrant. I am not a resident. I got a job in this State coming in it and I determined then I was going to be the best citizen I could because almost the time I got here, when I got off at the airport in a propeller plane and got up to King Street, right down where the market is, and I decided, this is it. In a couple of days, teamed up with Henry and getting started in my life and teaching here in the State, I knew I wanted to make my contribution, and so I joined this Party under those circumstances and with that kind of psychology in my mind, and I decided to leave as much of my cultural baggage behind as I could in Buffalo,

New York, and to try the very best I could to live up to the opportunity to be here in paradise, and I believe that to this moment.

Maybe some of us who were born in Hell and came to Paradise recognize what a rare opportunity we had to do that, and maybe if we were born in Paradise and had the opportunity to be here all along, we could recognize, perhaps even more, when someone like me comes in and says, thank you for the opportunity to share what talents I have; to share what creativity I might have; to share what love I might have; to share what contributions I might make you; thank you very much. And that has always been my position and my feelings; to be allowed to be here; to share this brief time that we have on Earth in a place that you have chosen to be; that has history that is unprecedented in the rest of the world for welcoming people to its shores and giving them the opportunity to join together to combine their talents and desires for their community in such a way as to be to the public and individual benefit, and when I found myself in these chambers with my family here, taking an oath to serve the Constitution of the United States in this State, that was and is the most profound and moving circumstance of my life-- that I came here a stranger and having lived here initially a stranger, to be taken to the bosom of my friends and constituents in a way that they said, we trust you to represent our interest in the Legislature of our State, which is the guardian of our Constitution, and everything that we hold dear in the values that are embodied in that Constitution. We are the youngest State and, therefore, have an opportunity, again unprecedented, to indicate to all the people who come to these shores as to what it means to us to have that Constitution, and I don't always know that I am doing the right thing, and I don't always know that I am not being foolish, but I do know that whether I am doing the wrong thing or whether I am being foolish, that the principal consideration I have is that I am trying in that process, to do the right by the land that has given me the opportunity to live my life out so that I can be proud; so that I can feel at the end of my life that I have lived in Paradise and that I have upheld the duty and obligation I have as a citizen in that Paradise; not just to see that I was taken care of in it, but that the opportunity

I received by living in it was given to everybody else who came here like me. That's what is important. That's what is fundamental. I want to walk in my house in the night; I want to go to my home in the evenings, justified. If anything else, in this time that I spend in here, and in this time I live in Paradise, I want to walk in my home, justified. I want to bear witness to the commitment I have made here.

Now, I realize I have gotten emotional on this. I can't help it. I said before that the arguments may be emotional but that doesn't mean they're invalid. I think the argument I am making now is so fundamental as to why we are here that I can't help but respond in that way, that I am at this moment. So I ask you, when you consider for those who have had the opportunity, what the first chapter of Michener's book, 'Hawaii', describes how these islands were pushed up out of the sea over millions of years and no one was here; nothing was here but these islands, and you picture us out here in the middle of the Pacific as has been stated so often today. And we have human beings on it now. That fantastic description of how these islands came into being. And when we can stand on the porches of our Capitol here and see the edge of our island; we can see where it ends. How precious this land is! I know that; I know how precious it is. All of us feel that, and that's why I am asking you why it is so important for us then to consider what we do as human beings on this island that nature has given to us. If we don't do that, then we are not meeting our responsibility towards the islands, towards the land that gives us life. That is why I mentioned John Burns. That is why I mentioned the personal circumstances that I did. And may I say then that when I went to work for that Party and that circumstance, I didn't go to work for it to see what's going on today happen. That's not why we started. That's not how the Democratic Party won. That's not how we came into power--political power--and exercise it in this State. We actually started on behalf of the poor; on behalf of the people who did not have a voice; on behalf of the people who had been shut out; on behalf of the people who didn't have the protection; who weren't on the inside; who weren't one of the movers, the shakers, the people who have the power. How can we turn our backs on that heritage in this Party today, and that's what this is about. You can't change that.

We're about to vote on something that takes the Democratic Party into a direction the exact opposite of that upon which it was founded in this State. Surely, we haven't become so complacent, so taken with ourselves, that we can turn on ourselves, on the heritage that we have in our hands and our responsibility right now. I guess I am speaking about the Democratic Party because that is what I am a member of right now and, in that case, that is what I am pleading with you right now.

That residency law was struck down. That was mentioned. It was struck down and it was struck down in courts of this State. People buy justices of this State because they corrected an injustice. Correct it! We are not supposed to create injustice, and so I am asking you, please consider what the Democratic Party has stood for in this State; what the Democratic Party was when it was founded in a territory."

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

"Mr. Speaker, I don't think we are here to talk about the Democratic Party. We have a bill before this House. I think we've gone very, very far afield and I think that all of us are tired. I would like this matter to move on at a swift pace with some attention to the House Rules."

The Chair responded, stating:

"The Chair recognizes that, Representative Carroll. Representative Abercrombie, you have exceeded your twenty minutes. Will you. . ."

Representative Cayetano interrupted and yielded his time to Representative Abercrombie.

The Chair asked Representative Abercrombie to "proceed", and Representative Abercrombie continued his rebuttal, stating:

"Mr. Speaker, I respect the commentary just made by the previous speaker. The reason I am pleading to the members of the Democratic Party is that I am a member of that Party. It is a majority party and I am pleading with members of the majority party not to foresake the heritage that I believe this Party has. That is the reason I am speaking. I have every respect in the world for the

members of the Republican Party who are in the minority on this floor. I am pleading to members of my own caucus on this vote and I was about to conclude my remarks on that basis and I do so now.

Please consider, not only our heritage, but please consider what the students who may be here in this gallery who may someday read these proceedings, who may be affected by these proceedings. . . Please consider what our children and people to come who will be citizens and legislators here will say about us on the day we were tested as to whether, not only the legacy, but the promise the Democratic Party has put to the task. Let us not be found wanting."

Roll call having been requested, the motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1350, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENCY REQUIREMENTS FOR PUBLIC EMPLOYMENT", having been read throughout, passed Final Reading by a vote of 28 ayes to 22 noes, with Representatives Abercrombie, Ajifu, Baker, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Ikeda, Kamalii, Kawakami, Kunimura, Larsen, Lunasco, Medeiros, Mina, Narvaes, Poepoe, Say, Sutton, Takamura, Toguchi, Ueoka, Uwayne and K. Yamada voting no, and Representative Kamalii being excused.

Conf. Com. Rep. No. 16 on H.B. No. 154, HD 2, SD 2, CD 1 (Deferred from April 14, 1977):

By unanimous consent, action was deferred until later in the calendar.

Conf. Com. Rep. No. 23 on H.B. No. 817, HD 1, SD 1, CD 1 (Deferred from April 14, 1977):

Representative Stanley moved that the report of the Committee be adopted and H.B. No. 817, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Dods.

At this time, Representative Abercrombie rose and stated:

"Mr. Speaker, I move to amend the motion before us to recommit the bill on the basis that it is defective to a degree that a more careful and deliberate consideration is necessary than can be conveniently given to it by the assembly itself in order to

put it in a satisfactory form."

Representative Uwaine seconded the motion.

Representative Abercrombie then stated:

"Mr. Speaker, I would like to direct the members attention on this bill to the motion that I have just made.

Mr. Speaker, the motion to recommit in Cushing's has very serious implications and the motion is made on the basis of that serious implication, that when a bill is defective, that a more careful and deliberate consideration is necessary than can conveniently be given to it by the assembly itself. It should be recommitted.

The cost of proceeding, Mr. Speaker, in Cushing's, refer the subject to a committee if the subject has already been in the hands of the committee or recommitment. It has been in the hands of the committee and therefore, Mr. Speaker, I will speak to the defectiveness of the bill. We have not had a careful and deliberate consideration on this bill, because only as a result of nine hours--nine hours on this floor--we were able to get a hearing at all, after the fact. The conference draft is already before us and so we had a hearing on the subject matter forced on the committee, as a result, of making it clear that to do otherwise would have been denied a public hearing because it hadn't any hearing anywhere, at any time, for any purpose, other than to be ramrodded through this Legislature.

So, just as any such measure is likely to have ambiguity and problems with it, we find that this is, in fact, the case with 817 because the amendments proposed in 817 are such that they make the bill defective. Had there been a public hearing; had this been handled in any other fashion than the way it was; perhaps, we might have caught them; perhaps, we might have corrected them; perhaps, we could be voting on this merger to satisfy the urgings of Mr. Trask and Mr. Epstein and the others; perhaps, we could have given an opportunity to the members to be able to testify. There were none at our hearing yesterday, and I think the reason is obvious. No worker in this State is going to stand up, in all likelihood, under

those circumstances, to say what he or she really feels.

Now, Mr. Speaker, I refer you to Act 171. I refer you to the definitions, section 2, subsection 4, 'Certification', and at the same time, direct your attention, if I might, to page 4 of the Conference Report in respect of my amendment to recommit on the basis of defectiveness. 'Certification' means 'official recognition by the Hawaii Public Employment Relations Board that the employee organization is and shall remain the exclusive representative for all the employees in an appropriate bargaining unit for the purpose of collective bargaining until (my emphasis is on until, Mr. Speaker) it is replaced by another employee organization (1); decertified (2); or dissolved (3).'

Now, we might not have a problem, Mr. Speaker, with this particular amendment, although I will address a second deficiency shortly, if certification as defined in the collective bargaining law, ended with the word 'decertified.' But it does not--it goes on to say 'or dissolved.' Now, Mr. Speaker, the amendment indicates that there is to be a certification. At least, this is the attempt of the amendment--a certification for a new organization. Any provision herein, contrary notwithstanding, when two or more employee organizations which have been duly certified by the Board as exclusive representatives, etc., merge, combine, or amalgamate, or enter into an agreement, for common administration or operation of their affairs, all rights and duties of such organization, as exclusive bargaining representatives, exclusive representative employees, shall inure and shall be discharged by the organization resulting from the merger.

Now, Mr. Speaker, that would be fine if we stopped, as I say, at 'decertified' because the rest of the amendments speak to the decertification--'Election by the employees in the unit involved, and the certification by the Board of such resulting employer organization shall not be required.' Now, that is an interesting last sentence, Mr. Speaker, because if anybody was on the level with this bill, they would realize that that last sentence is not needed. If you refer to the certification definition in the public employment bill which already exists, you do not need that last sentence. It is redundant, if you're only speaking about replaced by another employee organization, but we are not. We are talking about the last part of that--the inconvenient part of the law which would have to

be changed, dissolved. If anybody seriously is going to maintain on this floor that the new organization doesn't dissolve the H.G.E.A. and dissolve the UPW and form a new organization, I would like to hear it.

Now, if that is the case, Mr. Speaker, it is necessary, in this bill, to include in the bill a change in the definition of 'certification.' Lacking that, Mr. Speaker, the bill is defective because it will put into law two contradictory situations: (1) the certification may occur from a resulting organization; (2) that certification is no longer in existence when an organization dissolves. You should have gotten rid of the word 'dissolve.' It should be amended to bracket out the word 'dissolve' in order to take care of the situation, but it doesn't, and, therefore, the law is contradictory as amended.

Now, that could have been caught had we had proper hearings and dealt with this properly, but it isn't and, therefore, we need a little more careful consideration to go and correct it. Now, you can't pass this bill and still have that certification definition in the law. Second point on defective--refer to the last three lines, 17, 18 and 19, and the amendment I am referring to on page 4. 'Election by the employees in the unit involved, and certification by the Board of such resulting employee organization shall not be required.' This is another defect, Mr. Speaker. At the hearing that we would have, everybody kept saying to us who testified, 'oh, that is not what we mean.'

Well, Mr. Speaker, as has been pointed out here earlier today, you pass law and not meaning. When you have the comma in there, Mr. Speaker, it means that there are two separate situations being addressed, and you can read the sentence, and legally, I have been advised will read the sentence, as follows: 'Election by the employees in the units involved shall not be required, and certification by the Board of such resulting employee organization shall not be required. If the comma was removed, you could then have, 'Election and certification shall not be required.' That is probably what the drafters of this intended, Mr. Speaker, and let me make it clear again, they intended that election and certification should not be required, but by putting in the comma, they separated them

and this gives them an opportunity for a union to say that election by the employees shall not be required and the court could read it that way, and I have had legal opinion that this, in fact, the way it reads.

Now, maybe that is not what we intended, but that is what hearings are for, so you can correct those little deficiencies; so you can get your meaning exactly in there, but we can't correct this, Mr. Speaker, because this is a Conference draft and cannot be amended, and that is why I have made the motion. It is not a capricious motion made to delay these proceedings. On the contrary, I am pointing out that there are serious deficiencies which need reconsideration by the Committee before this can pass, and unless and until these deficiencies are cleared up by more than just an argument with me on this issue, because that won't satisfy the motion to recommit, it doesn't matter if anybody stands up here and says, gee, I don't think that is the case. The fact of the matter is that there is at the very least, ambiguity; at the very least, a confusion; at the very least, a possibility that what is, in fact, sought in this amendment, will not occur as a result of the language and the way it was written. Under those circumstances, Mr. Speaker, you cannot pass this bill, and that is the reason for the motion. I am asking that this be recommitted so that a more careful and deliberate consideration can be given to this bill and state this, Mr. Speaker, precisely, because this has not been done.

I make one last point, and this is all out of the collective bargaining bill itself. If you will refer to Section 5, the Hawaii Public Employment Relations Board and its duties and functions, you will find the following language: 'In addition to the powers and functions provided in other sections of this chapter, the Board shall'. It does not say 'may'; it says, 'The Board shall'.

Subsection 8 says the following: 'Conduct studies on problems pertaining to public employees management relations and make recommendations with respect thereto to the legislative bodies.' We have no recommendation from the HPERB before us. No study has been made by HPERB. No testimony was given even at this late time of a so-called public hearing. The law requires the Board to do this but the Board didn't appear. We don't have any recommendation on this and yet, we are supposed to vote on something that profoundly affects the law in respect

of HPERB and its duties and functions. This is deficient. It does not meet neither the spirit nor the letter of the collective bargaining law in terms of the amendment presented, and what is being asked of you now is the same thing that was asked of you in respect to the pension bill. Who cares whether it is legal or not? Pass it and find out later if that is what the boys want.

So, I am saying to you, you want to do it the right way, vote to recommit this bill, clean up the language, bring it out here clean, and then vote it through. You do--maybe I'll vote for it. I am not against mergers. I've tried to be for a merger when I was with the teachers. I was on the Negotiating Committee for that, but I sure as hell am against trying to run a fast shuffle by the people of this State or this Legislature. Take it back to Committee, keep it in the spirit and the letter of this law and not let ourselves get pushed around by power groups who are afraid to have it committed to the light of public inquiry where it should have been in the first place and where it probably would have passed.

Thank you."

Representative Ajifu then rose and stated:

"Mr. Speaker, I would like to speak in favor of the motion.

I think, more important than what the previous speaker has brought out, is the constitutional question. Under our State Constitution, Article 5, Section 15, it states: 'No law shall be passed except by bill. Each law shall embrace but one subject which shall be expressed in its title.'

Mr. Speaker, the title of the bill is, 'A Bill for an Act Relating to Collective Bargaining in the Public Sector and Amending Chapter 89, Revised Laws of Hawaii.' Mr. Speaker, this bill covers two chapters and, therefore, I raise this constitutional question as it states that the subject should be looking at the title of the bill. Mr. Speaker, it is pretty restrictive; it refers to Chapter 89, and under this bill, it goes on to Chapter 89 and also found on page 5, Chapter 89A, which is a separate chapter, Mr. Speaker. Therefore, I would like to raise this as a constitutional question."

Representative Uwaine then rose and stated:

"May the record reflect that my concerns are the same as the Representative from Manoa and the Windward area."

The Chair, noting that there were no objections, so ordered.

Representative Kamalii then rose and stated:

"I didn't intend to rise at this time, but I, too, find it necessary to rise and speak in favor of recommitting the bill for the same reasons that our Minority Leader spoke on. However, I would like to elaborate a little bit more as to why we find this bill unconstitutional.

Mr. Speaker, the contents of House Bill 817, as amended, actually comprises amendments in two separate chapters, and you lawyers in this House, I wish you would take a look at what I am saying. This is a very serious thing that we are trying to do here and it relates to two separate and distinct subjects. Section 1 of House Bill No. 817 calls for amending subsection A of Section 89-6 of the Revised Statutes so that the term 'firemen' is changed to 'firefighters', and the term 'policemen' is changed to 'police officers.' On the other hand, Section 4 of this same bill, as amended, calls for an amendment to Section 89A-1, entitled, 'The Office of Collective Bargaining in the State Government Established.' That is a separate chapter--89 is one chapter; 89A is a separate chapter.

Mr. Speaker, the title of this bill necessarily limits the scope of amendments to making amendments only to Chapter 89. Consequently, Mr. Speaker, House Bill 817, HD 1, SD 1, CD 1, is clearly unconstitutional based on Article 3, Section 15, of the State Constitution as it says, 'No law shall be passed except by a bill, and each law shall embrace but one subject which shall be expressed in its title.'

To further support my contention that this bill is unconstitutional, I refer to the opinion of the State Attorney General, dated March 15, 1974, addressed to Senator Duke Kawasaka, and in this opinion, Hiromu Suzawa, Deputy Attorney General, stated that the purpose of Section 15 of the State Constitution is to 'give notice to the public and members of the Legislature, the contents of a bill. The general purpose of the provisions of Section 15 is accomplished when a law has one general subject

or object which is fairly indicated in its title.' Furthermore, Mr. Suzawa stated, 'The purpose is such that a constitutional provision as Section 15 has been summarized as follows: First, to prevent hodgepodge or log-rolling legislation; second, to prevent surprise or fraud upon the Legislature by means of provisions in the bills of which the titles give no intimation and which might, therefore, be overlooked and carelessly and unintentionally adopted; and third, to fairly apprise the people of the subject of legislation that is being considered in order that they may have the opportunity of being heard thereon, if they so shall desire.'

Now, Mr. Speaker, obviously, House Bill 817, as amended, fails on all three counts. By no stretch of the imagination can this bill pass the constitutional test. By no stretch of the imagination can amendments called for in the bill under Section 4 be grafted on to the provisions called for under Section 1 under the bill title.

Mr. Speaker, we Republicans are well aware that the majority party in the House has recourse to a number of political shenanigans. However, Mr. Speaker, there is one obstacle to conniving and maneuvering that even they cannot overcome, and this is sanctity and finality of the State Constitution. You know, it really bothers me that the labor unions have chosen to bring in such important amendments as we have here in House Bill No. 817. They could have used two other pieces of legislation that are on our desks with very broad titles covering collective bargaining and we would not have run into this constitutional problem, and if these amendments were as important as they said they were, then, in my opinion, they should also put these requests in a bill--a good clean bill, instead of attaching it to a bill that makes their amendments look like another pay and pension bill. This is exactly what this thing does. It might have been unintentional, but by the same token, it is the same thing. We obviously didn't catch it. The Senate attached those amendments to our bill and because the two chapters look similar, it went right by it. But it is clearly an unconstitutional bill, Mr. Speaker, and I really urge this body to recommit it on those grounds."

At 6:15 o'clock p.m., on request

by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:37 o'clock p.m.

Representative Stanley then rose and stated:

"Mr. Speaker, I rise to speak against the motion to recommit this bill. I would like to state that upon the consultation with the majority attorney, that the title before us is broad enough to contain the subjects in the Conference draft that we are considering this evening and that it does meet the requirements of the Constitution.

Thank you."

Representative Sutton then rose and stated:

"I rise to speak in favor of the motion to recommit.

Mr. Speaker, some of this, I will be quoting from the briefs of Sutton v. Wakatsuki, if you will excuse me."

The Chair interrupted and stated:

"The Chair would appreciate it if you refrain from referring to the Chair in your argument for the motion."

Representative Sutton replied:

"Oh, no, this is a file brief in the Supreme Court, sir. The pension and pay raise--you remember that? Mr. Speaker, that is quite a famous case and it is now before the Supreme Court.

Mr. Speaker, two separate subjects are comprised within this bill and is thus invalid under Section 15 of Article III of the Constitution of the State of Hawaii. This section, Mr. Speaker, provides in part, that each law shall embrace but one subject which shall be expressed, Mr. Speaker, in its title. A provision of this type, Mr. Speaker, has been a part of the Constitution since statehood, and I think Section 45 of the Organic Act, which was adopted in 1900, and was even included in the 77th Article of the Constitution of the Monarchy of Hawaii.

Mr. Speaker, a close reading of Section 15 shows that two requirements are set forth. The first is that each law must embrace only one subject. Second is that the subject must be

expressed in the title of that law.

Let's look at this particular bill. The subject is as follows: 'Relating to collective bargaining in the public sector and amending Chapter 89, Hawaii Revised Statutes.' Then, Mr. Speaker, if you will turn to page 5, you will then see that they refer to a whole new chapter, 89A-1, and this, if you will look in your Revised Statutes, is rather confusing because you would think of the subsection A1 as if it was part of the same chapter. But in our Revised Statutes, it is a totally separate, distinct and separate chapter.

Mr. Speaker, the Constitutional Convention, and subsequently the Legislature, established a very precise scheme to permit government employees to collectively bargain, and once an agreement was established, to accept or reject the bargain for salaries by an appropriation measure. With this background in mind, Mr. Speaker, it is now proper to examine the purpose of this single subject provision in Hawaii's law and compare this with a massive that we see in this particular bill, House Bill No. 817, HD 1, SD 1, CD 1. As a general proposition, this provision of Hawaii's Constitution is designed for the purpose to prevent hodgepodge or log-rolling legislation; second, to prevent surprise or fraud upon the Legislature by means of provisions in bills of which the titles give no instruction; and third, to apprise the people of proposed matters of legislation.

If you will look in Cooley's constitutional limitations, at page 153, you will see cited *Jensen v. State of Hawaii, et al*, 40 Hawaii 604, at page 608, the year, 1954. The emphasis is mine, sir. Log-rolling has been further defined in the following manner: 'The reasons for requiring unity of subject are to facilitate concentration on the meaning and wisdom of independent legislative proposals or provisions to make it necessary for each legislative proposal to stand afore in enacting process on its own merit, by preventing a practice known as log-rolling; a procuring, diverse and unrelated matter to pass as one omnibus to the consolidated votes of, perhaps, people unaware of what they are voting for; of advocates of each separate measure when, perhaps, those single measure would have passed on its own merit. It also prevents the attachment of undesirable coartriders upon bills soon to be

passed because of their public popularity or desirability. (See Sutherland Statutory Construction, 1701, 14th edition, 1972.)'

Now, Mr. Speaker, courts in other jurisdictions have voided laws that have attempted to put two subjects and have attempted to have two subjects as diverse as we have here. We started out with something that concerned the definition of firemen and policemen and firefighters and then we use the change in name. Then on page 4, we have a completely new provision put. This stated that, 'Any other provision herein to the contrary notwithstanding, whenever two or more employee organizations which have been duly certified by the Board as the exclusive representatives of employees in bargaining units merge, combine, or amalgamate, or enter into an agreement for common administration or operation of their affairs, all rights and duties of such employee organizations as exclusive representatives of employees in such units shall inure to and shall be discharged by the organization resulting from such merger, combination, amalgamation, or agreement, either alone or with such employee organizations. Election by the employees in the unit involved, and certification by the Board of such resulting employee organization shall not be required.'

There, we have mixed the firemen's bill with this particular proposition on merger. We are not going into the merits; we are just talking about the constitutionality. Let us look at what the other states have done. In particular, these courts have found that appropriation measures cannot be used to make permanent amendments to the State statutory scheme.

Thus, Mr. Speaker, if you look in *Tower, Inc. v. Huntley*, 235, Pacific Second, 173, State of Washington, 1951, the Washington Supreme Court, sitting on that, considered an attack on a bill for violating Washington's one subject matter constitutional requirement--a language very comparable to ours, Mr. Speaker. The bill was generally entitled, 'An Act providing for support of State government, making appropriations for salaries and imposing an excise tax at the same time on corporations and prescribing penalty.' The court was not concerned with whether the title was sufficiently clear. It did, however, rule that the law was invalid because it tried to do two things.

First, it made appropriations and then it attempted permanent modifications to various corporate and banking taxes. The court, in ruling against the merger, stated as follows: 'We have here a

situation in which neither the appropriation bill nor the corporate income tax, standing on its own merits, could pass the Legislature in their Special Session.' But when the proponents of these measures combined these measures, then combined their interests, both were enacted. This is the clearest possible illustration of the kind of log-rolling and 'you scratch my back and I'll scratch yours' situation that both were enacted. This is the clearest possible illustration of the kind of log-rolling and 'you scratch my back and I'll scratch yours' situation that the constitutional provision was designed to prevent.

Similarly, Mr. Speaker, in *Sanilac County v. Aplin*, 56 Northwest 794, Mr. Speaker, in the year 1888, the Michigan Legislature attempted to use a general appropriation act to also raise money to pay off a debt owed by certain counties. The court struck down the second part of the Act because of the violations of the single subject requirement of Michigan's Constitution which had something very comparable to ours. Not exactly verbatim, but certainly comparable in intent, Mr. Speaker.

Now, in a Kansas case, the Legislature had passed an appropriations act. . ."

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

"I do appreciate the lesson in law today, but I would like to have the Chair rule if the matter before this body is an appropriation measure or not."

The Chair ruled:

"The Chair rules that it is not an appropriation measure.

Representative Sutton, will you connect your cases to the points of the bill as it relates to your case", and directed Representative Sutton to "proceed."

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

"I think it is quite clear from the remarks of the speaker from Nuuanu that he is differentiating the cases and referring to those. I think that is exactly what he has a right to do at this point."

The Chair responded, stating:

"I did not dispute his right to say it. I am asking him to relate it to the points that he. . ."

Representative Sutton interrupted, stating:

"Is that a ruling of the Chair, because I appeal that ruling. I appeal your ruling. Under Mason's laws, I have a right to appeal without being recognized for the appeal. I appeal your ruling. You are not talking relevancy and you're an attorney and you know what's relevant and you know yourself--your own attorneys haven't told you this is constitutional. I appeal your ruling."

At 6:47 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 6:50 o'clock p.m., the Chair recognized Representative Sutton and he stated:

"Mr. Speaker, I withdraw my appeal as you did not rule and I was in error that you had ruled.

Mr. Speaker, in a Kansas case, the Legislature had passed an act which contained a provision that no one could be appointed to any office in any branch of the government who was related by blood or marriage to the head or chief of the Chief Assistant or Secretary. The court held that this section was in a form of general law, fixing qualifications for office, and thus was a second subject to another bill and, therefore, void. (*Riley v. Snap*, 185, Pacific 47, Kansas, 1919).

In *Haley v. Houston*, 136 Pacific 212, Idaho, 1913, the Legislature attempted to raise the salaries of a government official by appropriating the money for the pay raise. The title of the Act, however, did not mention salaries and it was included in another part of an act and, therefore, the court held it was obnoxious to the Constitution.

Mr. Speaker, even our own Governor, Governor George Ariyoshi, agrees with my position and the position I have stated--the position of the movant. He vetoed Bill No. 7 and Bill No. 535 in the 1975 session because the bill attempted to do more than the Constitution permitted. In his Statement of Objections to Senate Bill No. 535 and Proclamation, both dated June 2, 1975, Governor Ariyoshi stated in page 2 of his

Objections: 'Provisions in a general appropriations act that are incidental to and necessary regulations of the expenditure of money appropriated may be included without violating the single subject requirement. However, provisions in such an act which conflict with general law, attempt to repeal or amend general law, or which establish permanent policy constitute a separate subject and would be in violation of the single subject requirement.' My emphasis added.

I would urge all my colleagues to go along with the very thing that the Governor has done in his veto message to us and go along in a favorable vote to recommit this so that we can have proper legislation."

Representative Kunimura then rose and stated:

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

First of all, Mr. Speaker, I would like to graciously thank the learned attorney for giving us this free lesson on this evening, but I do object vehemently to the type of legalistic gobbledegook in trying to intimidate this body who are non-attorneys by citing from A to Z.

Mr. Speaker, it doesn't take much to understand the English language and I would like to point out to a very important section of the bill. Yes, I, too, have some doubt, maybe the section may be declared unconstitutional, but the rest of the bill seems to be very good, so we have Section 6 called 'Severability', and we all understand what a severability clause does in a particular bill, so what are we worried about. You know, we are beginning to act like we didn't need an Attorney General--this body is going to be the court to decide whether a measure is constitutional or not--and I object, Mr. Speaker, and I think we should hurry on with our work because I am pretty sure the Senators are waiting for the House conferees."

Representative Kamalii then rose to rebut, stating:

"Mr. Speaker, it is our job here as legislators, as a body, to pass correct legislation. I think we have the whereabouts. We hire attorneys; we hire lawyers to help us come up with the right laws; that we pass the correct laws.

I would like to rebut the statement that the Public Employment and Government Operations Chairman stated that the majority attorney had ruled that the title of this bill did not embrace two subjects. It does, and may I quote this, Mr. Speaker, that the title is of major importance to an act because it sets the limits or the scope of the body of the act. Whatever is not expressed in the title is not properly a part of the act. Now, if you will read the title of this bill, it does not embrace Chapter 89A at all and it is totally unconstitutional, so I ask my colleagues across the hall who found 1350 to be unconstitutional that they take a good look and vote to have this bill recommitted on the grounds that it is unconstitutional.

If they believe that 1350 was in the spirit that the Representative from Nuuanu had given us and what we have here, and I have shown to the majority attorneys, there is no doubt in our minds. Let's not add another wrong to what has already been done."

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to rebut comments made by the eldest Representative from Kauai."

Representative Kunimura rose on a point of information and asked:

"Did I hear elderly?"

Representative Carroll replied:

"Mr. Speaker, his age and mine are so close that I can assure him and the body that I did not say elderly.

Mr. Speaker, I would like to rebut the one comment that this body and the members here can be intimidated, by a clear-cut, accurate, well expounded upon statement of the law. I think that if there is anything, that we should not be intimidated in this body, it is the law that should be guiding our hands here. I think that mistakes have been made with respect to the matter which is before the floor and I think that with that in mind, we should recommit this bill."

Representative Abercrombie then requested a roll call vote on this motion.

Roll call having been requested, the motion to recommit H.B. No. 817, HD 1, SD 1, CD 1, was put by the Chair and failed to carry by a vote of 39 noes to 12 ayes, with Representatives Abercrombie, Ajifu, Baker, Blair, Carroll, Evans, Ikeda, Kamalii,

Larsen, Narvaes, Sutton and Uwaine voting aye.

The Chair then stated:

"The motion before the body is for the passage on Final Reading of H.B. No. 817, HD 1, SD 1, CD 1."

Representative Abercrombie then rose and stated:

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

Mr. Speaker, at the hearing that was held yesterday on the subject matter before us, various points were made by the people who testified, some in conflict with each other. One comment that was made was that the internal affairs of the union should be left to the union themselves, and I quite agree. I am a dues paying member, and I might add, today my paycheck came, and my check-off on my dues to my union was in it, and I quite agree that I would not like to have the Legislature interfering with the internal affairs of my union. However, Mr. Speaker, that particular union, by coincidence, is also a public employee union. It, at one time, contested in an election, and won that election. It was subsequently decertified and another organization took the place of that union while I was in the union, and an attempt was made to merge with another union which lost to the union I belonged to--subsequently lost to the organization which replaced mine, as well, and I was on the . . . I think I mentioned previously. If I did not, I do so now. I was on the Negotiating Committee as a member of the Executive Board of my union and an attempt to work out a merger with another organization that was vying for the approval of the public employees in the institution in the unit in which I had an interest. So I think I can say safely as a member of the Executive Board, as a member of the Negotiating Committee; as a party interested in attempting to get people to vote favorably, and also, I might add, as a member of a union which was behind in the election when it started out, that I have some experience in these areas. Also, that this indicates that I am not in principle opposed to mergers of unions. On the contrary, I think especially in the area of the teachers, for example, that this might be desirable and I think in the area of the municipal and county workers, and so on, I feel that might be desirable also.

This bill addresses in general, without naming specific unions, if I may direct your attention to page 4, 'Employee organizations duly certified by the Board', meaning the Hawaii Public Employment Relations Board. So that even though specific unions are not indicated, could refer to any unions, I do feel that it is pertinent to state on the floor that the principal advocates involved were the HGEA and the UPW who testified at length yesterday on the subject, at least at this point of the amendment, although it may apply to others as well.

As I say, I, myself, have no objections to that kind of a merger, amalgamation of some kind. I understand from the testimony yesterday that it is in the process of being done. What I do object to, Mr. Speaker, and what I would object to in the time that I was involved in negotiations concerning possible mergers, is that I am under an obligation as a legislator to try to protect what the law itself states in relation to public employee collective bargaining. It states in the original purpose of recognizing the right of public employees to join organizations of their own choosing, and I could read at some length from both the Senate report and the Conference report but I shall not do so.

The fact of the matter is that in every instance, the emphasis is on the employee. It is not an employee organization. Employees may choose to join or not join employee organizations. When they do, that is to say, when the employee organizations are recognized as the exclusive bargaining agent, those who did not choose to join and pay service fees, and I believe rightly so. . . . the fact of the matter is that those employees are entitled to just as much protection, just exactly the same kind of services as any employee who is, in fact, joining the union, because we cannot coerce people in this area and should not do so, and in my union, that was the case. In fact, I dare say in the union situation that I was in, we went to court more times on grievances and went to the employer more often on behalf of the people who did not belong to our union than those who did.

With that in mind, Mr. Speaker, I think that it is very important to recognize that what the amendment does is speak about two or more employee organizations. Those people who may be left out; that

is to say, those who do not choose to join may have no voice in the situation. The motion to recommitment was defeated, and so, therefore, the points that were made in that motion for recommitment have been rejected by this body, but that doesn't make them any the less more pertinent and I believe that we are on the verge just as we were with another bill of passing an unconstitutional law. We will pass a bill which has defects that the courts will strike down and I recall very well, Mr. Speaker, the circumstances when I first came to the Legislature in which I was urged to vote in favor of a bill in which members said to me that it didn't matter whether it was constitutional or not. In fact, one member had said in general to the caucus, 'Who cares whether it is legal or not; pass it anyway and we'll find out afterwards.' That was done and that was in the pension bill and we sure found out about it afterwards.

Now, the digest of 817 indicates these amendments are non-substantive. That's laughable. To say that these amendments are non-substantive is simply to play out a fiction for ourselves. If we want to do it again, pass this kind of legislation, I suppose we can do it, and I expect that the recommitment vote gets some indication of where the votes are on this. But that doesn't make it any the less a bad bill to pass, not because of the concept again involved, but because the manner in which it is being done brings discredit to the House. It calls into disrepute the democratic process and leaves the public at large to think once again, and I fear, in this instance, rightly so, that special interest groups are able to come here if they are powerful enough and get the votes of legislators on their behalf and, perhaps, in this instance, on an even worse circumstance, because the bill, or I should say the amendments, probably have merit to them, but they did not go through, in my opinion, the processes that I think are necessary to enact legislation properly.

Now, I have discussed at length at previous times on this floor, so I will not do so in respect of procedures and so on, but I will speak then as I have been doing to the substance of this. These are organizations being talked about, not the employee. How are we to take care of those people should there be a vote for a merger or some other form of

amalgamation who do not wish to belong to this new organization? The collective bargaining law itself states that anytime 30 percent wish to be certified, or to have a decertification election, they are able to get a petition to that effect, they may do so. It may be that anywheres from 31 percent to 49 percent of the people involved in a merger election that may or may not take place, depending on the Constitution of the unions involved, may be disenchanted with that merger proposition and vote against it. Yet, those people will have no opportunity to go before HPERB and say, these are not the organizations that are certified to represent us. This is a new organization. This is a brand new creature and I do not want it. Yet, I will have to pay a service fee and/or if they are a union employee, union dues, even though they may not have approved the merger. If this law passes, up to 49 percent of the people can be in exactly that circumstance and denied their opportunity for an election on that basis.

Now, everyone of us who has been in a union election--well, not everyone who is here in this House--but, a good number of the people in this House have been in elections where they were behind when they started out, and yet, they were able to prevail. The reason for that was that I had the opportunity for an election.

Now, I have pointed out to the House and it has been rejected, but I repeat it once again, in terms of the substance, that there is a question in my mind as to whether or not we are preventing people from being able to have a free election, and anything in my mind which is vague or ambiguous when it comes to whether or not people should have an election as to what is going to be their destiny as workers; anytime that occurs, I am against it. There was testimony at the hearing that the people who are presently bus drivers may find themselves in the situation of being declared public employees. That happens to be my personal opinion that they are public employees and, if this is the case, there is some question as to whether or not, if they are declared public employees, that the Hawaii Public Employees Relations Board may not assign them to a unit or various units within the present units outlined in the collective bargaining law. This, I feel, Mr. Speaker, would be anathema to my conception of free election and I would not like to see this happen. The head of the Teamsters, Executive Secretary of the Teamsters, Mr. Art

Rutledge, testified that he feared that this might happen. Now, we cannot be sure that it won't happen because, as a matter of fact, Mr. Epstein testified to us that he simply didn't know what was going to happen. HPERB might do it; they might not do it. If this is the case, Mr. Speaker, we are passing, in advance, legislation which will approve whatever happens in these negotiations, even though they involve people who may have an interest which they contend and would contend to HPERB an interest in the situation; that is to say, the merger that they find to be inimical to their interest as public employees, and they would have no chance to express that until the end of the contract.

Still further, if they were divided up the MTL people of the various units--they might not even be able to do that because they might not be able to achieve the 30 percent necessary to ask for a decertification, because they would become lost among greater numbers. Now, is this what we want to do with people who pay their dues to a union; have freely chosen their union and now find themselves declared public employees, and then say to them because we want the convenience, the merger of one or two organizations, we are going to accept the possibility in passing this law that we will deny you your rights? It may be, Mr. Speaker, they will not be denied their rights, but we don't know that. If that is the case, why are we passing it in advance of HPERB ruling? We should be coming into this after the ruling is made; after the merger takes place or whatever circumstances, agreements, or amalgamation takes place. Not before hand, and for a good reason. If this passes, Mr. Speaker, you know and I know that its passage will be a signal, and that in respect of the merger, to come forward. The union representative will go to our membership and say, the Legislature wants this done; the Legislature has approved of this; and, in effect, that technically, we have not approved it would be left entirely out of the equation. The members will have psychologically, at the very least, pressure upon them to approve the merger or the amalgamation or whatever, because the Legislature has already approved it and someone can say, hell, the Legislature approved it without even seeing it; not knowing anything about it--why shouldn't you?

Now, that is an utterly ridiculous

situation to be in. The legislators have decided in advance that it is okay. Who are you to question it--just the guy or gal who pays the dues or the service fees. That's all. And I might point out, at the hearing, Mr. Speaker, one of those people were there to speak, and I think we both know the reason for that. The situation by definition was intimidating.

Now, Mr. Speaker, I draw your attention to the expense question, and that is referred to in the . . .

"

At this point, the Chair interrupted and stated:

"Representative Abercrombie, you have exceeded your ten minutes."

Representative Uwayne then rose and stated:

"May I yield all my time except thirty seconds."

The Chair then directed Representative Abercrombie to "proceed" and Representative Abercrombie continued his remarks, stating:

"Thank you, Mr. Speaker, and thank you, Mr. Representative.

Mr. Speaker, I draw your attention to the first page of the Conference Report. In the second paragraph, half way through, 'operation of their affairs without the necessity of having the organizational entity or structure resulting from such merger or agreement undergo the election and certification process.' We don't want to have them go through the election or certification process and we say it right here in the Committee Report.

If you recall the bill that I mentioned before about what we really mean--just think about that for a minute. And I am so glad this is going into the record, even for those who are not here to hear it, because the Journal will reflect it and the people who read it, and the media is here, and the people are here because this is being done in the open as opposed to the backroom.

Here is what we say, without the necessity of having an organizational entity or structure resulting from such merger or agreement undergo the election and certification process. By all means, let us vote for a bill which will prevent elections and

the certification process. Let us not have elections. How did we get here--by acclamation? We got here by election, and we had to contend with other people who wanted to take it from us, and we survived that election. But we are saying to the workers of the State, oh, no, we are going to pass the bill which may deprive you of your right to an election, and I am not referring to any particular Constitution or any particular union which called for an election internally. We are not talking about internal union affairs now. We are talking about public policy as established under the collective bargaining law. That is what we are talking about, and whether an election shall take place at that time.

Drawing your attention now then to the last paragraph. Your Committee finds that merger provisions of this bill would obviate the costly activities related to special representation, elections and certification procedures. Mr. Speaker, I would composite for you that lynchings are cheaper than a jury trial. There is no question there will be expenses. The democratic process is by definition more expensive. We have 51 members sitting right here. That's more expensive than just having one dictator. And if you want to talk about expenses; if you want to talk about conferences, the reason we are supposed to be hurrying up today is so people can get to a conference on the sixty-first day, when the Constitution says we're supposed to meet for sixty days. Don't talk to me about expenses.

If I understand the newspapers correctly, we are going to spend \$20,000 a day because we didn't get our work finished on time. How are we supposed to explain that? I can explain it--because they didn't do their work on the other side. As far as I am concerned, we can adjourn when we are through tonight. My business is finished. The fact that the other side didn't do their work is not my fault, so let's not talk about expenses. Why is this appearing in here--costly activity? This is costly activity--going into an extension of the Legislature is a costly activity, but I don't see a shrinking from that. Oh, no, not where we are concerned. We are taking care of ourselves. What about the workers? Yes, it is a costly activity. Now, how costly--how costly is it? We don't know. We had an off-the-wall statement

at the hearing of \$300,000. Who knows?

Now, any other bill, we'd be saying, how much money? Where's your figures? Has this been referred to the Finance Committee? You don't refer it to the Finance Committee. The Finance Committee has got to go to conference on the budget. This has cost implications, but it never got referred to the Finance Committee. Now, you know and I know, and everybody on this floor knows, that no bill like this would ever get by under other circumstances without going to the Finance Committee first. The Chairman would be put into the hospital with a stroke before he would let this kind of thing go by under other circumstances. He can't get at it now. Probably now, inside, he may be thinking, my, God, he's right. If I only could get it, but I can't because it is in Conference draft before us. We can't do it. Why? Because the procedures weren't followed in that respect.

Now, this has cost implications. I bring this to the members' attention. Do we know whether there will be increase in service fees or increase in dues? Do we know whether there will be a counsel, a coordinating committee? Do we know whether it is going to be separate locals? We don't know; we have no idea. We don't know what the score is going to be on this. We don't know what the implications, financially, are going to be for the State.

I say, in conclusion then, that one of the people testifying indicated this is insurance. This is insurance. He said it over and over again--'This is insurance.' I think even some of the members who are favorably disposed to this present bill, as opposed to the position I am taking, that I may be for it in another form and at another time, even they got upset a little at the word, 'insurance', because it was getting embarrassing, because they were saying, my God, these guys are getting taken care of; we are being insured. Number one is being taken care of and everybody says, hey, it's supposed to leave out the workers; we get the insurance. The fact of the matter is that Mr. Takushi, when he came, was unable to testify on that section. He could testify only on what he said was a separate issue--the collective bargaining office--and this is what the previous speaker referred to.

These are two different subject

matters right here before us. Unfortunately, it was defeated on the recommitment. Mr. Takushi himself, was unable to address any of the other issues. He said he didn't know anything about labor unions, which was rather unfortunate, because, as I understand, he is going to the Labor Appeals Board, but that is all right, you know. I don't have to pass on that--the Senate does. So there we are--the personnel directors were all absent from this. We had no testimony from either HPERB or the personnel directors on this, and I can understand. One personnel director went to the ball game yesterday. Maybe that's where we should have gone was the ball game with the Senate. They were going to have public hearings and ball games and everything over there, I guess, over the weekend, and that's what is happening with this bill, and that is what I am concluding. This is a ball game that is being played, and let me tell you, we had Tom Sever on one side and he brought in the Columbia Roundtable on the other side, and that is us guys. Now, it may be fun and it may be amusing for the public to watch us get our ears boxed by Tom Sever, but I don't think that is the way we should be passing legislation.

I say this, that you can cite all the private worker situations you want--NLRB, business, and private industry, and so on--I don't write it for that and I haven't been associated with that part of it. I have been associated with only public employment, and I have been a public employee a good portion of my adult life, and I think I know what it means, and I think I know what it means to be a dues paying member, and what I say is this--that this is precisely the kind of operation that makes employee unions look bad to the public at large. It is exactly this kind of activity that brings up questions of labor bossism; it is exactly this kind of activity that tars public employees to the same brush that they got tarred with in the pay and pension bill routine. It is this kind of activity which makes the ordinary citizen, including the worker himself or herself, disgusted with public employee unions; with unions in general. It is exactly this kind of activity that brings into disrepute people organizing themselves on their behalf for wages and conditions. And I say this finally, that if we keep it up, as public employees, we are going to rule the day, because there will be a taxpayers' revolt,

and this kind of sleazy, sordid, disgraceful activity of ramrodding bills through simply because we got 26 or more votes, and say, hell with the merits of how it got there, this kind of activity will cause public employees to find themselves in a position of not having the support of the general public when it comes to contracts; when it comes to wages; when it comes to the respect that is due as hardworking members and contributors of our society.

Thank you."

Representative Sutton then rose and stated:

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

Mr. Speaker, I have been a labor relations negotiator for employers. I have negotiated about twelve contracts, and the first thing we always did was to check with the NLRB--National Labor Relations Board--to find out if the union had been certified. This is in the private sector. In the private sector, there is a majority rule--51 percent wins the election. Once they are certified, they have a particular bargaining agent. That bargaining agent then represents those people because the particular union won the election. In winning the election, there is a very closely supervised provision by the NLRB, and this NLRB will sometimes disavow an election because there has been some type of intimidation by the employers, or there might be an unfair labor practice on the part of the employers, and very rarely, there is some pilikia on the labor side, but it is mostly the employers who I represent who were guilty of unfair labor; who used some type of coercion; say, firing an employee who joined the union and, therefore, it was my job as the attorney there during these negotiations, to make sure that the person who was conducting the elections was given an opportunity to have an almost perfect election where 51 percent could express themselves. This is the private sector. It is governed by the act of the late Senator Wagner and then, in turn, this was modified by the Taft-Hartley Act. Now the Taft-Hartley Act put inhibitions on both the employers and the unions and, again, insisted on meticulous election.

Now, Mr. Speaker, what are we doing here? All I ask is that everybody turn to the bill, page 4, line 17,

and it says that, 'Election by the employees in the unit involved, and certification by the board of such resulting employee organization shall not be required.' No election. This is unheard of in the private sector. This would be unfair labor practice per se. It would cost the employer thousands of dollars of back wages if he did something of this nature and, yet, here we are, passing something which absolutely destroys the concept we have in our public sector, and that is that 30 percent--30 percent is asking for a certification--20 percent less than 50 and, therefore, whoever was in the Legislature at that time, wanted to have these elections even more wide open than in the private sector, but what have we said--forget the election. You people are now in a new bargaining unit; you are going to be represented by different people than you originally chose and you are going to stay there until the end of the contract because no certification is required.

Now, Mr. Speaker, this is also a problem on punctuation--'Election by the employees in the unit involved, and certification by the board of such resulting employee organization shall not be required.' In other words, both the election shall not be required and the certification shall not be required and so we find ourselves in a position whereby that comma--we have even further taken rights away from these employees--these are people working for the government. These are people who are real public servants and, I think, that we have some of the finest public servants in the world, and every time I go into a State building, I am awed by the service that I get, and I think that these people are citizens as we are, and I have quite a few in my area, and they come to me and they say, and I have gotten phone calls and I have gotten requests that have come in by way of special message, what happens to us who can't ask for an election and can't ask for certification until this contract expires?

It would be remiss on my part, Mr. Speaker, were I not to speak up for them. I come into this Legislature with every honor that I can think of--on the football field, in the field of battle, and what not, but I am a person of no honor if I don't represent them. I am a person devoid of honor if I, in any way, shape, or manner, should say, those 30 percent, let them be sold down the river. They are trapped

by this, and I don't speak against it. I couldn't be a party to that, Mr. Speaker, and, therefore, I would ask you, Mr. Speaker, to please vote 'no' and I would ask my colleagues to vote 'no'.

Thank you."

Representative Kunimura then rose and stated:

"Mr. Speaker, I must rebut the representation made by the honorable Representative from Nuuanu. Again, I complain, Mr. Speaker, because of the great learning--another attempt to intimidate this body by reading only a part of the paragraph. Yes, if you read the part that he alluded to, 'Election by employees in the unit involved, and certification by the board of such resulting employee organization shall not be required.' But what about the other part of the paragraph? This particular section relates to, Mr. Speaker, when two or more unions merge, combine, or amalgamate or enter into an agreement for common administration or operation of their affairs, and it goes on and on. This is not a new body. These are two or more unions that have been duly certified after consent election and they decided to make themselves more efficient. This is not a body that is coming in and an alien body, and the rights are protected for the employees of such bargaining units and the organization. Their Constitution automatically prescribes that the employees or the members must ratify such merger, amalgamation or what have you before they can even merge.

Now, all these things have been said over and over again and now coming to this floor yesterday and trying to change the minds of those who did not attend the public hearing by reading only a portion of that paragraph. I think it is a disgrace by such a learned man representing such an old and honorable profession. This is omission of the fact, and I protest, Mr. Speaker. And also, there is a whale of a difference or a world of a difference between 51 percent and majority. The National Labor Relations Guide and the rules prescribed by the National Labor Relations Board only make reference to majority to gain recognition as a bargaining unit or agent. It is not 51 percent.

Another thing that was omitted is that under the National Labor Relations Act and the rules prescribed by the National Labor Relations Board, that the private sector, in the same kind of situation, merges, amalgamates and everything else, do not require

a consent election; do not require certification because of the wisdom of the Board that these are not alien bodies that are coming in to take over.

Mr. Speaker, this is a sacred body here, doing business in the open and I hope that, in the effort of trying to further one's belief, that all the truth must be laid on the table.

Thank you."

Representative Cayetano then rose and stated:

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

Mr. Speaker, this bill first came to my attention when, one late evening, a person who was lobbying for the bill, came in to ask for my opinion. The person who was lobbying for the bill, mistakenly thought I was a conferee and the person was concerned because, at that time, the House position was because the subject matter had not been given a public hearing, the House could not buy the amendments made to the bill. I was concerned and I joined the Representative from Manoa and some others in fighting and pushing that this matter be given a public hearing.

We spent many hours in our caucus discussing the rules; discussing what was required by the rules, and after much discussion, it became somewhat clear to me where the political winds were heading, and also it became somewhat clear to me that really, there is a gray area in our rules regarding public hearings on amendments that come in from the Senate. After further discussion, I agreed with the members of our majority caucus to have a public hearing on the subject matter, and we had a public hearing on the subject matter, Mr. Speaker. After that hearing, I find myself parting company with some of the people who I started off with earlier.

The hearing, Mr. Speaker, was held at 4:00 p.m. and ended at 7:00 p.m. and during that time, we had representatives from the various public employee unions, and they were subjected to heavy and extensive questioning. I know because I participated in that questioning and I think I asked more than my fair share of questions.

My primary concern was that

in this merger process, the rights of the members of the unions would not be violated and I was concerned that the section in the bill referring to the requirement for, or the non-requirement for certification of election, will deprive union members of their rights to a say as far as whether or not they should merge. During the course of the questioning, it came out that a merger cannot be done without ratification by a majority of the members of the unions involved. Apparently, that is part and parcel of their respective Constitution.

I still have some reservations about this measure. I have some reservations about the manner in which it now appears before us. At one time, I did feel that either you have a public hearing or you do not have a public hearing, and that a public hearing without all of the trappings and formalities which are necessary for a public hearing should have been given to this bill. But, again, I say that, given the gray areas in the rules, I did agree to a hearing on the subject matter and most of the reservations that I have had about this bill have been answered. In essence, I think it is good legislation.

There is one aspect to the bill which I did not consider and which helped me make up my mind tonight, and that was pointed out to me by the Representative from Kauai, and that is that this bill has a severability clause. If the rights of any union member are being violated and this bill is ever brought to court for any reason, then that affected portion will be severed from the bill and the other good portions will remain. For that reason, I am voting for this bill."

Representative Uwaine then rose and asked:

"Did the speaker from Manoa leave me thirty seconds?"

The Chair replied:

"I think he left you two seconds, but the Chair will be generous and allow you one minute."

Representative Uwaine then thanked the Chair and stated:

"Mr. Speaker, I have a speech against this bill based on procedure and constitutional question. I just want to have it inserted into the Journal."

The Chair, noting that there were no objections, so ordered.

Representative Uwaine's remarks are as follows:

"Mr. Speaker, I object to the passage of House Bill No. 817, HD 1, SD 1, CD 1. My objections are based on the premises that the procedures in adopting the Conference draft to House Bill No. 817 violated the rules of the House of Representatives, and were incorporated in a manner contrary to usual legislative practice, thus antithetical to the public's interest. In addition, House Bill No. 817, as amended, may also be technically deficient.

As passed by this body, House Bill No. 817 of the Regular Session of 1977, provided perfunctory amendments to existing law. The original bill merely changed the designations of 'firemen' and 'policemen' to 'firefighters' and 'police officers', respectively, in the public employee collective bargaining law.

The Senate has amended this House version:

'...to permit employee organizations which have been certified by the Hawaii Public Employment Relations Board as the exclusive bargaining representatives for the appropriate bargaining units to merge or to enter into an agreement for a common administration or operations of their affairs without the necessity of having the organizational entity or structure resulting from such merger or agreement undergo the election and certification process.'

The Senate has also provided an amendment which will convey civil service status to nonpolicy making staff positions, and current incumbents of those positions, in the Office of Collective Bargaining.

I find that your Committee on Conference which was appointed pursuant to the disagreement of the House to these amendments has, in effect, acquiesced to the Senate and agreed almost in total to their version without submitting to proper procedures. I cannot agree to the Conference Committee Report. My reasons are not aimed at the substance of the amendments, but at the clear violations of the rules of the House of Representatives.

Basic to my dissent, I find that the Senate amendments are 'substantial'. The amendments directly affect all public employees, including management and labor. And, since

public employees are compensated by public funds, all taxpayers of the State are, at the least, indirectly affected. As stated previously, I do not comment on the merits or demerits of the substance of the amendments. All must concede, however, that the amendments are 'substantial'.

My first objection is that the House rules, duly adopted, were violated. House Rule 33.3 states explicitly that: 'The House shall not concur with substantive amendments made by the Senate to a House bill until the Standing Committee having primary responsibility for the subject matter contained in the bill has granted prior concurrence to such amendments as provided for under Rule 11.6.'

House Rule 11.6 in relevant part states that: 'Prior concurrence by a Standing Committee having primary responsibility shall be by majority decision of the Committee. Prior concurrence shall apply to Standing Conference Committees.'

The 'Committee having primary responsibility' must then be identified. The record states that House Bill No. 817 was referred only to the Committee on Public Employment and Government Operations while in the House. Thus, it is the 'Committee having primary responsibility'.

Further evidence that the Committee on Public Employment and Government Operations is the 'Committee having primary responsibility' is by virtue of House Rule 14.2(1). This House rule states that: 'The Chairman of the Conference Committee on the part of the House shall be the Chairman of the Standing Committee having primary responsibility of the subject matter to be resolved or a designee of such Chairman.'

The Chairman of the Committee on Public Employment and Government Operations is also the Chairman of the Conference Committee appointed to resolve the dispute over House Bill No. 817.

Your Committee on Public Employment and Government Operations, which is the 'Committee having primary responsibility', has not approved the Senate amendments according to the criteria of House Rule 11.6; that is, there was no majority decision of the Committee giving prior concurrence to the Senate amendments.

The second objection is based

on the possible unconstitutionality of the amended bill. Article III, Section 5, of the Constitution of the State of Hawaii, states that 'each law shall embrace but one subject, which shall be expressed in its title'.

The title of House Bill No. 817 reads: 'A Bill for an Act relating to collective bargaining in the public sector and amending Chapter 89, Hawaii Revised Statutes'. Section 4 of the bill, however, amends Section 89A-1 of the Hawaii Revised Statutes, part of Chapter 89A dealing with the Office of Collective Bargaining. Section 5 of the bill provides that certain employees of that office shall become civil servants. Since the title of the bill is in the conjunctive; that is, collective bargaining in the public sector and amending Chapter 89, Hawaii Revised Statutes, it appears that the title of the bill does not and cannot cover amendments to or those concerning Chapter 89A.

In summary, the bill, as it now stands, has not followed the procedures of the House of Representatives. There was no suspension of the rules in point, and the bill, as drafted, appears to violate Article III, Section 5, of the State Constitution.

In conclusion, I, therefore, do not recommend that House Bill No. 817, HD 1, SD 1, CD 1, pass Final Reading."

Representative K. Yamada then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill and in doing so, I support the views that were presented by the older Representative from the island of Kauai.

Mr. Speaker, I think the Representative from Kauai has made it quite clear that as far as this particular bill is concerned, it does call for the ratification of any amalgamation or combination of any two unions which are currently certified by the HPERB. But he also touched upon one of the comments that was made by the Representative from Nuuanu, and that is the section dealing with the last portion of that paragraph where election is called for or not called for, and the recertification by HPERB is also not called for.

The Representative from Nuuanu seemed to suggest that by taking this out would be putting ourselves

into a position where the employers will be committing an unfair labor practice charge. That is not so, Mr. Speaker. Under Chapter 89-13 of the Hawaii Revised Statutes, those provisions which create unfair labor practice charges by both the employers and the employees are spelled out, and these are the conditions only under which an unfair labor practice charge will be able to survive.

Insofar as the public hearing is concerned, Mr. Speaker, I think it is quite clear that it doesn't matter whether the public hearing precedes or follows any docketing of the bills on this House. In any case, since the public hearing has been provided for, that does meet the requirements, so I see no purpose in discussing this further, but I would like to point out to the members of this House, Mr. Speaker, that the only change that this bill makes is recertification upon amalgamation, or upon a combination of two unions, which are already certified. All the other procedures remain the same. The only thing that is changed is that they do not have to go back to HPERB for recertification, and for those reasons, Mr. Speaker, I ask all of my colleagues to vote for this bill."

Representative Takamura then rose and stated:

"Mr. Speaker, I would like to speak in favor of this bill. Also, as a person who originally had many questions about this bill because of its procedures, I would like to incorporate the comments of the Representative from Pearl City as having similar sentiments to mine, if there are no objections.

Secondly, I would like to add that I find that the arguments made about the contention that it would be purported to members when the election is held on the merger that the Legislature has already approved this measure, and therefore, this would be an argument for passage, is a bit far-fetched. Given some of the events of this past week, I have a feeling that if anybody uses that argument, it would probably be an argument against the measure if they said that the Legislature was in favor of it.

In getting back to the basic original purpose of House Bill No. 817, I think, as the first State in the nation to ratify the ERA amendment, I think it is appropriate that we make the change from 'firemen' to 'fire-

fighters'; 'policemen' to 'police officers'.

Thank you."

Representative Cobb then rose and stated:

"Mr. Speaker, in the interest of time, I want to keep my remarks brief in favor of the motion.

I was one of those who had a real concern about a public hearing and asked for it, and I have to agree and thank the senior Representative from Kauai for his remarks, because they helped clarify a lot about this bill. I still have a reservation about the question of elections, but I think, with the exception of the appearance of a lobbyist that the Representative from Pearl City mentioned, accurately described the feelings and decision-making process that I went through.

Thank you."

Representative Say then rose and stated:

"Mr. Speaker and members of this House, I rise to speak against this measure.

Mr. Speaker, I have learned a lot during this past sixty days and yesterday being the 59th day when we had this public hearing, I was very cautious and concerned by this measure before us this evening. I have seen a lot of my fellow members turn their backs now for this measure, but being consistent, I feel that the public hearing was held yesterday at 4:00 p.m., and I did get a lot of information which I was very questionable about.

I didn't know a lot about the unions; the Chairman from the Public Employment and Government Operations Committee knows about that, and I am still concerned about some of the reservations I have about this bill. I am not against this measure, in terms of its merger, its changing of the sex discrimination and the Collective Bargaining Office. My major reservations and concerns are just the overall implications which, I, myself, do not understand right now and, maybe, will find out later.

So, at this time, I would like to say that, being a responsible legislator for the first time this session, that I will be voting 'no' against this bill, and I hope the other members

will take that into consideration.

Thank you."

Representative Stanley then rose and asked:

"Mr. Speaker, I would like to make some brief remarks in favor of this bill."

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

"Thank you.

I think many of us went through a long time getting to where we are right now, and I appreciate the counsel we received from members of the caucus, and the process that we went through to reach the decision that we did; the process that we followed. I think it was helpful to myself and members of our Committee and that many of the questions that the members had were answered. It is the first time that all my members attended a meeting and I know that that was because they wanted information about the subject matter before us, and the people who came to testify presented their opinions and their views, and the members have weighed those presentations, and from the remarks made by previous speakers in support, I believe that the members now understand the measure before us, and are making the proper decisions to vote for this bill.

Thank you."

Representative Machida then rose and asked:

"Mr. Speaker, I have a prepared statement in support of this measure. Can it be inserted into the Journal?"

The Chair, noting that there were no objections, so ordered.

Representative Machida's remarks are as follows:

"Mr. Speaker, I rise to speak in support of House Bill 817, HD 1, SD 1, CD 1.

The purpose of the bill changes the designation of 'firemen' and 'policemen' to 'firefighters' and 'police officers'; permits the transfer of certification, as exclusive bargaining representatives for the appropriate bargaining units, to employee organizations that merge or enter into an agreement for common administration or operation of their affairs; and

converts to civil service status certain clerical positions in the Office of Collective Bargaining.

I would like to confine my remarks to the second amendment. In an unprecedented action of the House, the Public Employment and Government Operations Committee conducted a public hearing on the 59th Day of the session on the subject matter contained in the Conference draft of this House bill to satisfy the request of members to conduct a public hearing.

This amendment, as pointed out in the hearing, is a procedure that is acceptable in the private sector and has been ruled on by the National Labor Relations Board as reasonable to the unions, employers and employees involved. Therefore, this amendment provides the same considerations for the public sector--unions in Hawaii who are presently recognized as exclusive bargaining representatives for the appropriate bargaining units.

This amendment, Mr. Speaker, if adopted, could result in a savings of approximately \$300,000 to the State and four county jurisdictions if there is no requirement to have recertification elections involving approximately 25,000 public employees.

As you may know, Mr. Speaker, the procedure for representation elections require the employers to release the 25,000 employees for a period of two hours for the purpose of voting. Multiplying the average hourly rate of \$5.95 times two hours, times 25,000 would add up to approximately \$300,000.

I might also add that this bill passed the Senate yesterday by a vote of 24-0. For these reasons, Mr. Speaker, I urge all members to vote for this measure.

Thank you."

Representative Kamalii then rose and stated:

"Mr. Speaker, I am sorry that I have to rise to speak against this measure. I am certainly not against the substance, but as I pointed out earlier to this body that this bill, as I hold it in my hand, is unconstitutional and my question to the union at the hearing was, why does this bill have to be passed this year? I still don't see the reason for it, particularly when it is unconstitutional and they had time, Mr. Speaker, to have a separate bill embracing

the chapter of 89A-1, Office of Collective Bargaining. By putting this in this bill which only concerns itself with Chapter 89, it has put all of us in bad light.

They had time to bring in a clean bill to the Office of Collective Bargaining in the State and they chose to attach 89A-1 to this bill, making this bill unconstitutional. I will stand on my grounds that there are two separate chapters in this bill. You have your majority attorney's opinion; we have cited case after case that this is unconstitutional, but that, evidently, according to the good Representative from Kauai, is to be left up to the courts, to be left up to the Attorney General--that is okay.

The reason for the merger, the reason for all these things, as far as the union is concerned, is to save money. But as far as we are concerned, pass unconstitutional bills, let the Attorney General take it to court--it doesn't cost a cent. But, let me tell you, when we pass this kind of legislation that is unconstitutional, it is going to cost every taxpayer in this State money because we allowed it to happen on the floor of this House, and 89A-1 does not belong in this bill, and that is the only reason that I will stand firm, even by myself, and vote against this because it is unconstitutional."

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

Representative Blair's remarks are as follows:

"The manner in which this bill came before us was questionable and it was for that reason that I voted to recommit. However, the substance of the bill appears to be in the public interest."

At this time, Representative Narvaes rose on a point of information and asked the Chair whether or not the Chairman of the Committee on Public Employment and Government Operations would yield to a question.

Representative Stanley replied:

"I would like to hear the question first, please."

The Chair asked Representative Narvaes to state his question and Representative Narvaes asked:

"Can I get a commitment on this

answer?"

The Chair stated:

"The Chair requests that you state your question."

Representative Narvaes then asked:

"Considering that the collective bargaining contracts are not up for renegotiation again until 1979, we have another session to look to this law. I would like to know what the urgency of this bill is."

Representative Stanley replied:

"I don't believe I can answer the question because I don't understand it."

Representative Narvaes asked:

"You don't understand this question?"

The Chair stated:

"Representative Narvaes, please be recognized before you speak on the floor."

The Chair then recognized Representative Narvaes and he asked:

"Mr. Speaker, I asked this question in the hearing yesterday. I asked this question of the Chief Negotiator of the State, Takushi. He avoided this question. He would not answer it. This question was asked of Rutledge and Rutledge gave some good answers against. He said there were a lot of politics played while Mr. Trask stood behind and swore at him. . ."

The Chair, at this point, interrupted, and asked:

"Representative Narvaes, are you speaking for or against the measure?"

Representative Narvaes answered:

"I am speaking against.

Mr. Speaker, whoever I asked this question of, whoever testified, we got no answers. It seems to me that there is no urgency for this bill to be in front of us at this moment. It seems to me that we can take the next legislative session and look it over in the proper manner; give it proper hearings; give it the proper openness and then, Mr. Speaker, I would have no objections to voting for a measure that would

truly be in favor for some people that I believe need it.

Mr. Speaker, when I look at what's before me on the Order of the Day; when I look at the subtitle that is under House Bill No. 817, HD 1, SD 1, CD 1, and it says, 'A Bill for an Act relating to collective bargaining in the public sector and amending Chapter 89, Hawaii Revised Statutes', and I find out, in reality, it doesn't even apply to the bill, when I go to a hearing and no one will answer any of the questions that are asked, how can I vote for such a measure? When I find again that we have another session to look over this bill and give it the proper procedure, I cannot vote for this measure.

Mr. Speaker, one of the things I have learned through sixty days of this session is that there are ways to ask questions which can lead testifiers on to make them look good. There are ways to ask questions of testifiers to make them look bad. Let me say that I saw, for the record, a lot of questions asked of certain individuals to make their cause look good. Let me say that when one individual came up and testified, that some people walked out of the room, almost cussed at him, and did everything they could to make him look bad.

Mr. Speaker, there are so much politics played on the floor of this House today. . ."

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

"The prior speaker is not discussing any part of the bill that is before us."

The Chair then asked Representative Narvaes, "Will you confine your remarks to your position against the bill."

Representative Narvaes continued his remarks, stating:

"I will, Mr. Speaker.

Mr. Speaker, since I have said what I have said, and that is my opinion of this bill, this is the reason why I object to this bill, and for those reasons, I also urge every member of this body to also vote 'no'."

Representative Ajifu then rose

on a point of information and asked whether or not the Chairman of the Committee on Public Employment and Government Operations would yield to a question, to which Representative Stanley replied in the negative.

Representative Ajifu remarked:

"Mr. Speaker, I am disappointed. I think one important point that I see in this bill here--it started off. . ."

Representative Kunimura interrupted on a point of order and stated:

"I would like to request that you seek from the Minority Leader--is he speaking for or against the bill?"

Representative Ajifu answered:

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

Mr. Speaker, this bill started out as a very innocuous bill. It came out very heavy, and the question that I really have in my mind is one amendment which allows the Governor who appoints and removes the Chief Negotiator, and it also now adds on the deputy negotiator and researchers.

Mr. Speaker, I think by allowing the removal of the researcher who plays a real important part in giving supportive information for the Chief Negotiator, I think, puts the Administration at a very disadvantageous position. I think this breaks the continuity, in terms of negotiations, and this is one consideration that all of you should be aware of. This is my greatest concern besides the constitutional question, Mr. Speaker, and I urge all of you to vote against this measure."

At 7:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:57 o'clock p.m.

Roll call having been requested, the motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 817, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN THE PUBLIC SECTOR AND AMENDING CHAPTER 89, HAWAII REVISED STAT-

UTES", having been read throughout, passed Final Reading by a vote of 40 ayes to 11 noes, with Representatives Abercrombie, Ajifu, Baker, Carroll, Evans, Kamalii, Larsen, Narvaes, Say, Sutton and Uwaine voting no.

At 8:01 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:23 o'clock p.m.

Conf. Com. Rep. No. 32 on S.B. No. 246, SD 1, HD 1, CD 1 (Deferred from April 14, 1977):

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

Representative Campbell then rose and stated:

"Mr. Speaker, I rise to speak against this bill. I have just a few remarks that I would like to make. One of the purposes of this bill is to provide for additional revenues to the State Highway Fund by making permanent the present 3.5 temporary increase in the gasoline tax.

Mr. Speaker, I do not think that we have fully evaluated the damage that can be done to the public trust placed in us as elected officials if this bill passes. When this bill was passed the first time, it was passed as a temporary measure for one year only. At that time, there were indications that the public understood the need for a one year temporary tax that would give the Legislature time to come up with permanent but alternative solutions to the problem.

After that, the gas tax was passed again as a temporary measure for one year. I think at that time, the confidence level of our people was shaken when this happened. But this year, Mr. Speaker, we're not talking about a temporary extension of this tax. We're talking about making a permanent extension of a temporary tax. If the confidence level of our people was shaken by the first extension of this gasoline tax, I think it is logical and certainly reasonable to conclude that it will be seriously damaged if this body

decides to make this tax permanent.

Mr. Speaker, there is another important point I would like to make very briefly relating to this bill. The public who owns automobiles pays a county gasoline tax, a State gasoline tax and a Federal gasoline tax. They also pay other automobile taxes. I think this segment of our population has been taxed enough. This bill will add an additional burden to this overtaxed group.

So, Mr. Speaker and members of this House, because this bill will add an additional burden to the automobile owners who are already over taxed and because the passage of this bill will, in my judgment, seriously impair the public confidence in us as elected officials, I urge my colleagues to vote against the measure.

Thank you."

Representative Ajifu then rose and stated:

"Mr. Speaker, I would like to rise to speak against Senate Bill No. 246, SD 1, HD 1, CD 1.

Mr. Speaker, I feel this is an intrinsically bad piece of legislation. The Conference Committee Report itself points out the deficiencies in the highway financing system, and it's something that has been said over and over again--that Highway Special Fund has got to go.

The Committee Report admits that the fuel tax, and I would like to quote, 'is an inadequate and unstable source of revenue. It not only unfairly penalizes those citizens with low incomes who must drive long distances, but it fails to address the problems of fuel conservation. An increase in the Federal fuel tax and the possibility of another oil embargo could seriously affect the revenue producing capability of the State fuel tax by promoting or compelling a reduction in fuel consumption which, in turn, would result in reduced revenues for the State Highway Fund.'

The proponents of this bill are admitting that the highway fund cannot function adequately, and that the gas tax is no good. Why, then, are we even considering extending the 3.5 cents tax surcharge permanently?

Why are we procrastinating about

restructuring the financing of our highways division?

The people of this State have paid many thousands of dollars for study after study of the State's highway transportation funding approach. Those dollars and those studies have told us, the policy-makers, that the Highway Special Fund is driving us bankrupt.

We simply cannot justify increasing taxes when we have not yet fully examined alternatives to the Highway Special Fund.

Even the Conference Committee Report's comments on justification of the weight tax is contradictory. Here, we want to raise funds to help out the financing of our highways program, and yet we're passing disincentives to get people to use their cars less. We seem to be going in all different directions at once.

This Highway Special Fund has got to go. And if it goes, we will have to examine each highway project more realistically, balancing it with all the other needs and demands of the people of this State.

Mr. Speaker, I urge you and my fellow members of this House to vote against this bill.

Thank you."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against Senate Bill No. 246, SD 1, HD 1, CD 1.

Mr. Speaker, we have had the Stanford Research Institute and various others make studies of our highways to see whether or not there could be a proper means of paying for highways without constantly holding the sword of Damocles over their heads, about triggering our bonded indebtedness that takes us over the debt limit. This is a very strange way to do business. If we don't put a tax on that little fellow coming in all the way from Hamakua to Hilo that has to get his groceries; has to get his necessities; and yet, must bear the burden of this tax, then, we, in turn, have triggered the bonded indebtedness so that we are over the margin to strain this type of inverted rationale that you could find.

Mr. Speaker, we could accomplish

the mission of highways far easier were we to allow the general fund to take care of the highway situation and were we to use the various pork barrel measures amounting to \$42 million that we, ourselves, as legislators, put in, and have that go to highways and, in turn, have a constructive situation where we have adequate funds to meet Federal matching.

Recently, there was a cutting of a tape on the beautiful new road that leads to Mililani and the two bridges that are the wonders of the world because they have never had bridges of this particular nature built in the tropics. Yet, Mr. Speaker, 90 percent of that money was Federal money. That was Federal money--the inter-state highway system--and yet, we have not taken advantage of the inter-state highway system adequately, and this is well known, and we have much less in the way of good highways than any state in the union. Therefore, we should address ourselves to (a) how to build proper highways; (b) how to get matching funds; and (c) how to fund this through the general fund so we do not have the sword of Damocles over our heads constantly, saying that this is going to trigger something so we are over the debt margin, and we can easily do this by a reorganization, and we can easily do this by following the studies which are already available to us.

Mr. Speaker, I submit to you that that little fellow from Honokaa going into Hilo will, over a period of time, pay in excess per month of \$40 of his hard-earned money on gasoline taxes which he can ill afford, and he has no other means of transportation. We are an island archipelago. We come into this Legislature representing certain districts, but we also must have a statewide point of view, and I think we are losing that statewide point of view by penalizing the low-income person who has long distances to drive.

Therefore, I would urge my colleagues to vote this down."

Representative Abercrombie was recognized by the Chair and he stated:

"Thank you, Mr. Speaker.

Mr. Speaker, I am inclined to rise after today's activities and speak in favor of the bill in the

hopes that a knee-jerk reaction will take place and it will be defeated, but failing that, I would like to speak against the bill.

Mr. Speaker, I would like to state that I feel the latter remarks, rather, the closing remarks of the previous speaker, are my own, in terms of the statewide implications for those who have difficulty affording them. I would like to carry that a step further by saying that I expect that the Administration--the National Administration--will be coming forward with a program of taxation in respect of gasoline that is going to be very severe for all of us. I think that we are going to face circumstances with the automobile and how we move about the landscape, both here in the islands and on the mainland, and drastically alter circumstances in the very, very near future. I do not believe now, nor have I believed each time this bill has come forward, that we are acting in the interest of the State in addressing that particular problem.

I can say this at this point, Mr. Speaker, if this tax goes through, if the approach that we take in this area is not more imaginative, it is my conviction that the necessity of the fixed guideway system will become completely apparent to everyone, that we must move with that as rapidly as we can. And I wish to go on the record now as saying that if this tax passes, as far as I am concerned, I want to move as rapidly as possible to a fixed guideway system."

Representative Kunimura then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill. In doing so, I would like to remind the two previous speakers from the minority about consistency. If I were to believe that those words were sincere, my heart bleeds.

Now, let us talk about taxation. We should find a new way to do it. One man said we should have the general fund support the highway, and yet on the other side, it has been the Republican program to exclude from the general excise tax food and drugs, erosion of the tax base, and compounded the problem with putting on the financing of highways on general funds. This State does not have natural resources. We are not like Venezuela where they have \$10 billion in surplus

savings balance that can be deposited with the Chase Manhattan Bank in New York.

This is a very small state. And another idea that we haven't taken care of or pursued vigorously is the 90 cents in the Federal Defense Highway Act. My God! We don't designate which area is going to be a Federal Defense Highway. That is done by Congress, and if I am correct, it was during the Republican period that we were so short-changed, so let's not talk about tax. Okay?

I am for giving the world away, but I don't want to raise the tax. Let's be responsible. If you want to finance highways by general funds, then let's not talk about eroding the general fund base. So, therefore, Mr. Speaker, if we cannot be honest, then we should be quiet."

Representative Cayetano then rose and stated:

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

Mr. Speaker, nearly two years ago, when I was privileged to become Chairman of this Energy and Transportation Committee, one of the more pressing problems we found was the status of the highway fund. Because of the concerns that we had about oil embargo, the price of fuel, the shortage of fuel, energy conservation, the Committee concluded that to rely solely on the fuel tax as the primary source of revenue for the highway fund was unwise, and so, for the past two years, we have been trying to pave the way for a transition into a more stable source of funding.

This bill represents an incremental step in that direction. Part of it makes permanent, it is true, the 3.5 cents fuel tax that we passed last year. The other part goes to a State motor vehicle weight tax which is, Mr. Speaker, a more stable source of revenue for the highway fund. It also, although I am not completely satisfied with its structure, as a means of energy conservation, in that the people who have heavier cars, or there will be some incentive, should I say, for people to move from the more heavier gas guzzling cars to the small energy saving type of vehicle.

Now, as far as the remarks made

by some of the speakers with respect to funding the highway fund out of the general fund, let me say that that is something that the Committee will be working on. The study which proposed that method of funding, or which studied that method of funding, came out only last year, Mr. Speaker, and the Senate, I think, has a resolution for a committee to look into the transition of the highway fund into the general fund. Now, this is something we have been working on; this is something that must be looked at in great detail. It is not a step which can be taken gradually, so even though the progress in this area is slow, progress is being made on this bill.

It took us over two years to convince the Administration to come up with something like this and they finally have.

I think it is a step in the right direction, and I urge all my colleagues to vote 'yes'."

Representative Uwaine then rose and stated:

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

Mr. Speaker, the people in my district will be assessed an additional tax burden. I fully understand the implications and the consequences of the tax. However, I feel that the people in my district are willing to make other sacrifices rather than be laden with this additional tax.

Mr. Speaker, may the rest of my speech be inserted into the Journal?"

The Chair, noting that there were no objections, so ordered.

Representative Uwaine's remarks are as follows:

"Mr. Speaker, instead of voting on this tax increase, we should be committing ourselves to achieving financial stability and coordinating our efforts in that direction. We should first be looking into every possible solution such as re-evaluating the priorities of this State and studying our present tax structure or analyzing our present budgeting process and evaluating the administration and management of these funds.

Mr. Speaker, a tax should be the very last alternative to correcting a deficit situation. To me, taxing

the people is the 'easy way out.' With this in mind, I urge my colleagues to vote 'no' on this measure.

Thank you."

Representative Blair then rose and stated:

"Mr. Speaker, two very brief points.

First of all, the bill before us treats this as though it was. . . Mr. Speaker, I rise to speak in opposition of the bill. It treats this problem as if it was simply a revenue problem. It isn't, and I think it does an injustice to the voters and the taxpayers of this State.

Further, I would like to point out that although the Arthur Young study came before this body approximately one calendar year ago, it was actually early January, 1976, and it's been before two sessions of the Legislature, and as far as I am concerned, it has been ignored for two sessions with the Legislature, and I don't think the progress in that regard has been satisfactory, and that is to my way of thinking a very major reason for voting against this bill.

Thank you."

Roll call having been requested, the motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 246, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TAXES", having been read throughout, passed Final Reading by a vote of 29 ayes to 22 noes, with Representatives Abercrombie, Ajifu, Baker, Blair, Campbell, Carroll, Dods, Evans, Fong, Garcia, Ikeda, Kamalii, Kiyabu, Lunasco, Medeiros, Naito, Narvaes, Poepoe, Say, Shito, Sutton and Uwayne voting no.

At this point, Representative Kunimura rose and asked:

"Mr. Speaker, all night long, I have been listening to people making requests to insert into the record their speech. I would like to find out from you, if there are any derogatory matters in the speech to be inserted in the record, how is it going to be treated?"

The Chair replied:

"The understanding is that the speech written verbatim will be reflected in the Journal. This is why the Chair requested that if there is no objection, the request is honored and the speech, as reflected in the written statement, is reflected in the Journal verbatim."

Representative Kunimura asked:

"As it is?"

The Chair answered:

"That is correct."

Representative Kunimura asked:

"Regardless of the contents?"

The Chair answered:

"That is correct."

Representative Kunimura then stated:

"Okay, I know how to do it now."

Conf. Com. Rep. No. 33 on H.B. No. 28, HD 2, SD 1, CD 1 (Deferred from April 14, 1977):

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

Conf. Com. Rep. No. 39 on H.B. No. 1698, HD 1, SD 1, CD 1 (Deferred from April 14, 1977):

Representative Baker moved that the report of the Committee be adopted and H.B. No. 1698, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative D. Yamada.

Representative Campbell then rose and stated:

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

Section 7 of House Bill No. 1698, HD 1, SD 1, CD 1, extends the present open-competitive rating system, which expires August 31, 1978, for an additional five years. In his annual report to the Legislature, the Commissioner of motor vehicle insurance has indicated that the present open-competitive rating system is working to the benefit of the consumers. Mr. Speaker, I have some grave doubts that this is the case.

Automobile insurance rates have been going up consistently and it seems logical to me that the rates would stabilize if the State stepped in and

regulated these rates.

As I indicated before, I have serious reservations about the long extension of the present open-competitive rating system which this bill provides. The Conference Committee Report implies that such time is needed to carefully analyze and evaluate the merits of the concept of open competition but, Mr. Speaker, this program came into being in 1974. At the end of August, 1978, the State would have had ample time, in my judgment, to analyze and evaluate the merits of open competition.

Therefore, Mr. Speaker, it is my hope that this bill will be amended when this House reconvenes in January of 1978 to provide for a more reasonable cut-off date for the open competitive rating system.

Thank you."

Representative Carroll then rose and stated:

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

Mr. Speaker, the Conference Committee has gone to great lengths to rationalize the continuation of free no-fault insurance for welfare recipients and while I am sure that all House members believe in public aid to those who are truly in need and qualify for assistance, all responsible legislators must realize that limitations on public support must exist. Continuation of free no-fault is unfair and unnecessary.

The Conference Committee points out that Federal AFDC funding would be endangered unless welfare recipients are permitted to retain their autos; in some cases, two and three automobiles in the family. Why then did not the Committee amend the bill to retain free no-fault for those receiving Federal AFDC and no others? I respectfully suggest, Mr. Speaker, that this bill, while permitting AFDC recipients to retain an automobile, could have placed a limit of automobile per welfare family if it felt that that was the proper position to take.

The Committee had much to work with between free no-fault and total repeal of this measure, and we do a grave injustice to those who are presently paying the bill. If we now permit the doubtful logic reflected in the Committee Report to gain momentum through the bill's passage, I think we do a grave injustice to

our community.

The Conference Committee Report points out that adverse economic ramifications may result if we touch the free no-fault provision. Insurance company representatives apparently testified that the insurance company, in their magnanimous nature, are paying for the welfare recipients, and I say to that--baloney!

I respectfully submit that severe, adverse economic ramifications are being felt at this very moment by the citizens who foot the bill for the welfare recipients. Insurance rates are unbearably high for the average automobile owner who supports himself. People in my district have told me that they had to give up automobile ownership because they could no longer afford the extremely high automobile insurance premiums and they are talking, not about free no-fault for the welfare recipients in their comments, but rather, about the fact that premiums have gone sky high since we, in our infinite wisdom, created the no-fault insurance provisions some years back. How ironic that these people are forced to ride the bus while welfare recipients are able to retain automobile ownership. It's little wonder that people are becoming more and more unhappy with public servants. It's no wonder that a recent poll shows politicians as the least desirable profession for parents considering the future of their children.

Now, providing free bus transportation for all welfare recipients would, of course, cost the State money, but that is a far preferable alternative to the expenditure of monies for gas, oil, maintenance, as well as the insurance premiums. And presumably, all of these costs are paid for by the general public, either through the insurance premiums or through the welfare grant.

We should also remember that if individuals within the community need public help, it is only fair that the cost of such help be spread out as thinly as possible among all the taxpayers. As it stands now, only those who pay for car insurance are forced to bear the financial burden of free no-fault. If public transportation were provided for working welfare recipients, then the cost would not fall so heavily upon so few.

Let us remember that the benefits of free no-fault flow, not only to paying car owners, but also to pedestrians, bike riders, motorcycle riders, and everyone else on and near the highways, whether they pay automobile insurance

premiums or not. Thus, the insurance-paying citizens are presently being taxed for benefits which are available to just about everyone.

Unfortunately, the Committee's allegation that public transportation of medicaid recipients would lead to unrealistic costs, in my mind, smacks of bad faith. I am sure that every member of the Conference Committee is aware that many jurisdictions effectively utilize minibuses to transport their handicapped to individual destinations. We have handicabs here and I would presume that the owners of those types of operations would probably be delighted at the prospect of taking care of the transportation needs of our qualifying handicapped persons. The alternative of taxis and ambulances is simply intimidation and nonsense. The minibus vehicles are specifically designed to efficiently handle jobs such as medicaid recipient traffic.

Again, if the State were to provide minibus vehicles, off-setting savings would occur in several areas. The most important one would be the reduction in insurance costs for the average car owner, but this is really not the prime issue. Mr. Speaker, certainly, everyone can justify allowing the handicapped, whether on welfare or not, to retain vehicles for special health-related purposes. I just wonder why there has been no talk of limiting automobile use in this area to health service transportation.

Now, in conclusion, let me say that some will always be able to trot out the reasons why the taxpayer should bear yet another burden. We have all heard the idea that escape from welfare rolls should be encouraged and not discouraged. People who work hard to be independent should be rewarded and not punished. Until we all get this simple, basic principle straight in our heads and reflect it in our laws, welfare costs will continue to rise. How can we even consider passing a State residency requirement if we can't face up to the simple fact that those who work should, at least, have as much as those on welfare.

I urge all, Mr. Speaker, to vote against this bill."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak against House Bill No. 1698.

Mr. Speaker, while all other welfare costs are borne by the general public, the burden of free automobile insurance for welfare recipients is carried by the State's motorists through increased no-fault premiums. The magnitude of the problem is shown by the dramatic increase in the number of cars belonging to welfare recipients--almost 7,000 cars in 1975, and today, almost 11,000--and if normal premiums have been paid for these cars, the total bill would have been over \$3 million. However, Mr. Speaker, we are the only state in the union that provides free automobile insurance to its welfare clients. We should spread these welfare costs, Mr. Speaker, among all the taxpayers. Why do we maintain the present inequity of asking motorists to shoulder the entire business?

I suggest that welfare recipients whose transportation needs can be met by public transportation should not be automatically qualified for free automobile insurance. Rules and regulations could be formed by Mr. Andrew Chang and his Department of Social Services and Housing to insure an equitable treatment.

I, therefore, would urge my colleagues and yourself to vote against this measure."

Representative Shito then rose and stated:

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

Mr. Speaker, we have always talked about welfare reform and yet, we find that this is the only state in the nation that provides for insurance for our welfare recipients. We currently pay for their housewives, their foods, the clothing, even gas for their cars.

Now, this bill provides for an extension of the no-fault insurance, no matter how many cars they own. The reason given to continue providing this free insurance is the possibility of losing Federal funding. Mr. Speaker, I think it is high time that this body take the necessary action and take a tough stand against this measure.

The Federal government has always placed a hammer over their heads with the possibility of losing Federal funding that we have continuously abided by, so that we can hold on to the Federal funding. I feel that our citizens have been taxed enough. I believe in providing no-fault insurance in the case where the individual works but has been subsidized by the State to make ends meet and also have those

who have medical problems, but I do not believe in providing all able-bodied recipients, no matter how many cars they own, free insurance. It is high time that this body take that stand.

With this short statement, Mr. Speaker, I urge all members to vote against this measure."

Representative Ajifu then rose and stated:

"Mr. Speaker, I, too, would like to speak against this House Bill No. 1698, HD 1, SD 1, CD 1. I would also like to speak with regards to this no-fault insurance for welfare recipients.

Mr. Speaker, this so-called 'free' no-fault insurance for automobiles owned by welfare recipients, provided for in this bill, is anything but 'free.' This is again a case of the proponents wanting to play 'Big Brother' to the people, while all you are doing, actually is tightening the stranglehold on them.

The question of who bears the cost of this no-fault insurance is a basic one--everyone bears the cost, both the motorists who pay the insurance premiums and the welfare recipient who owns the car.

There have been arguments raised by proponents of this bill which I believe are faulty arguments, and it is simply not true that the alternatives to free no-fault insurance for recipients' cars are more expensive. The State already pays for transportation expenses for welfare recipients to get to work. The State already pays for all school children who live more than a mile from school to get to school. The State already pays for transportation for welfare recipients to get medical care.

And, furthermore, the taxpayers of this island already pay subsidies for the public bus system which could provide alternative transportation for anyone else on welfare. I submit that it costs less to try some of these alternatives, both in dollars and in fuel conservation, as well as other more abstract savings.

And another thing, proponents of free no-fault automobile insurance for welfare recipients keep saying that removal of the insurance will jeopardize Federal aid to public assistance programs. There is no Federal restriction or regulation that I can find which implies or directs such a problem.

So, again, there's another weak argument offered by the proponents of this bill.

Mr. Speaker, again, I urge you and my colleagues of this House to vote against this measure.

Thank you."

At this time, Representative Takamura rose on a point of information and asked if one of the co-chairmen of the Conference Committee would yield to a question, to which Representative Baker responded:

"I will endeavor to do so, Mr. Speaker."

Representative Takamura asked:

"The question is, so far to date, the implication seems to be that if we vote, or if we defeat House Bill 1698, this would end the present policy of providing free no-fault insurance. Now, my understanding is that House Bill 1698 merely amends the existing policy, so if we defeat this particular bill, am I correct in assuming that the policy providing free no-fault insurance would still exist? It is just that some of the amendments proposed in the bill would be defeated. Am I correct or not."

Representative Baker replied:

"That is correct."

Representative Peters then rose and asked:

"Mr. Speaker, by way of an addendum to the previous speakers' observations, I would like to ask if one of the co-chairmen will yield to a question again?"

Representative Baker replied:

"I will endeavor to do so, Mr. Speaker."

Representative Peters asked:

"On page 8, it says in the first paragraph, 'This three, and the three is bracketed out, eight-year period shall be a period of open rating.' What do you mean by that?"

Representative D. Yamada answered:

"Mr. Speaker, what that means is that the open rating period commences from September of 1975 and by our extending it. . . when we say eight year period, we are talking about eight years from 1975 or an extension of five years."

Representative Peters then asked:

"What do you mean by open rating?"

Representative Yamada replied:

"Open rating as opposed to rates set by the Insurance Commissioner. In other words, you let competition determine the rates."

Representative Peters then stated:

"Mr. Speaker, I rise to speak against the bill, but for a different reason over and beyond the remarks that have been made about welfare recipients.

It seems to me, Mr. Speaker, that nobody in this room, except one of the Representatives from Waikiki, in his remarks, indicated that there was a poll taken and the response on the part of parents indicated that they didn't want their children to be legislators. I wonder if in that poll, there was a question as to whether the child should grow up to be a welfare recipient as well, and what kind of response parents would have on that?"

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

"Mr. Speaker, I don't think I suggested a poll was taken. I suggested that a poll was reported. I would be very happy to furnish brother Henry with a copy of that article. I didn't agree with that poll either."

Representative Peters responded, stating:

"Basically, what I am trying to get at. . . I suspect that there is nobody in this room that will be willing to say that they would be glad to be a welfare recipient--right? I suspect nobody in the gallery would run to the lines and say, hey, man, this is the kind of job or this is the kind of position I would like to have in life, or am I wrong. The social standards here in this State is full of economics. Everything is economics like brother Neil talks about so often. You know, and that is my bone of contention.

You defeat this bill; you haven't changed that particular provision. Welfare recipients will still receive what they now have. Carl Takamura pointed that out very clearly in his question. What you do instead, however, is that you provide for the insurance companies to continue to rip you off. You provide for an eight year open rating period. Right on.

Insurance companies--do your thing; increase the rates. You got eight years to do it as opposed to three. That's beautiful. But you know what is so surprising? Everybody picks on the welfare recipients; nobody wants to talk about insurance companies. I don't know.

Thank you."

Representative Segawa then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill and to rebut the previous speaker.

Mr. Speaker, just on this question of open rating, I would like to set the record straight that open rating has now been allowed for the last three years, I believe. At the beginning, there was apprehension that this type of open rating system would escalate automobile rates and that the public would pay more for their automobile insurance. Contrary to this belief, Mr. Speaker, it has been found that automobile rates have not risen because of open rating. Automobile rates have gone up because of corresponding rises in repair bills charged by repair shops because of labor costs and parts costs.

In this matter, the rates are set by different companies, but they are also submitted to the Commissioner of Insurance for his review and approval before they are allowed to use the rates that they intend to charge, and in this way, there is a safeguard to the public that insurance companies do not charge more than they need to, and to allow for an equal competitive type of charges for automobile insurance, and so, Mr. Speaker, there are certain provisions in the bill that I do not agree with. There are provisions in it that allow for a better system of having automobile insurance allowed for the public at the cheapest possible way, so in this regard, I ask all the members to vote 'aye' on this bill."

Representative Baker then rose and stated:

"Mr. Speaker, it is true that welfare costs are up and I believe they have risen far higher than even I had intended. I regret that, but, Mr. Speaker, this is not an easy area in which to find solutions. We worked away at it. I will not go so far as to say that I am satisfied. I believe the co-chairman is aware of that. But, Mr. Speaker, the bill before us does fairly represent the House position, and that was the

conclusion of the Conference Committee, that to adopt the Senate position would have been to incur substantial additional costs which are not reflected in the House version of the budget."

At 9:12 o'clock p.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:14 o'clock p.m.

Representative Baker then rose and stated:

"May I just add, Mr. Speaker, it is the intention of the committees that worked on this during this session to continue working on it during the interim and to take another crack at it next session and, hopefully, at that time, we will be able to come up with a solution that will satisfy people. But, Mr. Speaker, I say again, the solutions in this area are darn hard to come by and the alternatives do get tossed up."

Representative D. Yamada then rose and stated:

"Mr. Speaker, actually I had a long speech prepared and the more I read it, the more confused I got. Seriously, Mr. Speaker, I would just like to say that, in echoing what the prior speaker had said, that I don't think we know of a sure-fire solution; that we have studied several alternatives in our interim committee last year and in our joint committee deliberations this year. In our judgment, however, these alternatives have shown not to be good economical solutions and, again, I would just like to say that we do not intend to stop looking at alternatives, that we will continue to do so during the coming interim and the next legislative session.

Mr. Speaker, this conference draft, as it pertains to welfare recipients' no-fault insurance, is substantially the same position that was contained in the House bill that was sent over to the Senate, including the open rating periods. In other words, Mr. Speaker, your conferees went into the conference and held the House position.

The only other comment I would like to make is that the confusion as to what open rating is--open rating does not mean that insurance companies can charge whatever rates they want to charge. Whatever rates under open rating that insurance companies

want to charge must be approved by the Insurance Commissioner before being issued to the general public. This differs from the Commissioner setting rates; in other words, telling the companies what to charge. Mr. Speaker, open rating does have safeguards and I do not see that as being any problem.

Therefore, Mr. Speaker, I urge all the members of this body to vote for this measure."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1698, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", having been read throughout, passed Final Reading by a vote of 37 ayes to 14 noes, with Representatives Ajifu, Blair, Carroll, Cobb, Evans, Inaba, Kamalii, Kiyabu, Medeiros, Narvaes, Peters, Poepoe, Shito and Sutton voting no.

The Chair directed the Clerk to note that S.B. No. 577 had passed Final Reading at 2:59 o'clock p.m.; S.B. No. 1350 at 5:54 o'clock p.m.; H.B. No. 817 at 8:00 o'clock p.m.; S.B. No. 246 at 8:46 o'clock p.m.; and H.B. No. 1698 at 9:17 o'clock p.m.

Conf. Com. Rep. No. 40 on S.B. No. 1464, SD 2, HD 2, CD 1 (Deferred from April 14, 1977):

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

Conf. Com. Rep. No. 41 on H.B. No. 180, SD 1, CD 1 (Deferred from April 14, 1977):

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

Conf. Com. Rep. No. 44 on S.B. No. 1308, SD 2, HD 1, CD 1 (Deferred from April 14, 1977):

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

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1133) informing the House that House Resolution Nos. 730 to 733, Standing Committee Report Nos. 1134 to 1203,

and Conference Committee Report No. 44, have been printed and distributed.

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

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1134) recommending that H.R. No. 705 be referred to the Committee on Legislative Management.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 705, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF HAWAIIAN CULTURAL CONCERNS", 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. 1135) recommending that H.R. No. 645 be referred to the Committee on Legislative Management.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 645, entitled: "HOUSE RESOLUTION REQUESTING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO APPOINT AN INTERIM COMMITTEE TO STUDY THE ESTABLISHMENT OF NATIVE HAWAIIAN CORPORATIONS", was referred to the Committee on Legislative Management.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1136) recommending that H.R. No. 554, HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee 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 Legislative Management.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1137) recommending that H.R. No. 153, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 153, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF RETIREMENT INCOME POLICIES", was referred to the Committee on Finance.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1138) recommending that H.R. No. 178 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 178, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON SENTENCING", was adopted.

Representative Kawakami, for the majority of the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1139) recommending that H.R. No. 446 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the majority of the Committee was adopted and H.R. No. 446, entitled: "HOUSE RESOLUTION REQUESTING INCLUSION OF HAWAII IN MAINLAND WEATHER REPORTS", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1140) recommending that H.R. No. 480 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 480, entitled: "HOUSE RESOLUTION REQUESTING THAT THE HAWAII HISTORIC PLACES REVIEW BOARD MAKE A SPEEDY EVALUATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES' RECOMMENDATION THAT KAWAINUI MARSH BE PLACED ON THE HAWAII AND THE NATIONAL REGISTER OF HISTORIC PLACES", was adopted, with Representatives Fong and Ikeda voting no.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development and Hawaiian Homes and Agriculture, presented a joint report (Stand. Com. Rep. No. 1141) recommending that H.R. No. 666 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the joint report of the

Committees was adopted and H.R. No. 666, entitled: "HOUSE RESOLUTION REQUESTING IMPLEMENTATION OF A LAND EXCHANGE PROGRAM IN THE NORTH KOHALA DISTRICT, ISLAND OF HAWAII", was adopted.

Representatives Blair and Kawakami, for the Committees on Ecology and Environment and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 1142) recommending that H.R. No. 680 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the joint report of the Committees was adopted and H.R. No. 680, entitled: "HOUSE RESOLUTION RELATING TO REQUESTING THE CONGRESS TO AMEND THE MARINE MAMMAL PROTECTION ACT", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1143) recommending that H.R. No. 709, as amended in HD 1, be adopted.

Representative Peters then rose and stated:

"Mr. Speaker, I realize that time is getting quite late. This particular Standing Committee Report is highly offensive. I want it to be noted on the record--Department of Land and Natural Resources, stay out of Waianae!"

Representative Abercrombie then rose and stated:

"Mr. Speaker, I understand the reason why we are doing it, but I would like to make one sentence statement as to why I voted the way I am. We apparently are not going. . ."

The Chair interrupted and asked:

"Which Committee Report are you speaking on?"

Representative Abercrombie answered:

"On 1143. Point of information, Mr. Speaker. I don't understand the process whereby we are going through the vote any longer. I thought we were going to take it in a certain manner and now, statements seem to be made, and I want to know if that is what we are supposed to do, or what is expected? Are we recording. . ."

The Chair interrupted and stated:

"If there are no objections, the motion

will be to adopt all Standing Committee Reports on a particular page. We take a vote and anyone who wants to register a 'no' vote may rise to register a 'no' vote. Anyone who wants to speak on a particular resolution, at that time, will be allowed to speak."

Representative Abercrombie then asked:

"May I do so then, on 1143?"

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

"Mr. Speaker, I just want to say that there are people in Manahala Valley, in my district, who may very well fall under the resolution here, No. 709, and that I absolutely reject, in any way, shape, or form, the designation of these people as squatters, or that they are there illegally, or that the State has any right whatsoever to interfere with their residences in that valley and will fight any and all attempts to move these people or to deprive them of their home sites."

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 709, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REMOVE ILLEGAL RESIDENTS FROM STATE LANDS" was adopted, with Representatives Abercrombie and Narvaes voting no.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 1144) recommending that H.R. No. 198, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 198, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ENFORCEMENT OF NOISE CONTROL LAWS AND REGULATIONS", was adopted.

Representatives Blair and Kawakami, for the Committees on Ecology and Environment and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 1145) recommending that H.R. No. 496 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the joint report of the Committees was adopted and H.R. No. 496, entitled: "HOUSE RESOLUTION

REQUESTING ONOMEA BAY, HAWAII, BE DESIGNATED AS A MARINE LIFE CONSERVATION DISTRICT", was adopted.

Representatives Toguchi and Blair, for the Committees on Ocean and Marine Resources and Ecology and Environment, presented a joint report (Stand. Com. Rep. No. 1146) recommending that H.R. No. 619, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the joint report of the Committees was adopted and H.R. No. 619, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A COMPREHENSIVE CORAL MANAGEMENT PROGRAM", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1147) recommending that H.R. No. 676, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 676, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO REVIEW AND MODIFY POLICIES AND REGULATIONS TO PERMIT INDEPENDENT COMMERCIAL PHOTOGRAPHY AT HONOLULU INTERNATIONAL AIRPORT", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1148) recommending that H.R. No. 626 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 626, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTY COUNCILS TO DIRECT THEIR ATTENTION TO THE PROBLEM OF TRAFFIC SAFETY STANDARDS FOR SCHOOLS", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1149) recommending that H.R. No. 713 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 713, entitled: "HOUSE RESOLUTION RELATING TO THE UNIVERSITY OF HAWAII STUDENT EMPLOYMENT OFFICE AT MANOA", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1150) recommending that H.R. No. 650, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 650, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A BACCALAUREATE DEGREE PROGRAM IN HAWAIIAN LANGUAGE", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1151) recommending that H.R. No. 625, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 625, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO WORK WITH THE RESPECTIVE COUNTY POLICE DEPARTMENTS TO PROVIDE POLICE ASSISTANCE FOR JUNIOR POLICE OFFICERS AT SCHOOLS EXPERIENCING DIFFICULT TRAFFIC PROBLEMS", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1152) recommending that H.R. No. 648 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 648, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A BIKEWAY ALONG KALANIANA'OLE HIGHWAY IN WAIMANALO", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1153) recommending that H.R. No. 698 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 698, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep.

No. 1154) recommending that H.R. No. 624, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 624, HD 1, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO CAREFULLY EXAMINE ALL FACETS OF THE PROPOSED AIR TRANSPORTATION REGULATORY REFORM ACT OF 1977 (CANNON-KENNEDY BILL S. 689 AND PEARSON BILL S. 292) AS THE OUTCOME WILL HAVE FAR-REACHING EFFECTS UPON ALL WHO DEPEND ON AIR TRANSPORTATION", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1155) recommending that H.R. No. 657 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 657, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR AND THE DEPARTMENT OF TRANSPORTATION TO INITIATE IMMEDIATE ACTION ON THE PIILANI HIGHWAY PROJECT, MAUI", was adopted.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1156) recommending that H.R. No. 712 be adopted.

Representative Kunimura then rose and stated:

"Mr. Speaker, this will be the only House resolution that will be coming out of Legislative Management and the reason is that the Speaker will be authorized to call for interim work and he will do the review."

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 712, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1157) recommending that H.R. No. 664 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 664, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ACCELERATE THEIR TREE PLANTING PROGRAM", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1158) recommending that H.R. No. 634 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 634, entitled: "HOUSE RESOLUTION REQUESTING DEPARTMENT OF LAND AND NATURAL RESOURCES TO POSTPONE EVICTION OF BUSINESSES LOCATED IN PATH OF PROPOSED NEW SAND ISLAND PARKWAY AND TO POSTPONE CONSTRUCTION OF THAT PORTION OF THE PARKWAY", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1159) recommending that H.R. No. 522 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1160) recommending that H.R. No. 515 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1161) recommending that H.R. No. 377, HD 1, be adopted.

On motion by Representative Yuen,

seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 377, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE U.S. CONGRESS TO ENACT LEGISLATION TO COMPENSATE OR TO MAKE REPARATION TO HAWAIIANS FOR DAMAGES SUFFERED BY THEM AT THE TIME OF ANNEXATION", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 1162) recommending that H.R. No. 497 be referred to the Committee on Higher Education.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 497, entitled: "HOUSE RESOLUTION URGING THE REDOUBLING OF EFFORT BY GOVERNMENT AGENCIES TO DEVELOP EFFECTIVE PEST CONTROL PROGRAMS TO CURTAIL THE INTRODUCTION AND ESTABLISHMENT OF NONNATIVE INSECT SPECIES DETRIMENTAL TO HAWAII'S AGRICULTURE INDUSTRY", was referred to the Committee on Higher Education.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 1163) recommending that H.R. No. 323, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 323, HD 1, entitled: "HOUSE 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 Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1164) recommending that H.R. No. 704 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 704, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO ISSUE A PROCLAMATION NAMING THE WEEK OF JUNE 20-24, 1977 AS HAWAII MUSICIAN APPRECIATION WEEK", was adopted.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1165) recommending that H.R. No. 237, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 237, HD 1, entitled: "HOUSE RESOLUTION URGING PARENTS TO PARTICIPATE IN SCHOOL ACTIVITIES", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1166) recommending that H.R. No. 211 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1167) recommending that H.R. No. 283 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1168) recommending that H.R. No. 19, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 19, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW AND STUDY OF HAWAII STATUTES TO DETERMINE COMPLIANCE WITH THE EQUAL RIGHTS AMENDMENT", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1169) recommending that H.R. No. 284 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1170) recommending that H.R. No. 413, HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1171) recommending that H.R. No. 406, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 406, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PERSONNEL SERVICES TO CONDUCT A FEASIBILITY STUDY ON THE CONCEPT OF JOB SHARING", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1172) recommending that H.R. No. 579 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1173) recommending that H.R. No. 462 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1174) recommending

that H.R. No. 595, HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1175) recommending that H.R. No. 571 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1176) recommending that S.C.R. No. 75 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and S.C.R. No. 75, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY RELATING TO AN INCOME SUPPLEMENTATION PROGRAM FOR FINANCIALLY NEEDY RETIREES AND PENSIONERS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1177) recommending that H.R. No. 617 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1178) recommending that H.R. No. 304, HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1179) recommending that H.R. No. 250, HD 2, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1180) recommending that S.C.R. No. 96 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and S.C.R. No. 96, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS TO MAINTAIN THE CURRENT LEVEL OF AID TO FEDERALLY IMPACTED AREAS FOR EDUCATIONAL PROGRAMS IN THE STATE OF HAWAII", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1181) recommending that H.R. No. 409 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 409, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE 'SUNSET' CONCEPT", was adopted.

Representative Machida, for the Committee on Tourism, pursuant to H.R. No. 149 (1977), and directed to evaluate and prepare a progress report on the status of current and planned programs of State, federal, and county agencies and private groups designed to meet Waikiki's physical, social, economical and environmental problems, presented a report (Stand. Com. Rep. No. 1182) with certain recommendations.

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

"Is the designation to be filed the correct one?"

The Chair replied, "That is correct."

By unanimous consent, the report was received and was placed on file.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1183) recommending that H.R. No. 239, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 239, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE SUPERINTENDENT OF THE DEPARTMENT OF EDUCATION TO DEVELOP A MEANS OF COMMUNICATING INFORMATION OF NEW PROGRAMS AND TECHNIQUES OF TEACHING AMONG HAWAII'S SCHOOL TEACHERS", was adopted.

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. 1184) recommending that H.R. No. 504, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the joint report of the Committees was adopted and H.R. No. 504, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN INVESTIGATION OF SEWER WORKING CONDITIONS", was adopted.

Representatives Uechi and Blair, for the Committees on Agriculture and Ecology and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1185) recommending that H.R. No. 514, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the joint report of the Committees was adopted and H.R. No. 514, HD 1, entitled: "HOUSE RESOLUTION RELATING TO PESTICIDES TOLERANCE PETITIONS SUBMITTED TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY", was adopted.

Representatives Uechi and Blair, for the Committees on Agriculture and Ecology and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1186) recommending that H.R. No. 436, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii

and carried, the joint report of the Committees was adopted and H.R. No. 436, HD 1, entitled: "HOUSE RESOLUTION REQUESTING CONSIDERATION OF A MORATORIUM ON ENFORCEMENT OF PRODUCTION REGULATIONS AFFECTING HAWAII'S SUGAR INDUSTRY", was adopted.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1187) recommending that H.R. No. 707 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 707, entitled: "HOUSE RESOLUTION ENDORSING THE ESTABLISHMENT OF THE HAWAII POSTAL MUSEUM IN THE KAMEHAMEHA V POST OFFICE", was adopted, with Representatives Kawakami and Poepeo voting no.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1188) recommending that H.R. No. 679 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 679, entitled: "HOUSE RESOLUTION OBSERVING THE MONTH OF APRIL AS SAMOAN CULTURAL AWARENESS MONTH", was adopted.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1189) recommending that S.C.R. No. 174 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and S.C.R. No. 174, entitled: "SENATE CONCURRENT RESOLUTION HONORING THE ORIGINAL KOREAN IMMIGRANTS TO HAWAII AND REQUESTING THE GOVERNOR TO DECLARE THE WEEK OF JANUARY 13-21, 1978 AS "KOREA WEEK", 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. 1190) recommending that H.R. No. 244, as amended in HD 1, be adopted.

Representative Campbell then rose and stated:

"Mr. Speaker, I have a short statement on Standing Committee Report No. 1190 which I would like to insert into the Journal."

The Chair, noting that there were no objections, so ordered.

Representative Campbell's remarks are as follows:

"This measure requests the Department of Labor and Industrial Relations to provide an occupational program for Hawaii's youth. The resolution underscores the serious unemployment rate of our young people in this State. While high unemployment among our youth is important of its own weight, it becomes of critical importance when related to the high rate of youth crime. While a recent study has shown a 6 percent reduction in violent crimes committed by youth, it is important to note that, according to the FBI collected data, larceny-theft increased 5 percent last year, the only one of the seven offenses that rose. Stolen automobile parts and accessories, and thefts of property from cars increased 20 percent last year. These types of crimes accounted for 42 percent of total larcenies.

So, there is a correlation between youth unemployment and youth crime. Five years of hearings throughout the country by Senator Birch Bayh's subcommittee to investigate juvenile delinquency of the United State's Senate Committee on the Judiciary led to several important conclusions. These appeared in the February, 1977, edition of 'Trial Magazine' and are as follows: 'Teenagers are at the bottom rung of the employment ladder; in hard times, they are the most expendable. We are living in a period in which street crime has become a surrogate for employment and vandalism a release from boredom.'

Therefore, Mr. Speaker and members of this House, I urge support of this measure."

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the joint report of the Committees was adopted and H.R. No. 244, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO IMPLEMENT OCCUPATIONAL PROGRAMS FOR HAWAII'S YOUTH", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1191)

recommending that H.R. No. 67, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 67, HD 1, entitled: "HOUSE 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 Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1192) recommending that H.R. No. 540 be referred to the Committee on Finance.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 540, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF DEFERRED COMPENSATION PLANS", 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. 1193) recommending that H.C.R. No. 102 be referred to the Committee on Finance.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF DEFERRED COMPENSATION PLANS", was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1194) recommending that S.C.R. No. 13 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1195) recommending that H.R. No. 375, HD 1, be adopted.

On motion by Representative Yuen,

seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1196) recommending that H.R. No. 677 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1197) recommending that H.R. No. 678, HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1198) recommending that H.R. No. 531, HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 531, HD 1, entitled: "HOUSE RESOLUTION REQUESTING PLANNING FOR TRAFFIC CONDITIONS ON KALANIANA'OLE HIGHWAY", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1199) recommending that H.C.R. No. 99, HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.C.R. No. 99, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING PLANNING FOR TRAFFIC CONDITIONS ON KALANIANA'OLE HIGHWAY", was adopted.

Representative Stanley, for the Committee on Public Employment and

Government Operations, presented a report (Stand. Com. Rep. No. 1200) recommending that H.R. No. 410 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 410, entitled: "HOUSE RESOLUTION REQUESTING REPORTS FROM THE EXECUTIVE DEPARTMENTS CONCERNING THE VENDOR PAYMENT PROCESS", was adopted.

Representatives Kiyabu and Kawakami, for the Committees on State General Planning and Water, Land Use, Development and Hawaiian Homes, presented a joint report (Stand. Com. Rep. No. 1201) recommending that S.C.R. No. 79 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the joint report of the Committees was adopted and S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE MAKENALAPEROUSE STATE PARK", was adopted.

Representative Say, for the Committee on Culture and the Arts, pursuant to House Resolution No. 75 (1977) and directed to review the progress of the State Foundation on Culture and the Arts in implementing the recommendations of the 1976 'Management Audit of the State Foundation on Culture and the Arts', presented a report (Stand. Com. Rep. No. 1202) with certain recommendations.

By unanimous consent, the report was received and was placed on file.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1203) recommending that H.C.R. No. 64 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING REPORTS FROM THE EXECUTIVE DEPARTMENTS CONCERNING THE VENDOR PAYMENT PROCESS", was adopted.

At 9:20 o'clock p.m., on request by Representative Kunimura, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:23 o'clock p.m., the Chair stated:

"If there is one individual who has been sitting patiently on the side, observing the operations of the House and the floor action this evening, the Chair is very privileged and honored to present to the members, and members in the audience, our Governor, the Honorable George R. Ariyoshi."

At 9:24 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 10:15 o'clock p.m. tonight.

The House of Representatives reconvened at 10:33 o'clock p.m.

Representative Peters rose on a point of personal privilege and stated:

"Mr. Speaker, I noticed a member of this House that we consider very colorful; as a matter of fact, he has been noted for his exuberant speeches on the floor of the House, and his very general overall mannerisms. My point is, Mr. Speaker, I would like to know why Representative Kunimura is using that kind of hat?"

Representative Kunimura replied:

"Well, Mr. Speaker, we have what we call the Federal Occupational Safety and Health Act (OSHA). I have found this working environment rather dangerous lately, and I also have a longevity device that was attached to this hat, and that's the safety valve to release the steam when it gets a little too high, and that is the reason I am wearing this, and also I have come to appreciate this visor type of a hat because I can go to sleep with my hat over my eyes and the light won't bother me.

I advise, Mr. Speaker, that it is too late for this session, but next session, the Committee on Legislative Management will consider safety hat with visor and steam release valve for all members of this House.

Thank you."

Representative D. Yamada then rose and remarked:

"Mr. Speaker, as long as I have known Representative Kunimura, with his hard head, I don't think he needs a hat."

Representative Kunimura replied:

"Mr. Speaker, I won't rise on a

point of personal privilege, but I will see you back on Kauai."

At 10:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:36 o'clock p.m., Representative Abercrombie rose on a point of information and asked:

"Mr. Speaker, it is 10:36 and going. We have got a lot of resolutions here, various businesses to be done. Can you inform me as to whether we will be adjourning sometime before midnight, or whether some other course of action will be taken?"

The Chair replied:

"We have received some communications from the Governor. The Chair would like to dispose of two Third Reading bills on page 15 and then call on the Clerk to read the Governor's message."

Representative Abercrombie then thanked the Chair.

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 Third Reading on the basis of a modified consent calendar.

THIRD READING

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

S.B. No. 254, SD 1:

On motion by Representative Cobb, seconded by Representative D. Yamada, S.B. No. 254, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE SECURITY OFFICERS", having been read throughout, passed Third Reading by a vote of 51 ayes.

S.B. No. 258, SD 1:

On motion by Representative Cobb, seconded by Representative D. Yamada, S.B. No. 258, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BIKEWAYS AND THE OPERATION OF BICYCLES", having been read

throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 254 and 258 had passed Third Reading at 10:37 o'clock p.m.

At 10:38 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:43 o'clock p.m., the Chair stated:

"The Chair would like to state that it is intended that the calendar be finished this legislative day. With that in mind, can we proceed?"

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 151) was read by the Clerk as follows:

"STATE OF HAWAII
Executive Chambers
Honolulu

April 15, 1977

The Honorable James H. Wakatsuki
Speaker, House of Representatives
Ninth State Legislature Regular Session,
1977 State of Hawaii

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for an extension of the 1977 Session of the Ninth Legislature.

With warm personal regards, I remain,

Yours very truly,

/s/ George R. Ariyoshi

George R. Ariyoshi

Enclosure"

"EXECUTIVE ORDER

WHEREAS, Section 11, Article III of the Constitution of the State of Hawaii, provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the Governor'; and

WHEREAS, said Section 11 further

provides that 'Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution shall be excluded in computing the number of days of any session'; and

WHEREAS, the Governor has been requested to grant an extension and it appears that such an extension is necessary;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of Hawaii, pursuant to the power vested in me by Section 11, Article III of the Constitution of the State of Hawaii, do hereby extend the 1977 Regular Session of the Ninth Legislature of the State of Hawaii for a period of forty-eight (48) hours, following 12:00 midnight, April 15, 1977, but excluding Saturday and Sunday, pursuant to Section 11, Article III of the Constitution of the State of Hawaii.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 15th day of April, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Ronald Y. Amemiya

RONALD Y. AMEMIYA
Attorney General"

At this time, Representative Lunasco rose and stated:

"Mr. Speaker, I reluctantly rise in favor of the extension. Mr. Speaker, one of the biggest responsibilities we have as legislators is to do our work within the sixty days granted to us under our State Constitution."

Representative Garcia interrupted on a point of order and stated:

"Mr. Speaker, just as a matter of clarification, I am not too sure we are voting on anything, and I am not too sure on what we should rise on. Could you just give us some kind of ruling from the Chair as to what would be the proper procedure on this matter?"

The Chair replied:

"The message from the Governor has been received and was read by the Clerk. The Chair will entertain any comments relative to the proclamation for insertion into the Journal, for

the record."

Representative Lunasco then continued his remarks, stating:

"I, for one, Mr. Speaker, want it to be known that the members of the House have done their work within the sixty days allotted to us. We have been at work since last November and, Mr. Speaker, I know we have done a good job.

One of the good things we have done is to change our House Rules to incorporate openness and accessibility for the public. We have set a strict timetable to avoid the usual logjam of bills at the end of the session. This year, the House and the Senate agreed to a legislative timetable to give the Conference Committees two full weeks to meet and come up with conference drafts for final reading.

Mr. Speaker, in keeping with this deadline, the House disagreed with the Senate two weeks ago on the State budget. The Senate conferees then refused to meet to discuss our differences on the budget. A whole week went by, while other Conference Committees were already meeting and working. Then we found out that the real issue was not the budget, but demands for other Senate bills now in the various House committees other than Finance.

Mr. Speaker, our work on the State budget started even before we convened in January. The Finance Committee and all the subject matter committees of the House have spent thousands of hours on this document. We have worked hard to bargain in good faith, to meet our deadlines. We have honored our commitment on the timetable, only to discover this very budget being held hostage for other pet bills of the Senate; to be told we should break our own rules to move these bills which are unrelated to the budget.

We're being asked again to go against our commitment to openness, to violate our own integrity. And now, the most ridiculous excuse of all, that an extension is needed so the Senate can have a public hearing on the collective bargaining contract.

Mr. Speaker, we all know the public should be informed that the real reason is for the Senate to save their face on the budget. We know there's nothing the Legislature can do about the contract agreements except to approve or disapprove by way of funding the new contracts. Mr. Speaker, the House has nothing to hide. We have done our work.

We have done the best we could to review public programs, be fiscally responsible and make what we know are good decisions on the State budget. The House doesn't need to make excuses.

This extension, Mr. Speaker, is an insult to the members of the House and to the public. And maybe, most of all, an insult to our government workers whose contracts the Senate wants the public to believe is the reason for the extension.

Mr. Speaker, our concern is the budget and the fate of many important programs in it. This is the reason why we're extending. There is no other reason. Mr. Speaker, I'm sick and tired of having to deal with irresponsible public officials. The legislative process is only as good as the men and women who serve in it. And that's why, Mr. Speaker, I'm very proud to be a member of the House because we're willing to look beyond the 'old style' game playing of the Senate and do what the voters of this State elected us to do.

Mr. Speaker, in closing, the Governor extended the session for forty-eight hours. Come Tuesday, if and when we need another extension, I will stand on this House floor and fight all of you."

At 10:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:17 o'clock p.m.

Representative Blair then rose and stated:

"Mr. Speaker, I rise to speak on the subject of the extension of this session. I apologize for this late hour for taking any more of anyone's time, but I feel that I have to say this.

In a couple of weeks, Richard Wong is having a fundraiser. I hope it is a very successful one. In fact, I hope he raises so much money that he can pay back the State of Hawaii the \$100,000 odd dollars that he has taken from the citizens.

Mr. Speaker, I don't mind working year round, for that matter, but I would just appreciate it if, while

we are working, our colleagues in the Senate would also be working instead of sitting on our hands for two weeks.

Thank you."

Representative Abercrombie then rose and stated:

"Mr. Speaker, in respect of the same subject, I would like to state for the record, that it is my understanding that we are having the extension of this session in order for the Finance and the Ways and Means Committees to meet, and that, to the best of my knowledge, the Finance Committee from the House has been ready and prepared to meet for some time, and that every single minute that it is taking up in a so-called public hearing tomorrow, is robbing the taxpayers of the opportunity for the Finance Committee to be meeting with the Ways and Means Committee to get the budget settled and so, therefore, the taxpayers to look to the Senate for the culprits when it comes to the waste of money that is now involved in this extension."

Representative Cobb then rose and stated:

"Mr. Speaker, very briefly and for the record, I would like to state that the extension notice that was read has come from the Governor, and as far as I know, has not been requested by this House of the Legislature, and that to correct previous media accounts to the contrary, where it says the Legislature is asking for the extension. If we were asking for it, Mr. Speaker, we would be asked to vote on that question, and I would be voting against it. My understanding is that it is an Executive request which he has every right under the Constitution to do.

Therefore, Mr. Speaker, I would just like that clarified for the record. Thank you."

Representative Ajifu then rose and stated:

"Mr. Speaker, I would like to speak on behalf of the Republican members.

Mr. Speaker, it is easy to pass the buck and blame the other side of the House. The leadership of this House is just as responsible as the Senate. Both the leadership of the House and the Senate did not have the courage to call for an extension, but relied on the Governor to call for an extension so that you may be

able to point the fingers to somebody else and say that the Governor had called for an extension. Mr. Speaker, it was obvious, last night, when the budget did not deck; it was obvious that we either go home without a budget or that an extension is called for.

Mr. Speaker, I am just wondering, what assurance do we have that the conferees will meet with good faith with this extension. Mr. Speaker, you and your leadership should come to grips with the problems in the remaining days, remaining hours, and you should try to come to some resolution of the problems that are facing us. And I would like to say that we should try to wrap the session up as early as possible so that we would not expend any more tax dollars unnecessarily, and so, Mr. Speaker, I would like to leave these thoughts with you and that you and your leadership get together and act responsibly."

Representative Kunimura then rose and stated:

"Mr. Speaker, I don't know how many times I took the floor today. I hope I will have some voice in the Conference Committee, but I am going to try my best to save my voice because this is not the place that is important any more, but it is going to be meeting with the Senators. Of course, if I were to really express my feelings, we would have had to clear the chambers of all the ladies and the children, but rather than that, I would like to request that I be permitted to incorporate Mr. Lunasco's gentle, but strong, statements about what really happened, into the Journal of this House, and in reply to the most honorable Minority Leader, we of the House, and I can see what role you got to play. You have no other role to play but what you played right now and I admire you for it, but tonight, when you go home, you are going to have to close your eyes, rest with your conscience, and I hope you thank the good Lord that you can go to sleep, because if we are going to blame anybody, especially in this House, because there are fifty-one of us here, the truth is, as a non-partisan, I know you would have said something else. There are people in the gallery and you hope that you can convert some of these people up there, and that is a good shot--I don't call it a cheap shot; it's a good shot. You are a good Minority Leader;

you are leading your flock properly so, again, the show is over and we are going to work and I hope we can work fifty-one strong together to meet the Senators, and I assure you, Mr. Minority Leader, come the 48 hours, when it expires, budget or no budget, this House is going home.

Thank you."

Representative Kamalii then rose and stated:

"Mr. Speaker, I rise to inform the Representative from Kauai that this side of the aisle will sleep very well. We are not responsible for some of the shenanigans that took place on this floor tonight, and we are not responsible for this extension. You have the governorship; you have the Senate; you have the House; you have the whole bowl of wax in this State, and all you Democrats still can't put it together. We can sleep very well."

Representative Kunimura then rose and stated:

"Yes, I see the gentle lady, Minority Floor Leader, has not read history. For 62 years, you people controlled the governorship, the House, and the Senate, or at least, at one time or another, for 62 years, you controlled one branch of the government. You must admit that there were extensions, okay? That's right--long extensions--and I know you are going to sleep well because you don't have to worry, except for the good gentleman--the scholar, the good counsel from Nuuanu--and also the young gentleman from Kalihi Valley. He is going to have to stay up with us. Okay? I ask you to pray for him--the both of them--because they are not going to sleep, so you can.

Yes, I hope you dream well, because come Thursday, hell or high water, we are going to have to either come to an agreement or get off the pot. Okay?"

Representative Takamura then rose and stated:

"Just for the people who have not seen the few conferences that have taken place so far, I would just like to inform the members here that the only person, and the first person, to walk out of the Conference Committee was a member of the Minority Party, and that your Minority Party members in the Senate have been just as uncooperative as the Democratic members. And I

would also like to say that when the hand of cooperation is extended and no one else is on the other side to grasp it, it doesn't make sense to then slap that hand for extending itself out in the first place.

Thank you."

Representative Ajifu then rose and stated:

"Just a comment. Mr. Speaker, I think if you send the right Republicans to conference, I think we can help. If that is what happened, probably the wrong people are in conference. Mr. Speaker, we would be very happy to handle the conference if that is necessary."

The Chair then remarked:

"The Chair would like to inform the Minority Leader that the Chair has always searched and looked to my right, and I haven't been able to find any right Republican."

Representative Kunimura was then recognized and he stated:

"Yes, Mr. Minority Leader, we may make mistakes, but we are not irresponsible to let you take care of the conference."

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

"Mr. Speaker, I believe it is protocol on the floor of this House and even the elder gentleman from Kauai should know that we address the Chair, not each other."

Representative Kunimura then rose on a point of personal privilege and remarked:

"Mr. Speaker, call me anything but an elder, okay?"

Representative Garcia then rose and stated:

"I would just like the Journal to reflect my opposition to the extension."

Representative Kamalii then rose and stated:

"That is not going to change, Mr. Speaker, so we will proceed. I think there are two resolutions that everybody is really dying to pass."

Representative Kondo rose and remarked:

"Since we are so anxious to start work, I would like to insert my comments for the Journal, please."

The Chair, noting that there were no objections, so ordered.

Representative Kondo's remarks are as follows:

"The reason the House is agreeing to a two-day extension of the session is because the operating and CIP budgets and other related bills important to the people of our State have not been agreed upon by the Senate Ways and Means and House Finance conferees. The reason for this lack of agreement rests solely on the Senate conferees. The conferees of both Houses were appointed two and a half weeks ago, and while the House conferees were ready, willing, and able to negotiate with the Senate conferees to resolve the differences between the two houses, the Chairman of the Senate Ways and Means was unavailable for over a week.

To say now that the extension is needed because the collective bargaining wage increase package was submitted late by the Governor is a blatant attempt to shift the blame to someone who is not at fault nor the cause of the necessity of the extension. Everyone knows that contract negotiations were being carried on before the session convened and that a collective bargaining agreement may be submitted to the Legislature for ratification this session. In anticipation of this possibility, the House did have a public hearing on House Bill No. 5, relating to collective bargaining wage increases.

If the Senate conferees negotiated continuously and in good faith with the House conferees beginning two and a half weeks ago, the operating and CIP budgets, the related bills thereto, and the wage increases, could have been passed before the adjournment of this session without the necessity of an extension."

Representative Campbell then rose and stated:

"Mr. Speaker, I would just like to very briefly register my opposition to the extension of the session.

Thank you."

Representative Ajifu then rose and stated:

"Mr. Speaker, maybe, it might be in order, at about 12:00 o'clock,

to move to adjourn. I think there are enough sentiments here to adjourn."

The Chair remarked:

"As one who prides himself in knowing the Constitution and the parliamentary rules of procedure, you know darn well that is impossible at this time."

Representative Abercrombie, on a point of personal privilege, stated:

"Mr. Speaker, if we just did things that we thought were possible, I don't think I could have done anything today."

At 11:30 o'clock p.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

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

COMMITTEE REASSIGNMENT

H.R. No. 67 was re-referred to the Committee on Higher Education, then to the Committee on Legislative Management.

At 11:32 o'clock p.m., on request by Representative Peters, the Chair declared a recess, subject to the call of the Chair.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 500 to 512) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 500) transmitting Senate Concurrent Resolution No. 25, SD 1, relating to economic development, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 501) transmitting Senate Concurrent Resolution No. 94, SD 1, requesting public hearings to consider and define the concept of "living park" and to report on the future of Kahana Valley State Park, which was adopted by the

Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 502) transmitting Senate Concurrent Resolution No. 112, SD 1, requesting the adoption of the Windward Oahu Regional Plan, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 503) transmitting Senate Concurrent Resolution No. 156, requesting the United States Congress to grant Hawaii the authority to extend National Pollution Discharge Elimination System permits beyond the June 30, 1977 deadline, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 504) transmitting Senate Concurrent Resolution No. 159, SD 1, relating to a roadway noise abatement study, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 505) transmitting Senate Concurrent Resolution No. 173, regarding land and water use control requirements and procedures, which was adopted by the Senate on April 14, 1977, was placed on file.

By unanimous consent, action on S.C.R. Nos. 25, SD 1; 94, SD 1; 112, SD 1; 156; 159, SD 1; and 173 was deferred until Monday, April 18, 1977.

A communication from the Senate (Sen. Com. No. 506) returning House Concurrent Resolution No. 3, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 507) returning House Concurrent Resolution No. 45, HD 1, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 508) returning House Concurrent Resolution No. 49, HD 1, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 509) returning House Concurrent Resolution No. 78, HD 1, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 510) returning House Concurrent Resolution No. 92, which

was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 511) returning House Concurrent Resolution No. 94, which was adopted by the Senate on April 14, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 512) returning House Concurrent Resolution No. 95, which was adopted by the Senate on April 14, 1977, was placed on file.

STANDING COMMITTEE REPORTS

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1204) recommending that S.B. No. 1305, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 1305, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A RENTER'S INCOME TAX CREDIT", passed Second Reading and was placed on the calendar for Third Reading on Monday, April 18, 1977.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1205) recommending that S.B. No. 451, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 451, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE EXPENSES", passed Second Reading and was placed on the calendar for Third Reading on Monday, April 18, 1977.

The Chair directed the Clerk to note that printed copies of S.B. No. 1305, SD 1, and S.B. No. 451, SD 1, were made available to the members of the House at 10:30 o'clock p.m.

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. 1206) recommending that H.R. No. 552, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii

and carried, the report of the joint Committees was adopted and H.R. No. 552, HD 1, entitled: "HOUSE RESOLUTION REQUESTING MORE EFFECTIVE COORDINATION OF TRAINING AND ECONOMIC ACTIVITIES", was adopted.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1207) recommending that H.R. No. 156, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and H.R. No. 156, HD 1, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF THE STATE PUBLIC EMPLOYEES' HEALTH FUND", was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1208) recommending that S.C.R. No. 139 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and S.C.R. No. 139, entitled: "SENATE CONCURRENT RESOLUTION URGING FEDERAL, STATE, AND COUNTY COOPERATION TO CONTINUE IMPLEMENTATION OF THE KAPAHULU GENERAL NEIGHBORHOOD RENEWAL PROGRAM", was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1209) recommending that S.C.R. No. 53 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii 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 adopted.

Representative Mizuguchi, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1210) recommending that H.R. No. 591, as amended in HD 1, be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the majority of the Committee was adopted and H.R. No. 591, HD 1, entitled: "HOUSE RESOLUTION RELATING TO MOTORCYCLE SAFETY PROGRAM", was adopted.

Representative Mizuguchi, for the

Committee on Education, presented a report (Stand. Com. Rep. No. 1211) recommending that S.C.R. No. 74 be adopted.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the report of the Committee was adopted and S.C.R. No. 74, entitled: "SENATE CONCURRENT RESOLUTION 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", was adopted.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 734 to 742) and concurrent resolution (H.C.R. No. 139) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 734) congratulating the Castle High School Theatre Guild for their successful production of the Broadway musical "The Sound of Music" was jointly offered by Representatives Ajifu, Abercrombie, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, 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. 734 was adopted.

A resolution (H.R. No. 735) commending the Kauai participants in the Twentieth Hawaiian Science and Engineering Fair was jointly offered by Representatives Kawakami, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Kawakami, seconded by Representative Kunimura and carried, H.R. No. 735 was adopted.

A resolution (H.R. No. 736) extending

congratulations to the Chinese Christian Association of Hawaii on the observance of their centennial celebration was jointly offered by Representatives Fong, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, 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 and K. Yamada.

On motion by Representative Fong, seconded by Representative Poepoe and carried, H.R. No. 736 was adopted.

A resolution (H.R. No. 737) commending Mrs. Edith Takeya for her continued community service was jointly offered by Representatives Kiyabu, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, 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 Kiyabu, seconded by Representative Naito and carried, H.R. No. 737 was adopted.

A resolution (H.R. No. 738) congratulating Reverend Eli Elia and Reverend Hannah K. Keolanui on their Fiftieth Wedding Anniversary was jointly offered by Representatives Campbell, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Campbell, seconded by Representative Toguchi and carried, H.R. No. 738 was adopted.

A resolution (H.R. No. 739) congratulating Hawaii's Korean community on its fund raising efforts on behalf of the University of Hawaii Center for Korean Studies was jointly offered by Representatives Cobb, Abercrombie, Ajifu, Aki, Baker, Caldito, Cayetano, Dods, Ikeda, Inaba, Kamalii, Kawakami,

Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Segawa, Stanley, Suwa, Takamine, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, H.R. No. 739 was adopted.

A resolution (H.R. No. 740) welcoming and commending Mr. Domingo Panganiban, Executive Director of National Foods and Agriculture Council of the Ministry of Agriculture of the Republic of the Philippines was jointly offered by Representatives Lunasco, Caldito, Cayetano, Kihano and Mina.

On motion by Representative Lunasco, seconded by Representative Cayetano and carried, H.R. No. 740 was adopted.

A resolution (H.R. No. 741) congratulating Lynette Aalaonaona Roy Akana upon being selected winner of the Young Career Woman award was jointly offered by Representatives Inaba, Aki, Baker, Blair, Caldito, Campbell, Dods, Evans, Fong, Garcia, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Narvaes, Peters, Poepoe, Segawa, Shito, Sutton, Suwa, Takamine, Takamura, Toguchi, Ueoka, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Inaba, seconded by Representative Suwa and carried, H.R. No. 741 was adopted.

A resolution (H.R. No. 742) honoring Herman J. Wedemeyer and supporting his nomination to the National Football Foundation Hall of Fame was jointly offered by Representatives Wakatsuki, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Kihano, seconded by Representative Kondo and carried, H.R. No. 742 was adopted.

A concurrent resolution (H.C.R. No. 139) honoring Herman J. Wedemeyer and support his nomination to the

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

On motion by Representative Kihano, seconded by Representative Kondo and carried, H.C.R. No. 139 was adopted.

At 11:50 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.

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

"I didn't have the opportunity, Mr. Speaker, to get a proper resolution together due to the circumstances of time so I wanted to announce from the floor this evening that I congratulate Miss Susan Hollace of the Maui News for defending the right of a free press to have access to governmental operations and to military operations, wherever they may be, and especially, I want to congratulate her on her 'right cross' and hope that I never incur her wrath."

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

"We deferred a number of bills to the end of the calendar. Are we going to take these up now--all our appropriation bills?"

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

"Mr. Speaker, in response to the question, appropriations bills that have been deferred to the end of the calendar cannot be passed until after the State budget has been passed."

At 11:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

DEFERRED MATTERS FROM
EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 9 on H.B. No.
1685, HD 2, SD 2, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 16 on H.B.
No. 154, HD 2, SD 2, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 33 on H.B.
No. 28, HD 2, SD 1, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 40 on S.B.
No. 1464, SD 2, HD 2, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 41 on H.B. No.
180, SD 1, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 44 on S.B.
No. 1308, SD 2, HD 1, CD 1:

By unanimous consent, action was
deferred one day.

ADJOURNMENT

At 11:57 o'clock p.m., on motion by
Representative Yuen, seconded by
Representative Kamalii and carried, the
House of Representatives adjourned to
5:00 o'clock p.m. on Monday, April
18, 1977.

SIXTY-FIRST DAY

Monday, April 18, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 5:19 o'clock p.m. with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Alex Vergara of the United Methodist Church, after which the Roll was called showing all members present.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 513 to 575) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 513) returning House Bill No. 166 which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 514) returning House Bill No. 182, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 515) returning House Bill No. 200, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 516) returning House Bill No. 201, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 517) returning House Bill No. 202 which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 518) returning

House Bill No. 219 which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 519) returning House Bill No. 228, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 520) returning House Bill No. 250, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 521) returning House Bill No. 251, HD 2, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 522) returning House Bill No. 253, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 523) returning House Bill No. 254, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 524) returning House Bill No. 269 which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 525) returning House Bill No. 372, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 526) returning House Bill No. 471, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 527) returning House Bill No. 515, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 528) returning House Bill No. 562, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 529) returning House Bill No. 575, HD 1, which passed

A communication from the Senate (Sen. Com. No. 552) returning House Bill No. 1215, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 553) returning House Bill No. 1224, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 554) returning House Bill No. 1305 which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 555) returning House Bill No. 1319 which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 556) returning House Bill No. 1375, HD 2, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 557) returning House Bill No. 1455, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 558) returning House Bill No. 1472, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 559) returning House Bill No. 1531, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 560) returning House Bill No. 1547, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 561) returning House Bill No. 1602, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 562) returning

House Bill No. 1667 which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 563) transmitting Senate Concurrent Resolution No. 167, SD 1, relating to Kalaniana'ole Highway which was adopted by the Senate on April 15, 1977, was placed on file.

By unanimous consent, action on S.C.R. No. 167, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 564) returning House Concurrent Resolution No. 5, HD 1, which was adopted by the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 565) returning House Concurrent Resolution No. 52 which was adopted by the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 566) returning House Concurrent Resolution No. 136 which was adopted by the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 567) returning House Bill No. 7, HD 2, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 568) returning House Bill No. 585, HD 1, which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 569) returning House Bill No. 1070 which passed Third Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 570) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 727, HD 1, was adopted by the Senate; and House Bill No. 727, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 571) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill

No. 1059, HD 1, was adopted by the Senate; and House Bill No. 1059, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 572) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1284, HD 1, was adopted by the Senate; and House Bill No. 1284, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 573) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1059, SD 1, was adopted by the Senate; and Senate Bill No. 1059, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 574) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1074, SD 1, was adopted by the Senate; and Senate Bill No. 1074, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 15, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 575) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1100, SD 1, was adopted by the Senate; and Senate Bill No. 1100, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 15, 1977, was placed on file.

At this time, Representative Carroll introduced John Penebacker, a "hard-working Republican of this State, dedicated teacher and one of Hawaii's leading athletes."

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>
25	Committee on Tourism
94	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Culture and the Arts
112	Committee on State General Planning
156	Committee on Ecology and Environment
159	Jointly to the Committees on Health and Ecology and Environment
167	Committee on Energy and Transportation
173	Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Ecology and Environment

UNFINISHED BUSINESS

Conf. Com. Rep. No. 9 on H.B. No. 1685, HD 2, SD 2, CD 1:

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

Conf. Com. Rep. No. 16 on H.B. No. 154, HD 2, SD 2, CD 1:

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

Conf. Com. Rep. No. 33 on H.B. No. 28, HD 2, SD 1, CD 1:

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

Conf. Com. Rep. No. 40 on S.B. No. 1464, SD 2, HD 2, CD 1:

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

Conf. Com. Rep. No. 41 on H.B. No. 180, SD 1, CD 1:

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

Conf. Com. Rep. No. 44 on S.B. No. 1308, SD 2, HD 1, CD 1:

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 743 and 744) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 743) commending Mr. Kazuo Ikeda for his thirty-five years of service as a public school teacher and principal was jointly offered by Representatives Campbell, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kondo, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Stanley, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada and Yuen.

On motion by Representative Campbell, seconded by Representative Aki and carried, H.R. No. 743 was adopted.

A resolution (H.R. No. 744) celebrating Public Schools Week, April 25 through 29, and commending the teachers, administrators, and supportive staff of all public schools for their tireless dedication to the education and training of the youth of this State was jointly offered by Representatives Mizuguchi, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, H.R. No. 744 was adopted.

THIRD READING

S.B. No. 1305, SD 1:

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

S.B. No. 451, SD 1:

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

At 5:26 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 11:00 o'clock p.m. this evening.

NIGHT SESSION

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

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1212) informing the House that House Resolution Nos. 734 to 742, House Concurrent Resolution No. 139 and Standing Committee Report Nos. 1204 to 1211 have been printed and distributed.

On motion by Representative Peters, seconded by Representative Yuen and carried, the report of the Committee was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 1213) recommending that S.C.R. No. 142 be adopted.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and S.C.R. No. 142, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO TAKE APPROPRIATE STEPS TO DEVELOP AND IMPLEMENT A SELECTIVE GROWTH PROGRAM", was adopted, with Representative Sutton voting no.

CONFERENCE COMMITTEE REPORT

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 137, HD 2, presented a report (Conf. Com. Rep. No. 45) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration

of Conf. Com. Rep. No. 45 on H.B. No. 137, HD 2, SD 2, was deferred until tomorrow, April 19, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 137, HD 2, SD 2, CD 1, were made available to the members of the House at 11:30 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 745) and concurrent resolution (H.C.R. No. 140) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 745) commending and congratulating the Hawaii Army Reserves for their achievements in community service projects was jointly offered by Representatives Cobb, Abercrombie, Ajifu, Aki, Baker, Caldito, Carroll, Cayetano, Inaba, Kamalii, Kawakami, Kihano, Kondo, Kunimura, Larsen, Lunasco, Morioka, Naito, Nakamura, Narvaes, Poepoe, Say, Shito, Sutton, Toguchi, Uechi, Ueoka, Ushijima, Uwayne and Yuen.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.R. No. 745 was adopted.

A concurrent resolution (H.C.R. No. 140) commending and congratulating the Hawaii Army Reserves for their achievements in community service projects was jointly offered by Representatives Cobb, Abercrombie, Ajifu, Aki, Baker, Caldito, Carroll, Cayetano, Inaba, Kamalii, Kawakami, Kihano, Larsen, Lunasco, Morioka, Naito, Nakamura, Narvaes, Poepoe, Say, Shito, Sutton, Toguchi, Uechi, Ueoka, Ushijima, Uwayne and Yuen.

On motion by Representative Cobb, seconded by Representative Larsen and carried, H.C.R. No. 140 was adopted.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 9 on H.B. No.

1685, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 16 on H.B. No. 154, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 33 on H.B. No. 28, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 40 on S.B. No. 1464, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 41 on H.B. No. 180, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 44 on S.B. No. 1308, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred one day.

S.B. No. 1305, SD 1, on Third Reading:

By unanimous consent, action was deferred one day.

S.B. No. 451, SD 1, on Third Reading:

By unanimous consent, action was deferred one day.

ADJOURNMENT

At 11:52 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 12:01 o'clock a.m. tomorrow, Tuesday, April 19, 1977.

SIXTY-SECOND DAY

Tuesday, April 19, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 12:27 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Ted Mina, after which the Roll was called showing all members present with the exception of Representatives Cayetano, Evans, Kawakami, Kunimura, Lunasco and Segawa, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Sixty-First Day.

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

At 12:31 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 9:00 o'clock p.m. this evening, during which time the Clerk will be permitted to receive all Conference reports for clocking purposes.

NIGHT SESSION

The House of Representatives reconvened at 10:10 o'clock p.m. with the Vice Speaker presiding.

STANDING COMMITTEE REPORTS

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1214) recommending that H.R. No. 532 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. 532, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR AND THE DIRECTOR OF TRANSPORTATION TO GIVE HIGH PRIORITY FOR THE CAPITAL IMPROVEMENTS OF THE BRIDGES OF HAWAII, MAUI, AND KAUAI", was referred to the Committee on Finance.

Representative Cayetano, for the

Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1215) recommending that H.R. No. 336 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. 336, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO STUDY THE SEVERE TRAFFIC CONGESTION AT THE NORTHBOUND JUNCTION OF KAMEHAMEHA HIGHWAY AND THE MILILANI ACCESS ROAD AND TO DEVISE AND IMPLEMENT ALTERNATIVE WAYS TO ALLEVIATE THE PROBLEM", was referred to the Committee on Finance.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1216) recommending that S.C.R. No. 86 be referred to the Committee on Finance.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and S.C.R. No. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE IMPEDIMENTS TO THE DEVELOPMENT AND USE OF SOLAR ENERGY SYSTEMS AND A RECOMMENDATION OF REMEDIAL ACTION", was referred to the Committee on Finance.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1217) recommending that H.R. No. 288, 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. 288, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INVOLVE TEACHERS IN THE PREPARATION AND EXECUTION OF ITS BUDGET", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1218) recommending that H.R. No. 550, 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. 550, HD 1, entitled: "HOUSE RESOLUTION RELATING TO PUBLIC PARKING FACILITIES", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1219) recommending that S.C.R. No. 138, SD 1, 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. 138, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO IMPROVEMENTS AND CAPACITY OF KALANIANA'OLE HIGHWAY", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1220) recommending that S.C.R. No. 162, SD 1, 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. 162, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADOPT ENERGY CONSERVATION STANDARDS BY EXECUTIVE ORDER BY 1/1/78 TO MEET FEDERAL ENERGY ADMINISTRATION REQUIREMENTS FOR HAWAII", was adopted.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 1221) recommending that H.R. No. 533 be adopted.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.R. No. 533, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE USE OF VAN POOLS", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1222) recommending that S.C.R. No. 161 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. 161, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING SUBMISSION OF AMENDMENTS TO THE HAWAII INCOME TAX LAW TO CONFORM TO THE FEDERAL INTERNAL REVENUE CODE AS PROVIDED HEREIN", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1223) recommending that S.C.R. No. 86 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. 86, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE IMPEDIMENTS TO THE DEVELOPMENT AND USE OF SOLAR ENERGY SYSTEMS AND A RECOMMENDATION OF REMEDIAL ACTION", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1224) recommending that H.R. No. 532 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 532, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR AND THE DIRECTOR OF TRANSPORTATION TO GIVE HIGH PRIORITY FOR THE CAPITAL IMPROVEMENTS OF THE BRIDGES OF HAWAII, MAUI, AND KAUAI", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1225) recommending that H.R. No. 336 be adopted.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.R. No. 336, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO STUDY THE SEVERE TRAFFIC CONGESTION AT THE NORTHBOUND JUNCTION OF KAMEHAMEHA HIGHWAY AND THE MILILANI ACCESS ROAD AND TO DEVISE AND IMPLEMENT ALTERNATIVE WAYS TO ALLEVIATE THE PROBLEM", was adopted.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 746) congratulating Mary Gray, outgoing President of the United Nations Association of the United States of America, Hawaii Chapter, for her two years of service and dedication in that position was jointly offered by Representatives Ushijima, Takamura, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Evans, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, D. Yamada and K. Yamada, and was read by the Clerk.

On motion by Representative Ushijima, seconded by Representative Takamura

and carried, H.R. No. 746 was adopted.

At 10:16 o'clock p.m. on request by Representative Lunasco, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:25 o'clock p.m., Representative K. Yamada introduced the Honorable L.L. "Doc" Bryan, a member of the House of Representatives of the Arkansas Legislature, and his wife. Representative Bryan is a member of the Arkansas Poultry Federation and is presently attending a conference of the Federation.

At 10:28 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:50 o'clock p.m.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 152) was read by the Clerk as follows:

"STATE OF HAWAII
Executive Chambers
Honolulu

April 19, 1977

The Honorable James H. Wakatsuki
Speaker, House of Representatives
Ninth State Legislature
Regular Session, 1977
State of Hawaii

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for an extension of the 1977 Session of the Ninth Legislature.

With warm personal regards, I remain,

Yours very truly,

/s/ George R. Ariyoshi

George R. Ariyoshi

Enclosure"

"EXECUTIVE ORDER

WHEREAS, Section 11, Article III of the Constitution of the State of Hawaii, provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers

of both houses at the written request of two-thirds of the members of which each house is entitled or may be granted by the governor'; and

WHEREAS, pursuant thereto the Governor extended the 1977 Regular Session of the Ninth Legislature for a period of forty-eight hours, excluding Saturday and Sunday, to 12:00 midnight, April 19, 1977; and

WHEREAS, it appears that a further extension is necessary in the public interest;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of Hawaii, pursuant to the power vested in me by Section 11, Article III of the Constitution of the State of Hawaii, do hereby further extend the 1977 Regular Session of the Ninth Legislature of the State of Hawaii for a period of eleven (11) hour(s) following 12:00 midnight, April 19, 1977.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 19th day of April,
1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Larry L. Zenker

LARRY L. ZENKER
Acting Attorney General"

UNFINISHED BUSINESS

S.B. No. 1305, SD 1:

By unanimous consent, action was deferred one day.

S.B. No. 451, SD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 9 on H.B.
No. 1685, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 16 on H.B. No.
154, HD 2, SD 2, CD 1:

By unanimous consent, action was

deferred one day.

Conf. Com. Rep. No. 33 on H.B. No. 28, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 40 on S.B. No. 1464, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 41 on H.B. No. 180, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 44 on S.B. No. 1308, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 45 on H.B. No. 137, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred one day.

STANDING COMMITTEE REPORT

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1226) recommending that H.R. No. 659, as amended in HD 1, be adopted.

By unanimous consent, action was deferred one day.

CONFERENCE COMMITTEE REPORTS

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 12, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 46) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 46 on H.B. No. 12, HD 2, SD 1, CD 1, was deferred until tomorrow, April 20, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 12, HD 2, SD

1, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 47) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 46 on H.B. No. 2, HD 1, SD 1, CD 1, was deferred until tomorrow, April 20, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2, HD 1, SD 1, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 5, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 48) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 48 on H.B. No. 5, HD 2, SD 1, CD 1, was deferred until tomorrow, April 20, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 5, HD 2, SD 1, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

Representative Suwa, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 15, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 49) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 49 on H.B. No. 15, HD 1, SD 1, CD 1, was deferred until tomorrow, April 20, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 15, HD 1, SD 1, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3, SD 1, HD 1, presented a report

(Conf. Com. Rep. No. 50) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 50 on S.B. No. 3, SD 1, HD 1, CD 1, was deferred until tomorrow, April 20, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 3, SD 1, HD 1, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 892, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 51) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 51 on H.B. No. 892, HD 1, SD 1, CD 1, was deferred until tomorrow, April 20, 1977, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B.

No. 892, HD 1, SD 1, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

At this time, Representative Ushijima made the following announcement:

"Mr. Speaker, several days ago, I reported to the members of this honorable body that the University of Hawaii baseball team was ranked No. 9 in the nation. I am pleased to report, Mr. Speaker, that this evening, I received word that the University of Hawaii baseball team is now ranked No. 1 in the nation, tied with Clemson University, ranked No. 1.

Thank you very much, Mr. Speaker."

ADJOURNMENT

At 11:56 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 12:01 o'clock a.m. tomorrow, Wednesday, April 20, 1977.

SIXTY-THIRD DAY

Wednesday, April 20, 1977

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1977, convened at 12:45 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Herbert Segawa, 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 Sixty-Second Day.

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

ORDER OF THE DAY

UNFINISHED BUSINESS

S.B. No. 1305, SD 1 (Deferred from April 19, 1977):

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

S.B. No. 451, SD 1 (Deferred from April 19, 1977):

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

At this time, the Chair stated:

"The Chair, at this time, will entertain a motion to allow all members to argue for or against the bills in the order that they appear on pages 2 and 3, for insertion into the Journal when the motion for the passage of said bill on Final Reading is made."

On motion by Representative Yuen, seconded by Representative Kamalii, said motion was carried.

The following remarks were received for entry into the Journal:

Conf. Com. Rep. No. 51 on H.B. No. 892, HD 1, SD 1, CD 1:

Representative Suwa rose and

stated:

"At a later time today, I will be making a presentation, but before others speak, I must assure the members of the House that the appropriation, or the Conference Committee agreement made to the operating budget, is that of a balanced budget.

As to the use of the executive revenue estimate, the internal adjustment is made so that at the end of 1978-1979, we will show a plus surplus of approximately \$1 million.

With that, I entertain members of the House, or the subject matter committees, to speak on behalf of this bill.

Thank you."

Representative Ushijima requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I rise to speak in favor of House Bill 892, HD 1, SD 1, CD 1. As the Chairman of the House Higher Education Committee, I would like to confine my remarks to the portion of the budget concerning higher education.

House Bill No. 892, HD 1, SD 1, CD 1, provides the University with nearly \$103 million for fiscal year 77-78, which is approximately \$.5 million more than was requested in the Governor's budget, and the budget that was passed by this House on March 17.

The primary concerns in formulating the University budget, Mr. Speaker, were to streamline administrative personnel costs and to insure that student needs were met.

We had earlier indicated in our Committee Report of the House draft of House Bill 892 that, in periods of extended fiscal austerity, the University must assume budget reductions through savings in personnel costs and that the search for such savings should begin at the administrative level. The conferees have taken the initial step toward this end by eliminating several vacant top-level administrative positions which were included in the Governor's budget request. Mr. Speaker, monies saved by the elimination of these positions were generally reallocated to instructional programs and library services.

In the area of instruction, we had

previously expressed a reaffirmation of our commitment to undergraduate instruction and our belief that every attempt must be made to accommodate student needs at the basic higher education level. This concern was expressed in this budget by allocating an additional \$145,000 for instructions at Manoa Campus and \$20,000 for each of the seven community colleges. These funds were provided in response to the University's impact statements of the Governor's budget which indicated, Mr. Speaker, that, due to inadequate funding, certain courses would be eliminated.

Another concern, Mr. Speaker, expressed by this body was that budget restrictions in recent years have adversely affected the development of library facilities and services at the University. The University's libraries have experienced shortfalls in holdings, acquisition rates and staffing. Consequently, the students are being deprived of adequate learning resources to complement and broaden the scope of their classroom instruction. To address this problem, Mr. Speaker, the budget includes \$987,000 for Manoa's libraries, \$100,000 for Hilo Campus, and \$105,000 for the community colleges.

In addition to the \$1.3 million operational budget, Mr. Speaker, a total of \$2,288,410 in supplemental appropriations was provided to the University. These supplemental appropriations were provided to insure the continuation of several important programs such as the allied health program at the Kapiolani Community College, the Marine Option Program, the Center for Labor Education, the University with Walls Program, non-income generating sports, and continuing education for women. Mr. Speaker, the Governor's budget request did not include funds for these programs; however, public testimonies during the course of this session clearly indicated the need for continuation of such programs. In view of this, the Governor should appropriately respond, as we have, to the students' needs by releasing these supplemental funds.

I realize, Mr. Speaker, that many of us still feel that more funds are needed to maintain a quality higher education system. However, I would like to emphasize that the House conferees, led by our able Finance Chairman, exerted a sincere and commendable effort in obtaining needed additional funds for the

77-78 fiscal year.

While the budget for the first half of the biennium is still a conservative one, the conferees could not responsibly allocate more funds to the University since its administration has failed to specify its priorities and clearly delineate its direction. For this reason, Mr. Speaker, the University's requests for new positions for the second half of the biennium were denied. The legislative intent underlying this budget is very clear. During the 77-78 fiscal year, the University must exercise fiscal responsibility and demonstrate accountability in its expenditures. Moreover, during the next session, the University must specify its priorities and accordingly justify its budgetary needs for fiscal year 1978 and 1979. I submit, Mr. Speaker, that the University budget before us reflects a serious challenge to the University Administration to 'shape-up.'

For this reason, members of this honorable body, I strongly urge my colleagues to vote in favor of H.B. No. 892, HD 1, SD 1, CD 1."

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

"Thank you, Mr. Speaker. I rise to speak in favor of the budget document. As Vice Chairman of the Committee on Higher Education, I would like to speak to it, and as a voting member of this body, I would like to address several other issues in the budget.

Mr. Speaker, the changes in the budget have been very well outlined by the Chairman. I would like to say that I am pleased personally and I am very grateful personally to the openness of the Finance Committee members in their arduous task in preparing this Conference draft and taking into consideration what is obviously, what in the mind of both the Chairman and myself, is one of the most important segments of the entire budget. Obviously, those of us who have particular responsibility in any given area feels that that area deserves attention, but I think that I can go without saying that the educational system from kindergarten through graduate school is the keystone to the fundamental prosperity of the State in the years to come. In that respect, Mr. Speaker, I am very gratified that the instructional budget has been, not only restored, but expanded in the way that it has been and I am likewise gratified that the extensive commentary that we

engaged in; extensive observations made in our public hearings concerning the educational improvement fund of the President, has resulted in cutting the original \$1.6 million in half. I feel that that is a step very much in the right direction of legislative prioritization by virtue of passing the budget on an itemized basis as against simply lump-summing the budget, giving it to the President, and let people beg for the opportunity to be able to serve the students and taxpayers of the State.

I would like to say, Mr. Speaker, that there is no doubt in my mind that the members of this body and the members of the Conference Committee of the House represented by the extensive activity of students, faculty, administrators and citizens who lobbied in a public manner and responsible manner, dignified manner, lobbied in a way that was knowledgeable, was fervent, and passionate, on behalf of a cause more than for just themselves, but on behalf of the whole system. We found people in the hallways of this Legislature, some of whom had never met each other before, some who had never had the opportunity to speak with each other before, some who had never had the opportunity to understand how this legislative process operates and, as a result, of the travail within which the University system was engaged over the budget, found themselves, perhaps for the first time, given an articulation to the true feelings that they had about their education, and they came here.

I can name only some. They are representative of the many who came; people like Tim Fa from ASUH; Bobby Kim, Hilo; Yohina Hackney from Kapiolani Community College; Jaime Armstrong, Kapiolani Community College; Nancy Perea from the Graduate Students Association; Mark Derkacs from Leeward Community College; Joy Wong from Windward Community College; Ed Santiago, Israel Solomon from Kapiolani Community College; Don Thompson on the faculty at Leeward; George Simpson from the faculty at Manoa; Percy Narimatsu from Hilo; Councilman Jim Dalbert; and Harvey Tajiri from the Big Island of Hawaii; Dr. Lee Sison of Hawaii; astronomy graduate students, and I want to make a special note of Kay Lin Chong of the Ka Leo Newspaper at the ASUH for her tremendous perseverance, clear-sighted and accurate reporting, something that the editors of the Star-Bulletin could

take to heart. I doubt she'll ever be able to get a job as an editorial writer with the Star-Bulletin. She is much too interested in having the facts and much too good a writer to be able to allow personal prejudice to cloud her judgment. These are some of the people, Mr. Speaker, who have come down here; who have engaged us in conversation and forced us to come up against our philosophical and our legislative beliefs.

I will also say, at this time, Mr. Speaker, for the record, that it is a very unfortunate circumstance that others were willing to grab the headlines; were willing to come down and make a big show of themselves and then disappear when the real fight started. It is too bad that Chuck Norwood, the President of the ASUH, was able to come down and stand in the headlines and then disappear from the fight when it really started. And I hope that everyone in this hall, and I hope that everyone in the public, will have in mind the difference between someone who fights to the end; who stands up for principle; who carries through; and someone who leaves the field of battle as soon as the going gets tough; who is willing to have the headlines, but not the hard work. I think it is about time that we recognize the people who came who were not officers of schools, although some that I named have been; who were not in the limelight, but just ordinary, hardworking taxpaying citizens and students who simply wanted to get a break, a proper break, a reasonable break for our school system and for themselves; were not merely headline seekers; people who have no carry through; people with no sense that when you ask people to do something, when you commit yourself to it publicly, that you carry through.

I want to indicate, Mr. Speaker, further than that, in respect of education, that we have reading specialists in here; that there has been a response; there has been great controversy--yes, over what has gone on in the Education Committee. Perhaps, that is the mark of real progress in the Committee. I have made previous reference, Mr. Speaker, on this floor to the incumbent Chairman of that Committee and the Chairman who preceded him.

I believe that the present Majority Floor Leader and the present Chairman have been involved in a process of dialogue with the Committee in the community which have left little doubt that the course of education in the next five years will be as profound

in terms of the impact of this State as any, since the advent of this State from being a territory. In that respect, Mr. Speaker, we have passed the bill and will be meeting in the area of competency over the interim in preparing legislation as a result.

Before I go on, Mr. Speaker, it is necessary to ask, at this point, whether the Chairman of the Education Committee would yield to a question so that I may pursue my point on the budget."

The Chair interrupted and asked:

"Representative Mizuguchi, will you yield?"

Representative Mizuguchi replied in the affirmative.

Representative Abercrombie asked:

"Mr. Speaker, will you kindly ask the Chairman whether or not he has been contacted concerning CIP appropriations in respect of the Manoa Library or the Noelani School by the Chairman of the Board of Education subcommittee on libraries?"

Representative Mizuguchi answered:

"No, I have not, Mr. Speaker."

Representative Abercrombie then remarked:

"Thank you, Mr. Speaker. There have been situations this year, Mr. Speaker, in respect of the operating budget as well as the CIP portion in which grave accusations have been made against members of this House, myself included. There have been times in which members of this House have been almost pitted against each other under circumstances concerning libraries by members of the Board of Education, in particular, Mr. George Adachi, the Chairman of the subcommittee on libraries.

Mr. Chairman, it is too bad that the people of this State did not have the opportunity to understand what the real situation was in respect of the operation of the library system due to the distortions and the subversion of the policy system of the Board of Education in respect of the operating budget of this body and this State by the actions of the people like Mr. Adachi. There are hypocrites in this world, Mr. Speaker, and I suppose that I may be counted among them in some people's minds, but I will stand

any day before any group, any body, this one or any citizen's group, and taxpayers in this State and defend the integrity of my actions in respect of the budget, both operating and CIP, with the library systems of this State or the people of my district as opposed to the subterfuge and backstabbing of Mr. Adachi and people like him on the Board of Education.

We have submitted ourselves in the past year three separate times to the Board, in respect of the library system that is funded in this budget. Each time, the clear mandate of this Legislature was subverted by Mr. Adachi and his crew and I think that a revenge is going to be taken by the people at the polls in 1978, and I shall certainly be happy to aid and assist anyone who wants to relieve Mr. Adachi and people like him of responsibility when they try to subvert what this House has done; when they try to pit one Representative against another; one community against another, instead of trying to find ways in which we can accommodate each other; trying to find ways in which we can aid and assist each other in respect of our library system which is the heart and soul of the educational process.

Mr. Speaker, moving on, I want to indicate that I am gratified that this budget reflects the \$3.5 million grant-in-aid for the City and County of Honolulu. I discussed this at length with the members of this body, what I felt to be the necessity for that appropriation and I think it is a measure of the willingness of the Finance Committee conferees to consider all points of view in the midst of their arduous struggle, that they were able to come through and agree on this. I think it is a very statesmanlike stance for the Committee to have taken, and I want to publicly acknowledge it.

Mr. Speaker, I wish to address my attention to only three more points. First, in relation to the Attorney General's operating budget; Mr. Speaker, on page 43, section 78, of the operating budget, we find what I consider to be a grave situation for this House to be engaged in, and that is to say that we find the possibility of some \$625,000 being available over the biennium for litigation in the Attorney General's office. It is my guess, it is my observation, that, perhaps, the greater figure in the 1977-1978 situation reflects the \$225,000 asked for in a letter to the Chairman of the Judiciary of February 14th by the Attorney General for litigation.

Mr. Speaker, this follows up on a letter sent to you in November of last year by Governor Ariyoshi announcing a \$50,000 transfer from his funds to the Attorney General's office. In addition, Mr. Speaker, on March 28, I note that a letter was received by you transferring from the Capitol building security to the Special Prosecutor some \$69,758.

Mr. Speaker, I cite these numbers to you with two purposes: (1) To comment on the fact that transferability in certain instances of funds appropriated by this Legislature may be entirely in order, a case in point being between the community colleges, as a result of changes in the number of people who may be attending at any given semester. It is entirely not that the relatively hard and fast figures in the budget may need an alteration. However, Mr. Speaker, in this instance, I believe we have an abuse as far as I can see. Mr. Speaker, there is, in all likelihood, the actuality of almost \$350,000 available for litigation in the Special Prosecutor's Office, in pursuit of the Mayor of the City and County. When one considers the amount of money that has been spent by the City Council of somewhere's between \$300,000 to \$700,000; when one considers that, theoretically, \$625,000 might be spent by the Special Prosecutor in pursuit of a case; when we consider the time and the money that is being spent by the Attorney General's office in personnel and equipment and expenditures over and above that of the Special Prosecutor himself, we find that we are dealing with a situation, Mr. Speaker, from between \$350,000 and \$1.3 million. I think this is outrageous, and I am against this kind of transfer of money without specific sanction from yourself and the President of the Senate, as is required, in my estimation, by law. I cannot pursue that further tonight because I do not have sufficient information at hand to do so. But I believe that there is a distinct possibility that all the regulations concerning the transfer of money in this State by the Governor have not been met."

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

"Mr. Speaker, over ten minutes have elapsed."

Representative Uwaine then rose and yielded his time to Representative

Abercrombie.

The Chair then directed Representative Abercrombie to "proceed" and Representative Abercrombie continued his remarks, stating:

"Thank you, Mr. Speaker.

I think the Representative from the 16th. . . it is difficult for me to remember, Mr. Speaker. Perhaps the Representative will hope as well, that the voters will not have as difficult a time remembering him as I have remembering the number of the district where he comes from.

Mr. Speaker, I call your attention to page 69 of the operating budget as a warning, in conclusion. There is a feasibility study indicated there for a four year college on Maui. Mr. Speaker, I think that we shall have to address ourselves in the next session and if not the next session, the session after that, most assuredly, and the whole question of West Oahu College. This body is aware that in the amendments I proposed earlier, that I did not offer any amendment or change in the West Oahu College budget. I felt that, under the circumstances, we had to move forth with the budget as a whole, but we cannot long put off, Mr. Speaker, the resolution of that situation, nor can we long put off the consequences, should that college come into existence, before we have to consider what the neighbor islands will want in turn, and what they deserve in turn in the way of an upper division capacity.

I know I said finally, Mr. Speaker, and I meant to include one more, and that is in respect of the collective bargaining bill that is before us or, I should say, the sums of money that are included in the budget and subsequent matters for collective bargaining.

Mr. Speaker, I wish to indicate to you and to the members that I am not in favor of this expenditure and I wish to indicate, while I am saying that, Mr. Speaker, that I trust that we will all be engaged, whether as legislators, as citizens, as lobbyists, as union members, I suppose, first of all, as citizens of Hawaii, as to what we will do in terms of producing the revenue necessary to pay for all of our bills. The necessary ones that we are passing here in the Legislature and in the circumstances that we find ourselves in as public employees.

We are, in fact, Mr. Speaker, all of us here on the floor, public employees, as well as those who have not negotiated

contracts. In a sense, we have negotiated contracts too with our voters and we are up for renewal every two years as well, and we have to justify and so I ask all the public employees of this State, as they consider the presentation they have made to us as a result of their bargaining and, in turn, the presentation we will be making on behalf of this budget which will include these collective bargaining cost items, that they consider with us, in the months to come, where we will get the revenues to continue to be able to pay our public employees the wages they deserve and to pay for the conditions of work, in terms of benefits that they deserve, so that we can share the burden, and in that instance, Mr. Speaker, I ask them and I ask us to give consideration, in terms of hearings, and perhaps even a vote on this floor next year, on a hotel room tax.

As for me, I will no longer acquiesce to the kind of tax as has been presented before in terms of destination areas, our beach parks, or any such thing. As for me, I will present and I will fight to the bitter end a hotel room tax which will be put into the general fund. I hope that a dialogue can start on this in our next supplementary budget session and on this basis, Mr. Speaker, I conclude my remarks and thank you for your kind indulgence and ask that the budget be passed.

Thank you."

At 1:23 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:24 o'clock a.m., the Vice Speaker assumed the rostrum.

Representative Segawa then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 892, HD 1, SD 1, CD 1. I would like to keep my short remarks within the area of health.

Mr. Speaker, a person's priorities in life are often measured by one's involvement in life. Within all these priorities of life, we tend to take for granted one of our most important priorities. This is the gift of good health. In spite of the advances in medicine, medical equipment and facilities, man still succumbs

to the ravages of alcoholism, drug abuse, cancer, mental illness, mental retardation and many other illnesses.

Our State is in the forefront nationally in providing for the medical care of our people and is, in fact, rated as the top state as far as the health of people is concerned. Mr. Speaker, this did not come about by accident. Our State Legislature has been conscious of the health needs of our people in the past. And this year is no exception in providing funds to care for our people in spite of the anticipated limited funds in our treasury.

Our health budget exceeds \$96 million for the biennium to provide the necessary and urgent health services to our people. To name a few items, besides provisions to maintain current services, the budget provides for the expansion of our school health aides to all schools, which we trust the Governor will implement. It provides important hearing and vision screening of our young school children; it provides necessary funds to upgrade our County/State Hospitals, and it continues to provide funds for private agencies to augment services provided by our Department of Health.

Mr. Speaker, this is a very difficult budget year, but I would like to call the attention of the members of this body to the budget that the health of our people is being taken care of in a very responsible manner.

I wish to thank our Finance Committee Chairman and his Committee members for the long hours in working out this budget in a very difficult budget year, and I urge all members to vote for this bill."

Representative Medeiros then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 892, HD 1, SD 1, CD 1.

Mr. Speaker, in 1971, as a freshman legislator, I authored a bill to curb violence, burglary and hijacking in our schools. Four years later, this proposal was passed by both houses and signed into act by the Governor. Appropriated with it was \$50,000. A year later, I requested additional money to continue this program. I was successful then, and this year, I introduced a bill for \$1 million for this program. It is now incorporated in our budget to expand this program and I would like, Mr. Speaker, to take this opportunity to thank the

Chairman of the Education Committee and all its members, and the Chairman of the Finance Committee and all its members for allowing this program to expand.

The faculty of the Department of Education, the students and parents appreciate it. Thank you very much and please support this."

Representative Campbell then rose and stated:

"Mr. Speaker and members of this body, I rise to speak in favor of House Bill No. 892, HD 1, SD 1, CD 1.

Mr. Speaker and members of this body, I have some concerns about some of the items in the budget, but before expressing those concerns, I would like to join the other members of this body in expressing appreciation for the hard work put in by the Chairman of the Finance Committee and his members. It was a tremendous job done and a job that was well done.

Now, Mr. Speaker, I think I overheard the Chairman of the Health Committee say that the school health aide program has been expanded to include all schools. This has been one of my concerns and, Mr. Speaker, I would like to ask the hardworking Chairman of the Health Committee if he would yield to a question."

The Chair replied:

"Representative Campbell, I believe the Chairman is not at his desk. Could you refrain from asking your question until the Chairman returns to his seat?"

Representative Campbell stated:

"Alright. Thank you very much, Mr. Chairman."

Representative Campbell then continued his remarks, stating:

"There is another concern which I have, Mr. Speaker, and that is related to the three on two program in our schools. I believe if there is any action taken by this Legislature which needs a critical review, it is the proposed phase out of the three on two program for our schools. Mr. Speaker, the Conference draft reads as follows:

'The Superintendent of Education, commencing with the 1977-78 school

year, shall phase out three on two as a statewide program by June 30, 1981.'

In the last section of the report, we find the following statement:

'With respect to three on two and modified three on two teams, as may still be in place in the 1978-79 school year, the Superintendent of Education shall assess such teams and recommend to the Legislature by December 31, 1978, whether any such teams should be continued in the school year 1979-80, 1980-81, or beyond.'

Mr. Speaker, in one section of the Conference report, if I read the section correctly, the Superintendent of Education is mandated to phase out the three on two program starting in September of 1977. In another section of that same Conference report, it states that the Superintendent of Education shall assess the three on two teams and, by the end of the year, he is to recommend to the State Legislature whether or not any three on two teams are to be retained.

Now, Mr. Speaker, we are asking the Superintendent to do two things that are complete opposites. It is my hope that when we return next year that we will be ready to do something to support the Board of Education in its recommendation to make the three on two program optional.

Thank you very much, Mr. Speaker."

The Chair then stated:

"Representative Campbell, Representative Segawa has returned to his seat. Would you like to ask a question to the Chairman of the Health Committee?"

Representative Campbell replied in the affirmative and asked:

"Mr. Speaker, I would like to have you ask the Chairman if the school health aide program has been, in fact, expanded to include all of the schools in this State."

Representative Segawa replied:

"That is correct."

Representative Campbell then thanked the Chair.

Representative Naito then rose and stated:

"Mr. Speaker, I rise to speak briefly in favor of House Bill 892, HD 1, SD 1,

CD 1, and in doing so, I would like to point out to my colleagues that all credit must go to the staff of the Finance Committee, the members of that Committee and, in particular, the Chairman of Finance, as being the moving light behind the finally home product that we have before us.

Mr. Speaker, as Chairman of the Committee on Corrections and Rehabilitation, my subject matter does not have that high a priority as such areas as education and its help but, Mr. Speaker, in terms of the needs of our correctional programs of the State, in terms of the communities involved, relating to crime and recidivism, especially, that is, repeat criminal offenders, our Committee has worked long and hard to come up with approaches, and we have also come up with programs to deal with these problems and, Mr. Speaker, the work of this Committee has not been dealt with lightly by the Finance Committee. All the input a Committee Chairman could desire was extended to me by Finance and, as I understand, this amenity was also extended to other subject matter chairmen.

Mr. Speaker, as an example of the forethought and competence of the Finance Chairman, I would like to draw your attention to page 72, in part 5 of the bill, that we have before us. Mr. Speaker, there are five appropriations on this particular page that relate to public safety. Three of these appropriations relate to three appropriation bills that were passed by this House and were sent to the Senate. One of these deals with programs for juvenile corrections. For a long time, there has been a great lack of programs in juvenile corrections at the Hawaii Youth Correctional Facility. This bill was worked over very thoroughly and we did come up with programs and it was passed by the House and sent to the Senate.

A second one, also dealing with juveniles, had to do with security of juveniles at the juvenile facility at the Hawaii Youth Correctional Facility. This has been a problem also for many years and we have come up with some solutions which we hope will take care of these particular problems. This bill was also sent to the Senate.

The third has to do with on-going programs, in-community programs--the best operation that we have right now of a halfway house to deal with adult criminal offenders. This bill

was also sent to the Senate.

Well, Mr. Speaker, the Senate, in its strange and mysterious ways, put this bill in two particular committees. The first committee was so impressed with all of these bills that they doubled all our appropriations that we sent to them and then in some peculiar manner, they managed to kill them all in the second committee. Mr. Speaker, I was very impressed by this move, and I went to our Chairman of the Finance Committee, practically in tears at that time, and he said not to worry. He had forethought to stick it in the budget just in case this particular thing would happen. Well, that was part one.

The next part that I want to commend the Finance Committee and the Chairman for thinking about and for doing to carry out this operation was to manage to get our original appropriations in this budget bill passed and that is where we stand right now and, Mr. Chairman, I am eternally grateful to the Committee, to the staff who worked very, very hard with our staff, to all of the members and, in particular, to the Chairman.

Mr. Speaker, I urge that we pass the budget bill for all of the wonderful things, but in my case, in particular, for the very fine things that the Chairman and the Committee did for Corrections.

Thank you."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 892, HD 1, SD 1, CD 1, the State Budget. Mr. Speaker, as you well know, I have been here now for three years and this is my first vote in favor of the budget, Mr. Speaker.

It is not, Mr. Speaker, mere pride in partial authorship. It is my sincere belief, Mr. Speaker, that we have attempted to balance the equities.

Admittedly, Mr. Speaker, the spending of \$1,662,000,000 of other people's money is not a responsibility to be taken lightly. Admittedly, Mr. Speaker, the task requires acceptance of a good deal of self-serving evidence. Admittedly also, Mr. Speaker, I, myself, did not make the investigations as thoroughly as I should have done. The constraints of time are severe.

On one subject, may I divert for

one minute, Mr. Speaker, and that is that someday, we can modify our budget procedure to the concept of zero budgeting. But the hour is late and I shall not go into zero budgeting.

But, Mr. Speaker, with all this infirmities, I still urge my colleagues to give their approval.

In closing, Mr. Speaker, I would like to thank the Chairman of this Committee, Chairman of the Finance Committee, for his consideration of the two Republican members, Tony Narvaes and myself. We were given the floor at any time that we requested it. We were given every consideration by the staff and we were given consideration in getting our concept into the Committee Report. The Chairman is not only hardworking, but very generous and fair-minded.

I would thus ask all my colleagues to vote in favor of the budget. Thank you."

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 892, HD 1, SD 1, CD 1, with reservations.

At the outset, for the record, Mr. Speaker, I would like it noted that during this session and the previous years, I have introduced measures asking that this State go to the zero line budgeting technique which, I think, is a far more rational way of budgeting.

I would direct my remarks, at this point, to that section which has to do with the correctional master plan, Social Services Section No. 420, and also University of Hawaii 59.

Mr. Speaker, within this appropriation request is a glaring example of the most profound shortcoming of this body when this Legislature finds itself too far removed from a thorny problem. We often try to solve the problem simply with money. In this case, we are not providing money to be spent solving the problems of a crucial criminal recidivism situation that we have in this State. We are perpetuating ideas by this appropriation; ideas and concepts that have proven not to work, and the moneys within the budget allocated to the correctional master plan. I am talking about, specifically, the operational costs of the correctional master plan. It is a horrifying indication that this body is not yet prepared to come to grips with the fact that

rehabilitation for most recidivists is simply not a realistic expectation. We are somewhat like the fabled ostrich, but instead of burying our head in sand, we bury it in money.

Within this appropriation measure, we are talking about nearly \$12 million for one line item for operating costs. Last year, we appropriated for one facility which will be spending the bulk of this money, approximately \$11 million, so we are talking about \$23 million to be expended in the next biennium for approximately 250 people.

Now, Mr. Speaker, to my way of thinking, this does not make sense. The hour is late; my remarks go on, and I would like the remarks be incorporated with these which have been spoken and inserted into the Journal, if there is no objection."

The Chair, noting that there were no objections, so ordered.

Representative Carroll's remarks are as follows:

"Within this appropriation measure is a construction measure and not a penal measure. It is nice to have a pretty prison, but we all know dozens of other programs to which these funds could be allocated. Mr. Speaker, a successful corrections plan is not first a question of bricks and mortar. It is first and foremost a question of people. How many public servants seated here, Mr. Speaker, have actually taken the time to personally investigate the issues involved in corrections? If we are to be committed to rehabilitation, have we investigated whether rehabilitation is truly feasible? Even if we accept the premise that rehabilitation is a realistic goal, how many here have asked whether operating the new prison facility is a primary factor in changing the tide of history, of making rehabilitation on any scale a workable answer?

How many Representatives, Mr. Speaker, have learned about the overwhelming amount of problems facing those who have to supervise inmates on a day-in, day-out basis?

Allow me to humbly mention to you that if we are to build anything, we should build an administrative organization, a personnel structure, which ends the total anarchy pervading our correctional system. As it stands now, under-paid, under-trained, under-qualified, under-protected correctional guards face substantial problems just attempting to maintain

security, let alone promote rehabilitation. At times, the guards aren't even sure who is running the facility-- the inmates or them.

Mr. Speaker, our problem is not in buildings; it is in people. Now I admit this is a much more serious problem, but facts are facts. If we are going to have a corrections system which does something right, whether that something is isolation, punishment, or rehabilitation, this Legislature should focus in on who is running our system; who is employed by the system; what programs have been developed and implemented by these employees; and whether or not procedures have been initiated to insure that qualified, trained personnel are at work in this area.

I would like to recommend that before any more money is spent paying homage to the correctional master plan, we allocate funding which will permit us to start back at the beginning, at the basics. An athletic team which has lost every game for twelve months concerns itself with personnel and basic training. It doesn't start talking about building a new stadium to improve its record.

I humbly suggest, Mr. Speaker, that this money should be put to good use, training people and organizing employee procedures. The savings we could realize by refurbishing the present facilities should be more than enough to fund the training of personnel and the development of programs.

I say let us build people, not fancy prisons, and if we finally come to believe that rehabilitation is not likely for the vast majority of inmates, then let us at least have a well-organized, well-trained group of corrections personnel to do the job."

Representative Machida then rose and stated:

"Mr. Speaker, I rise to speak in support of House Bill No. 892, HD 1, SD 1, CD 1. Before I begin, Mr. Speaker, I would like to echo my congratulations to the Finance Committee Chairman and members of that Committee for their hard work on this document.

As Chairman of your House Tourism Committee, I would like to briefly explain those aspects of the budget relating to tourism.

Hawaii's economy has grown at a slower rate than in past years. Our economic growth has not kept up with the demand for new jobs, and this has resulted in a high unemployment rate for Hawaii. Economists and planners have been assessing existing and new industries to determine viable alternatives for generating employment.

To date, they have found that the visitor industry has played and will continue to play a major role in our economy. Tourism provides us with the jobs and revenues to meet our immediate and future needs. Therefore, it is our responsibility as lawmakers to make sure that we gain the maximum amount of benefits for Hawaii's people by ensuring the health of the visitor industry.

Mr. Speaker, this, I think, we have done. We have publicly shown our intent and our concern for quality planned tourism growth and development.

Under the provisions of this bill, we have enabled the continued operation of on-going efforts to complete a long-range tourism master plan. We expect this plan to be ready by next year and to be a part of the overall State Planning effort. In consonance with this, we also expect to establish an Office of Tourism next year to direct overall visitor industry growth, including ways to attract capital investment in the visitor industry to maintain its viability.

In addition to providing for planned visitor industry growth for the future, we have not neglected existing industry needs. We have provided for the research and promotion efforts in tourism so as to assure continued industry growth. In this area, we have specifically provided funding to address the problem of low occupancy rates experienced by some visitor destinations on the neighbor islands.

We have also examined the progress of the State and County in the improvement of Waikiki and have found their efforts to be satisfactory. (As my bearded colleague from Manoa will attest to.)

In conclusion, Mr. Speaker, I feel that the passage of House Bill No. 892 is a major step toward a healthier visitor industry and thus a healthier economy for Hawaii.

With these remarks, Mr. Speaker, I urge everyone to support this measure. Thank you."

Representative Kamalii then rose and stated:

"Mr. Speaker, on March 16, I spoke against House Bill 892, HD 1. I now wish to speak in favor of House Bill No. 892, HD 1, SD 1, CD 1, although my basic reasons for earlier opposing the budget bill still persist.

On March 16, I spoke against the bill because of the absence of a complete and comprehensive framework in the budget, against which the individual parts, or sections, could be studied. That defect is still present in the final conference version, and only underscores the need for some professional legislative analyst, such as the Legislature of California enjoys. Such a professional could digest, analyze, and interpret this massive document so that all of us, and the public, could understand it.

Mr. Speaker, much as I deplore the absence of professional budget analysis, I also recognize and appreciate the hard work and the long hours that lie behind this document. Putting any budget together for this State is not an easy task, in the best of times. Now, in a period of economic recession, with tax revenues uncertain, with the entire sugar industry facing catastrophic deficits, and with the unrelenting pressures for pay raises for our government workers, the budget, in my opinion, represents the best that can be done.

Mr. Speaker, there are individual sections of the budget with which I do not agree. There are certain programs that are not even included in this budget, and there are sections with which I take issue because of an imbalance of funding. Nevertheless, Mr. Speaker, I will support this budget because there are few, if any, financial alternatives available.

Mr. Speaker, through some innovative programs aimed at broadening our economic base, and careful attention to our struggling sugar industry, this budget reflects the overriding concern of our people with strengthening our economy. The actual dollars stipulated, and the percentage of the budget allotted to economic development, assures us that Hawaii's economy is gearing up to the challenges, the opportunities, and dangers facing us. That, plus the extension of our basic unemployment funding, plus the extension of government

incentives to the private sector for training and re-training of some 'hard-core' unemployed, meets the grim realities of our present economic status.

Mr. Speaker, I will not dwell upon the many other facets of the budget, because it is basically a democrat budget, and I do not wish to be its official spokesperson, or its minority interpreter. Our esteemed House Finance Chairman is perfectly capable of explaining and defending this budget to citizens of Hawaii.

There is, however, one specific item in this budget that I wish to call attention to. I refer to the first item under the category 'Culture and Recreation', on page 70, which allots \$50,000 for historical and archaeological research of the cultural resources on the island of Kaho'olawe.

Mr. Speaker, H.R. 321, requesting a solution to the problems of Kaho'olawe, signed by every member in this House, recognized that the destruction by the military of land rich in history and ancient Hawaiian sites is unbearable to the people of Hawaii. Though I wish it were several times greater, I view this \$50,000 on behalf of Kaho'olawe as a very positive action by this Legislature in support of those principles which led all of us to back House Resolution 321. I am proud of this Legislature for taking this unanimous and forward position.

On this note, Mr. Speaker, I wish to congratulate the House members on the Conference Committee for a laborious and monumental task, exceedingly well done. I thank them and I thank you, Mr. Speaker."

Representative Mizuguchi then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 892, HD 1, SD 1, CD 1.

"Mr. Speaker, the subject of education has caused much attention to the subject of controversy during this particular legislative session, and I believe that this is a good sign, a healthy sign, for public education in the State of Hawaii. We have called attention to the problems of education and we, in the House, have offered solutions to meet the vexing and complex problems that face education.

During the pre-session, the House majority prepared a program to alleviate and improve some of the problems in education. I am glad to say that

due to the fine work of the House Finance Committee Chairman, Jack Suwa, members of his Finance Committee, and also the hardworking staff of the Finance Committee, many of whom are sitting in the gallery this morning, the House was able to push a major part of its educational program through conference.

Mr. Speaker, before us, in this bill, is an education budget which appropriates some instructional funds to individual public schools. This new approach to budgeting and appropriations has been the subject of some controversy, but I believe that the apprehension which some may have would be dispelled if they examine the case for school-by-school budgeting.

First, Mr. Speaker, let us consider the budget of the Department of Education submitted to the Legislature for approval. The Department requested nearly \$518 million for its operations during the next two years. Of that amount, nearly half is lumped in a single budget item labeled 'Regular Instruction.' Teachers, supplies, and equipment for the instruction of 174,000 students in 222 schools throughout the State are budgeted in a single lump sum of \$256 million. Is this enough? Is it too much? Will each school get a fair share of the money? We simply cannot tell on the basis of the budget which was submitted to us.

Itemizing the regular instruction appropriation by schools would open up educational funding decisions to public scrutiny. In this way, school-by-school budgeting would tend to increase the equity with which funds are distributed among schools more than the lump sum budget format which has obscured funding decisions concerning individual schools. Mr. Speaker, with lump sum budgeting, the division of funds among the schools has been an administrative process, outside of public view and beyond the public's control.

One of the worst aspects of the present system, which we have corrected in this bill, is that it has produced inequalities among our schools which run counter to our goal of equal educational opportunity. Some elementary schools have counselors and others do not; some schools have registrars but not other schools; and as the Legislative Auditor recently reported, there is no rational basis for the

wide disparities in library collections and library personnel in our schools. Inequalities abound, and they would have continued to develop unless we elevated school resources to full public view.

Thus, a major advantage of school-by-school budgeting, as proposed in this Conference draft, is that it would let some sunshine in. It would provide the public and the Legislature with information about the resources needed by each school, and the resources required to equalize educational opportunity for all of our children.

Another advantage of school-by-school budgeting is that it would facilitate the channeling of funds directly to the school level. To illustrate, the school-by-school budget for regular instruction contained in this bill provides not only for the basic instructional needs of each school, but also the special, unique needs of each school. Funds for basic needs will provide for teachers, supplies, and equipment; the amounts specified in this category were based upon school budget estimates supplied by the Department.

The special needs funds are additional school funds to meet the needs of the individual school, as determined by the Principal, in consultation with faculty, parents and students. These funds were distributed among the schools according to a formula which provides each school with \$2,000 plus \$7 per pupil for the first year. The formula was designed to assure that smaller schools would receive adequate amounts to meet their special needs and also to acknowledge the needs of schools with larger enrollments. Using enrollment information provided by the Department, the formula was strictly applied without deviation to all schools.

Decisions as to how these funds are spent should be made right at the school level by people who work with students daily; not at a level removed from the real problems of the schools. Testimony from Principals and teachers showed that they are willing to take on this added responsibility.

DOE Superintendent, Charles Clark, has said that his policy is to give individual schools greater authority and responsibility to run their programs. We agree. In effect, what we have done is to give meaning to that policy by assuring that individual schools are given the resources to enable them to discharge their greater responsi-

bility.

While appropriating funds is a fundamental legislative power, the Chairman of the Board of Education has questioned the authority of the Legislature to do so on a school-by-school basis. He fears that the Legislature will be usurping the Board of Education. Until the thorny question of governance of the public school system is settled, hopefully by the next Constitutional Convention, the Board needs to understand that its powers are limited by the Constitution itself.

The Constitution limits the role of the Board by stating that 'the Board of Education shall have the power, in accordance with law, to formulate policy, and to exercise control over the public school system through its executive officer, the Superintendent of Education.' This means, Mr. Speaker, 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 a law, in a manner not contrary to law.

Generally, the Legislature is cautious not to interfere with the daily, internal operations and management of the Department; it leaves such supervision to the Superintendent and the Board. But the Legislature cannot abdicate its basic responsibility in making appropriations and doing so in a meaningful way.

Rubber-stamping a \$256 million budget item, by either the Board or the Legislature, cannot be considered informed decision-making. The Legislature must have some assurance that the funds will be adequate in amount and fairly distributed. The Board of Education cannot provide such assurance since it received no more information than the Legislature on the Department's plans for the \$256 million. School-by-school budgeting, as proposed in this bill, would provide both the Board and the Legislature with information necessary for responsible decision-making.

As to the contention that school-by-school budgeting will limit the powers of the Board of Education; on the contrary, it should strengthen the Board in its ability to exercise policy control over the schools. School-by-school budget would give the Board a means to execute its educational policies.

The final issue, Mr. Speaker, concerns administration. Admittedly, school-by-school appropriations format could cause administrative problems because it represents a major change in the appropriations structure. However, Mr. Speaker, Superintendent Clark has assured us that should school-by-school appropriation become a reality, he will strive to minimize paperwork and obtain the greatest flexibility to meet contingencies. I believe, Mr. Speaker, that he will provide the leadership to install the new system smoothly and efficiently.

Mr. Speaker, there has been much talk, much agreement among legislators, educators, and administrators that, to improve the quality of education in this State, we must refocus our attention upon the individual schools. The basis for this new perspective is the recognition that each school is unique, with individual teachers teaching students who are unique, and serving communities with various needs and aspirations. This perspective, Mr. Speaker, requires a fundamental change in approach from that of seeking improvements and applying resources to the Department of Education as a whole to that of encouraging improvements and resources to the individual schools.

Mr. Speaker, with school-by-school budgeting proposed in this Conference draft, we will be taking a large and necessary step to improve the public school system by improving and better meeting the needs of the individual schools.

Therefore, Mr. Speaker, I encourage all members of this body to vote for this bill.

As an added addendum, Mr. Speaker, I would like to incorporate in the Journal an explanation of the special needs funds for schools."

SCHOOL-BY-SCHOOL BUDGETING

Arguments and Rebuttals

ArgumentsRebuttalsGeneral

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| 1. | There are no advantages to school-by-school appropriations. | School-by-school appropriations makes it easier to channel funds in education to where it counts--to the schools where all teaching and learning take place. In the budget, additional funds have been allocated to schools based on a formula which has been applied without deviation: \$2,000 to each school, plus \$7 per pupil for the first year. These funds are to be used at the discretion of individual schools. Appropriating funds in this manner means that schools are more likely to get the funds they need than if funds were to be budgeted through statewide programs. |
| 2. | School-by-school budgeting will politicize education. | It will open up educational funding decisions to public scrutiny. With lump sum budgeting, the division of resources among schools was an administrative process, outside public view and beyond public control. |
| 3. | School-by-school budgeting will create inequities among the schools. | Inequalities abound under the current budgeting system, and they will continue to develop unless we expose school resources to public scrutiny with school-by-school budgeting. |
| 4. | The Legislature will use school-by-school budgets to 'pork-barrel' their favorite schools. | 'Pork-barrelling' in education will be much more difficult under school-by-school budgeting, since the budgets are visible and favoritism can be detected. In fact, the current process, where DOE allocates funds to schools after the budget is passed, is much more susceptible to 'pork-barrelling', and there have been many inequalities in distribution of resources under the current system. Some elementary schools have counselors and others do not; some schools have registrars but not other schools; and library resources vary greatly. |
| 5. | School-by-school budgeting will destroy the statewide school system. | The only change that school-by-school budgeting makes is to provide for the appropriation of funds for the schools on a school-by-school basis. The money will continue to come from the State General Fund. Funds for the State and district level functions will continue to be appropriated in the conventional way. Statewide programs can continue to be implemented. |
| 6. | If Principals are given authority over the spending of salary savings at the schools, the budgets will not be equitable. | School salaries will continue to be paid from a central salary account; thus, Principals will not be able to spend salary savings. |
| 7. | Principals will have too much power under school-by-school budgeting. | Principals should be the managers of their schools--as they are now. However, they should consult with their faculty in deciding how resources should be used. A budget proviso specifically requires Principals to consult with teachers, and if practicable, with parents and students, before making |

- discretionary spending decisions to meet the special needs of their schools.
8. The school-by-school budget does not take into account the greater resource needs of the new schools and the high schools.
- There are two categories of appropriations in the school-by-school budget: (1) for basic needs; and (2) for special needs. The basic needs category provides for the basic instructional needs of regular students, for their teachers, and for classroom supplies and equipment. It is in this category that the needs of new schools and high schools are greater. The amounts in this category are those submitted to us by the DOE; therefore, they take into account the needs of the new schools and the high schools to the extent that DOE budgeting formulas do.

Governance

9. School-by-school budgeting is unconstitutional.
- The appropriation of funds is clearly a legislative prerogative in education as in all other program areas. The Constitution did not limit the powers of the Legislature by creating the Board of Education. Rather, the Board is set up to operate 'in accordance with law', law which is established by the Legislature.
10. Legality aside, the Legislature should not get involved in the details of educational budgeting.
- The Legislature has not only the authority but a public obligation to make responsible decisions concerning the DOE budget. Rubber-stamping a \$256 million appropriation cannot be considered informed decision-making. The Legislature must have some assurance that the funds will be adequate in amount and fairly distributed. The Board of Education cannot provide such assurance since it, in effect, rubber-stamped the \$256 million figure without detailed scrutiny.
11. School-by-school budgeting will undermine the powers of the Board of Education.
- School-by-school budgeting should strengthen the Board in its ability to exercise policy control over the schools. Under lump sum budgeting, the Board of Education, like the Legislature, received no information on how funds were to be allocated among the individual schools. School-by-school budgeting would provide both the Board and the Legislature with information on how funds were to be allocated among the individual schools. School-by-school budgeting would provide both the Board and the Legislature with information necessary for responsible decision-making.
12. The Legislature should not get involved in nickel and dime decision-making.
- The regular instruction budget is \$256 million for the biennium, nearly half of the budget for lower education, nearly 13 percent of the total State operating budget. With 222 schools, the average school has an operating budget of over a million dollars. Many of the high schools are multi-million dollar operations.

Administration

13. School-by-school budgeting will be too rigid to meet contingencies.
- The following provisions have been made in the budget bill: (1) to allow the Department to transfer personnel positions from one school to another in response to increases or

- decreases in enrollment; (2) to establish contingency funds at the district level to pay for unanticipated personnel costs at any school; and (3) to establish a statewide reserve fund to supplement appropriations to schools and to meet contingencies.
14. School-by-school budgeting will be impossible to administer from an accounting standpoint. Provisions have been included which will: (1) permit school salaries to continue to be paid from a central salary account; and (2) permit school-by-school appropriations to be considered as one single appropriation for the purpose of the variance report, allotment controls by the Department of Budget and Finance, and appropriation accounting by the Department of Accounting and General Services. Individual school accounts already exist for equipment and supply funds. Similar accounts will be established for special needs funds, should they be approved.
15. School-by-school budgeting will create a tremendous administrative workload at the school level. The budget for regular education should already be constructed from the budgets for individual schools. Principals should already have objectives and plans for their schools and prepare their equipment and supply budgets accordingly. Salary budgets will continue to be handled centrally, on a school-by-school basis. Since the regular instruction appropriation will be handled as a single appropriation for the purposes of variance reporting, allotment control, and appropriations accounting, Principals will not be involved in these aspects either.
16. School-by-school budgeting is simply a disguise to introduce PPB, with all of its paperwork, at the school level. Schools should have long-term objectives and short-term objectives, and they should look at themselves from time to time to determine whether they are achieving them. However, the Legislature has no expectation that the formal PPB requirements which are required of statewide programs should apply to schools. In fact, a budget proviso specifically exempts school-by-school appropriations from variance report requirements.
17. School-by-school budgeting will make it difficult to make cuts or additions of funds to regular instruction. School-by-school budgeting will make it necessary to examine the impact of such cuts or additions on the individual schools. Previously, budget restrictions have been made without much thought as to how they would affect individual schools.
18. The requirements of school-by-school budgeting will exceed the DOE's information capability. The basic needs portion of the school-by-school budget was prepared from information supplied by the DOE. The Department has this information already because it is necessary for the preparation of a budget for regular instruction, whether the budget is presented to the Legislature as a lump sum or on a school-by-school basis."

"EXPLANATION OF SPECIAL NEEDS FUNDS FOR SCHOOLS

(Representative Norman Mizuguchi)

The most innovative aspect of this school-by-school budget is the provision made to meet the special needs of individual schools. While each school will receive funds to meet basic needs--to provide for regular instructional personnel, supplies, and equipment--the

'Special Needs' funds are to be used to meet individual school needs as identified by school Principals in consultation with faculty, students, and parents. 'Special Needs' funds will be used to improve the instruction of students; for example, through the purchase of additional supplies and equipment or the hiring of temporary personnel to augment instruction.

DISTRIBUTION OF FUNDS. A formula was used to distribute special needs funds among the 222 schools in the State and it was applied without deviation: \$2,000 plus \$7 per pupil for each school.

EXPENDITURE PLANS. After funds are allotted, Principals will be asked to submit their plans for the expenditure of 'Special Needs' funds to their district superintendents. A district superintendent may advise a Principal to amend an expenditure plan if the need for a proposed expenditure can be met from another source.

EXPENDITURE PROCEDURES. Schools will follow normal DOE disbursement procedures in the expenditure of 'Special Needs' funds.

EXPENDITURE RECORDS. Each school will keep a record of 'Special Needs' expenditures.

EVALUATION. The Superintendent or district superintendent may request an evaluation of a specific expenditure.

MONITORING. The Superintendent will monitor adherence to guidelines he issues for the expenditure of 'Special Needs' funds, and the Legislature may request accountability reports."

The Chair recognized Representative Kunimura and he stated:

"I don't know what I did, Mr. Speaker, but it seems as though, several days ago last week, you had difficulty with your right ear. It looks like tonight, you have difficulty with your left ear. I was going to speak tomorrow morning, but I don't want to put my personal feelings to hurt many members of this House. I would like to very much finish up. . . I am going to speak for the budget.

Mr. Speaker, members of this House, some 17 days ago, almost, this House disagreed with the amendments the Senate put on a House bill and it became a conference matter. Seventeen days, Mr. Speaker--we wasted so much time because a Senator or several Senators maybe, did not want to meet with the House, and the more I sat with them over the weekend, the more I became assured that the reason for the lack of enthusiasm for the Senate conferees to meet with the House was not because they were busy, but because they did not have a plan. They were so afraid of the House Finance Committee Chairman and this became very, very clear as the hours went by.

Mr. Speaker, I am not going to delve in the area of specifics in the budget, but I think this House--people who are not given the opportunity to serve on the Conference Committee and the world should

know what happened. We finally came down, Mr. Speaker, to Saturday, 10:00 a.m. That was last Saturday and we went spinning wheels for 24 hours. Then Sunday came and I remember the Sunday before. We sat all night and I am glad the Chairman of the Finance Committee insisted on discipline; that we sat all night from Saturday, 1:30 afternoon, to Easter Sunday, 5:00 a.m., to go over the budget and the conference and the effect on all the departments of our State. I thank you, Mr. Chairman.

What I want to say is, our Chairman of the Finance Committee and the Vice Chairman are so modest, they don't want to come out, but I think a few of us who were his soldiers and are still his soldiers, should tell the world and, personally, I don't give a shit--okay? And pardon my French because for 67 hours, I tried to stay awake with few catnaps and many of us on the Finance Committee. . . You know something, Mr. Speaker, this is a personal matter. I think I make a very photogenic sleeping man because the newspapers seem to be taking my picture whenever I am sleeping. They never come around. Okay?

Let us talk about openness; let us talk about open Conference Committees. Where the hell are the newspaper people, the television people--nobody sticks around--okay? Where's the public? No, they must have their sleep and yet, if we close the doors, they scream to high heaven. Okay?

I want the people of this State to search their conscience because if they don't give a damn, we are going to end up with a dictator, and if the newspapers don't come around, they will be blamed too. I am not going to stand here anymore trying to take the rap for the entire State. We have members of the House, chairmen of committees standing by with us. There were members who were not chairmen, who came and gave us moral support, but the public and the media were not there. I am pretty sure when Adolph Hitler took over, the public and the media were sleeping, and next morning, they saw the swastika flying high and they lost their freedom.

Mr. Speaker, our Chairman and Vice Chairman went something like 87 hours with very little sleep, and you know the awful truth--the Senators tried to outlast us, but we fooled them because we have iron men on our side. At the end, their great leaders, Wong and O'Connor, didn't have control of their faculty, and now they come, even tonight, at this late hour, a little while ago, they were trying to have us agree--agree to disagree with them and put this back into conference. I say, those unconscionable bastards, scoundrels--okay? And that is for the record.

I am going to blow this thing so far up in the sky, when the pieces land, I will be sure that I am now. . . you know, Mr. Speaker, if I am incoherent, it is because I am angry. Okay?

I have been an opponent of bicameralism; I have stood up at every turn, but I am beginning to change my mind. I don't think this State should have this kind of Legislature, because the people don't care. Maybe, we ought to have a bicameral Legislature so we can do business, good or bad; pass it, and let the people decide at the election. This is monkey business.

Well, anyway, Mr. Speaker, yes, we lost some very, very good items in the budget that we went over and that were in conference because we had to accommodate, because the conferees cannot meet by itself from the House. We had to have the Senators meet with us, but when they say ten minutes and come back six hours later; when they say fifteen minutes and come back four hours later; they didn't give a damn. But above that, they didn't know

their budget. They have playboys as chairmen of committees. I didn't see the Senate Higher Education Committee Chairman around. They could not make decisions and there were several others there that didn't give a damn, and they had a platoon system.

First time in fifteen years, Senator Wong, Manager and Chairman on the part of the Senate, all of a sudden, something happens and he is not around. Senator O'Connor takes over. Then, when we start going, all of a sudden, Mr. Wong walks in and he disagrees. How are you going to deal with conferees like that? They don't have discipline and I think they don't give a damn for the public, but I wish the media was there, then maybe, they would behave because when the television camera came, all of a sudden, everybody started behaving.

Mr. Speaker, another thing, I noticed. The Suwa's ragtag army had 78 years of experience, all of us put together, but Wong's wonderful army has about 158 years of experience--13 Senators, 13 House members, and they thought because Suwa's ragtag army was composed of freshmen just coming aboard, that maybe, they could wait until the last minute and expect these freshmen to run, scatter, abandon.

Mr. Speaker, I want to insert, for the record, a crying shame as to what went on. Senator O'Connor came up discussing the University CIP and went on record as he expounded some facts I thought were true about the Negotiating Committee of Saint Francis High School, was not authorized; that they did not own the land; that Saint Francis' Headquarters in Syracuse, New York, had all the say; and I fooled them, because I checked with some of the people involved. Two years ago, they were authorized and they were given full authority to negotiate, subject to final approval, by the number one person in Syracuse, New York. And as I searched for the truth, this was not a Senate position, but this was one Senator, and I am going to name his name-- Senator Francis Wong.

Senator Francis Wong was opposed to it because he was committed to a former head of Saint Francis High School who built the nunnery in Manoa, and she is now on Maui. Okay? Some Senators are beholden to one individual. Now, this is not just an ordinary land acquisition.

This land is vital, not only to the University of Hawaii, because of the contiguity to our land, but also to Saint Francis. It is of mutual benefit. I never realized, but the Catholic population, the center of Catholic population, is right in Pearl City. This particular land transaction would afford Saint Francis to move its facilities into the Leeward area where there is a void, at this time-- void of any quality intermediate and high school facilities--and their hopes and dreams to build an intermediate and high school of about 1,200 to 1,400 students. This would have relieved the State of Hawaii that much of the burden in educating that many children. This would have afforded the State of Hawaii to combat traffic congestion because, right now, 90 percent of the students that attend Saint Francis High School come from Waianae, Waipahu, Ewa, Pearl City and up to about Kalihi. No, the Senator insisted, and to save the budget, we had to give in.

Another thing, Mr. Speaker, it disturbs me to no end when the athletic facilities are held hostage because a Senator, a very powerful Senator, wants a fair shake or wants some kind of a deal for his architect friend. Now, you know, this is a serious charge but let that Senator deny that. Okay? It is very, very sticky, smelly--something smells in Denmark.

Mr. Speaker, if we did not bring home all the bacon, it was not because we failed as negotiators, but because we did not have the time that this House afforded us; because we did not have the time to sit with them and reason with them; because they did not want to go and bargain item by item; because they knew they didn't know their subject matter. Everytime we made a proposal, they took two hours to come back with a counter-proposal. Our Chairman, in ten minutes, because he had them all stacked up, came back with another counter-proposal.

This is the kind of Conference Committee I wish the people of Hawaii and the media, especially, would have taken advantage to report accurately as to what was going on. Why have openness, why have sunshine, if the people are not going to participate? I would rather close the doors and do it like in the old days at the Board of Water Supply. Then, it becomes pure guts.

Mr. Speaker, I am told from this morning, that they may not have the votes to pass the budget on the other side and, personally, I don't give a shit. If they want to dump the budget, let that be an albatross around their neck, because this House is going to adopt our budget; because we are going to show that we are responsible. We are not holding any candle to anybody. Okay?

I ask you, for once, let us make this a unanimous show of confidence to our Chairman and Vice Chairman who are too modest to talk about what happened, and I want to personally thank Jack and Henry. You took a lot of shit and it took a lot of guts-- Okay--and I love you both.

Thank you."

Representative Baker then rose and stated:

"Mr. Speaker, I have discovered, in recent weeks, that welfare is not the most popular of subjects; nevertheless, this budget does incorporate the fundamentals which are necessary for basic welfare reform.

I would like to thank the Chairman, Vice Chairman, and members of the Committee, for their unfailing consideration and courtesies throughout the study of the question.

This is a good bill and I hope all members will support it."

Representative Uechi then rose and stated:

"Mr. Speaker, after taking a look at the budget, especially in part 5, I am overwhelmed, to say the least, so I would be remiss if I didn't say a few words in favor of the budget.

In the past several years, as Chairman of the Agriculture Committee, the support of the Legislature, both the House and the Senate, has been one of total commitment to the House program in agriculture, and I repeat, the House program in agriculture. We have accomplished much--new directions have been given the Administration, as well as the farmers of the State of Hawaii.

I am most happy to hear from the Chairman of the Finance Committee that the budget before us is a balanced budget and, Mr. Speaker, the Legislature has done its job and has done its job well. Now, there should

be no reason for the Administration for their inaction regarding fulfilling of their campaign rhetoric in the area of diversified agriculture.

Mr. Speaker, there is a great future in diversified agriculture, and the infusion of new monies should have a positive effect on our sagging and our stagnant economy, so with these few words, thanks to the Chairman of Finance, as well as the members of Finance, especially those who are also on the Agriculture Committee.

I would request that all members vote 'aye' on this budget. Thank you."

Representative Aki then rose and stated:

"Mr. Speaker, I would like to rise to speak very briefly in support of House Bill No. 892, HD 1, SD 1, CD 1.

Mr. Speaker, while the budget for the Youth and Elderly Committee is a small one compared to the other committees, I must say that we are very pleased with the job done by the Finance Committee and the Chairman, and the Committee members, and I would like to thank them.

I would like to point out one program calling for the appropriation of \$60,000 in the area of child abuse, and I think, Mr. Speaker, that we all recognize that this is a very serious problem in our State and nationally, and I would also like to point out that the work done by the interim committee, headed by Representative Carl Takamura, has moved us ahead in the nation in this area.

But for now, Mr. Speaker, we are moving one great step further. We are now going into the prevention of child abuse through the early identification of families who abuse their children, and I am very confident, Mr. Speaker, that this small budget will expand the services, and the Child and Family Stress Center will do a good job in the years ahead, and I am hopeful that we will be justified in expanding the program even further next year.

In the area of senior citizens, Mr. Speaker, I wish to acknowledge that we have a small appropriation of \$17,000 to look into and develop a program for pre-retirement education and, in closing, Mr. Speaker, I would just like to again thank the

Chairman of the Finance Committee, and the Committee members, and ask everyone to vote in support of the measure.

Thank you."

Representative Kunimura then rose and stated:

"Mr. Speaker, just for the record, what I said about some of the Senators was not a sneak attack because I warned Senator O'Connor on Saturday, Sunday and Monday, what was coming down the pipe, should they fail to sit and work in earnest with us, so it was not a sneak attack."

At this time, Representatives Larsen and Abercrombie yielded their time to Representative Kunimura.

Representative Kunimura then stated:

"Mr. Speaker, I appreciate that very much, but I guess I used all my expletives."

Representative Takamura then rose and stated:

"Mr. Speaker, just a brief comment in favor of the bill, and the only comment I would like to make is to express my appreciation--I am sure the appreciation of all the members of the House, particularly the Finance Chairman, for the excellent and fine work done by the staff and members of the House Finance Committee. They are really a tremendous group of people. They spent a lot of time, a lot of hard work, and they stuck with us, and I think without that kind of support and backup they provided, I don't think we would be in the fine position we are today, and I really think we should all recognize that fact.

Thank you."

Representative Say then rose and stated:

"Mr. Speaker and members of the House, I would just like to convey my deepest aloha and mahalo to the Finance Committee, its Chairman and Vice Chairman, for an outstanding job that they did on behalf of the Culture and Arts budget.

The Minority Floor Leader stated some of the different programs and projects that are going to be taking place within the next biennium, and I would also like to congratulate

the Finance Committee staff and the members of the Finance Committee who undertook a long and arduous 62 hours of negotiations.

So, on behalf of the Committee on Culture and the Arts, I would like to say, mahalo and thank you."

Representative Peters then rose and stated:

"Mr. Speaker, I just wanted to make some brief remarks on this bill, and not so much going into details as to what the Chairman and I both were subject to. I am sure he will, perhaps, draw in that area when he has the opportunity to speak.

I do want to go on record as thanking everyone of you. As chairmen of the respective committees, they did their homework because you folks gave us the material, information, to hold fast to our position in the House. Of course, I would like to thank the Chairman of the Finance Committee for the opportunity of serving with him and with the other members of Finance who also endured the very frustrating few days. I think, in the final analysis, this budget does, in fact, represent the best interest and welfare of this State.

I wanted to also point out, by way of spin-off on Representative Kamalii's remarks, I support this measure, more specifically, the \$50,000 appropriated for the archaeological study of Kahoolawe initiated by brother Richard Caldito which we placed in Part 5 of the budget.

Mr. Speaker, you know, early in the session, we went through some tense and heart-rendering moments when brother George Helm addressed this body. Brother George is no longer with us. The resolution we adopted that day stands as a reminder of the position of this House on the issue of Kahoolawe. We are, once more, reminded of the true love and respect for the aina that was buried, or once buried, in the hearts of many of our people. We recognize now and sorrow over this destruction of land rich in history and ancient Hawaiian sites which many of my people consider as religious grounds.

Again, I reiterate that as the legislative body of Hawaii, representatives from every part of the State, we have made our commitment with

the unanimous adoption of House Resolution 321. We again asked that the bombing be stopped; that the land be made safe. Mr. Speaker, colleagues, let us not let our resolution pass to the Archives with no further action--dead--as many other resolutions before it. You are committed and this we have stated. How much more must we do for the Navy, for the President, and the Congress of the United States? We need positive action on Kahoolawe; the aina protected; the aina revered; the Hawaiian no longer strangers to their land.

This body does, as do the people of this State, sincerely believe in our motto, 'Ua mau ke ea o ka aina i ka pono' and this again shines through in our commitment to Kahoolawe, and is reflected in the State budget.

Thank you."

Representative Shito then rose and stated:

"Mr. Speaker, I would just like to extend my appreciation to the Chairman of Finance and the members of the Committee for the work they have done, as Chairman of the Committee on Housing, which has incorporated quite a bit into the budget to ease the housing situation in the State of Hawaii.

Thank you."

At 2:30 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:34 o'clock a.m.

Conf. Com. Rep. No. 50 on S.B. No. 3, SD 1, HD 1, CD 1:

Representative Suwa rose and stated:

"Mr. Speaker, in speaking on behalf of the bill for tomorrow, may I ease the minds of the House members that the Executive spending plan for the CIP area is approximately \$150 million per year. The Executive CIP and that of your community improvement suggested projects ranging from \$44,250,000 reflect the total expenditure pattern of \$122 million. Therefore, Mr. Speaker, it is well below the expected Executive borrowing power in this capital improvement budget.

Therefore, I ask the members to support this measure. Thank you."

Conf. Com. Rep. No. 47 on H.B. No. 2, HD 1, SD 1, CD 1:

Representative Yamada rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 2, HD 1, SD 1, CD 1.

I have sat through most of the negotiations on the Conference Committee between the House and the Senate and I can appreciate the amount of hours, the amount of time, and the turmoil that the members of the House Finance Committee have gone through.

I would like to extend our appreciation on behalf of the Judiciary Committee to the Chairman and the Vice Chairman of the House Finance Committee, the members of the Committee, and the entire staff of the House Finance Committee. We appreciate the amount of work that was done on this budget and I ask all of the members to support it.

Thank you, Mr. Speaker."

Conf. Com. Rep. No. 48 on H.B. No. 5, HD 2, SD 1, CD 1:

Representative Stanley rose and stated:

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

I would submit to my colleagues that the collective bargaining agreements that this bill represents are fair and equitable and I hope that everyone, at the time for final passage, will vote for this bill. Thank you."

Representative Say then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, with reservations. My major concern about this bill is that, at one point in time, I think that the members have to realize, like myself maybe, is that I believe in the collective bargaining law and I believe that the employees of the State and the City and County should be deserving enough to have a salary increase, but my major concern right now, for the record, is that we have to also be aware of our revenues, our tax base, and what I learned so far is that we have been accommodating the 'A' funds, but we have been taking funds from the 'B' and 'C' in order

to get to the 'A' fund. I hope, maybe next session, we can find ways of creating more revenue for the State.

Thank you."

Conf. Com. Rep. No. 33 on H.B. No. 28, HD 2, SD 1, CD 1:

Representative Uwayne requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I rise to speak in favor of House Bill No. 28.

Mr. Speaker, the purpose of the Constitutional Convention is to review a document which guarantees basic rights to each individual.

Mr. Speaker, just for the record, I want to state that during your Committee's public hearings, people have testified in favor of the Constitutional Convention, while at the same time, spoke in favor of denying one select group of individuals their basic right to run for the Convention. They were talking about you and me and all elected officials, despite the ruling of the Attorney General which allows elected officials to seek a seat as a delegate to the Convention. To me, Mr. Speaker, this is not only discrimination, but 'speaking from two sides of one's mouth.'

Mr. Speaker, the people who have testified, defended themselves by saying we, elected officials, have a special interest. But, what is a special interest? Everyone has a special interest, whether it be their families, their homes, or their religion, just to name a few. Mr. Speaker, what about teachers, businessmen, and those active in party politics? Don't they have a special interest?

Mr. Speaker, I feel that this should be a matter for those individual legislator's conscience. If he believes he can contribute constructive ideas and concerns, then he should be allowed to run. No one should play the role of God and point fingers at special interests.

Mr. Speaker, the ultimate decision to whom can best represent the people at the Constitutional Convention, will be the voters.

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

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure very briefly to note that the United States Constitution, which is probably the greatest document that has ever been known since the writing of the Magna Carta, has served us well and is still serving us well. It took 38 people to sign that document and I believe about 50 that were there to do it. I think that the number of 102 which is posed as a means of mitigating the effect of the elected legislators who may run is a sorry comment on our time.

Other than that particular measure, I urge all members to vote in favor of it."

Representative Ueoka then rose and stated:

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

The compromise measure, as recommended by the Conference Committee, calls for 102 delegates. The House originally passed a measure calling for 105 delegates. I feel a little sad in that 105 delegates were not set by this Conference Committee. The 102 is based upon the present representative districts. It merely doubled, going up to 102. The three extra delegates represents 'manuahi'--one for the island of Niihau, one for Lanai, and one for Molokai.

The Constitutional Convention will be creating another chapter in the history of Hawaii, and I also feel that we have missed a rare chance to write a sub-chapter in the chapter of the history of Hawaii by allowing the people from Niihau, or Lanai and Molokai, to be represented in the Constitutional Convention.

A few days ago, I discussed this matter with a Representative from Kauai and he stated that he has never been to the island of Niihau. This is modern America and yet, a Representative has not been able to go to Niihau. By allowing a delegate to be represented from the island of Niihau, I feel that it would have been a real opportunity because no one from this particular island would be able to participate in the governmental process in any form.

Notwithstanding the fact that we lost out in obtaining representation

from the island of Niihau, Lanai or Molokai, still I feel that the bill, as it appears before this House this morning, is a good one, and I urge the members of this body to vote for it.

Thank you."

Representative Campbell then rose and asked:

"Mr. Speaker, is it possible for the remarks of the learned Representative from Maui to be incorporated in the Journal as my own?"

The Chair, noting that there were no objections, so ordered.

Representative Garcia then rose and stated:

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

I would like to point out also, in conjunction with the statement made by the last Representative from Maui, that this particular section of the bill was the last item for negotiation and we did carry this particular House position throughout the entire negotiations, until such time when it became necessary to reach some kind of a compromise in this area because of the unwillingness of the Senate conferees to look into this particular area and agree to it.

One thing that I would like to convey to the members is the fact that every single member on the Committee, and others, have participated in making the drafting of this--what I think will be a noteworthy bill in the history of Hawaii--into one that has been as successful as it has been because of the amount of public input and the amount of Committee discussion that has gone on regarding this particular legislation. The real credit for this bill should go to every member on the Committee and every person who participated in the deliberations of the Con-Con--setting up for the Con-Con--and I certainly hope that the public will recognize this particular fact that every member was willing to contribute; every member was willing to put in their two cents and to compromise on certain areas where, perhaps, we could reach compromise, but to hang on to other areas they felt strongly about.

I would like to take this opportunity to thank all the members, not only in working on this particular legislation, but also on all the other Judiciary Committee legislation that we worked on this particular past session. It

has been a very trying one for many of us on the Committee because of the length of time that it took, but I think a very rewarding one.

Thank you."

Conf. Com. Rep. No. 45 on H.B. No. 137, HD 2, SD 2, CD 1:

Representative Peters rose and stated:

"Mr. Speaker, I know the Chairman of the Committee, Representative Yoshito Takamine, would like to have a number of remarks inserted into the Journal. He has asked me to present this to you. . . to the members this morning. Perhaps, for expeditious purposes, can I have this inserted into the Journal?"

The Chair, noting that there were no objections, so ordered.

Representative Takamine's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 137, HD 2, SD 2, CD 1. This bill extends the State Program for the Unemployed (SPU) through the fiscal year 1977-78.

This unemployment program was started in 1975 as one of the State's major efforts to help resolve our high unemployment problem. Hawaii's economy was suffering from the ill effects of the national recession and large cutbacks in military spending. We were suffering from increasing numbers of workers in our labor force without the same increase in new jobs. Our unemployment rate was unprecedented in Hawaii's history.

At this time, the Federal Comprehensive Employment and Training Act had already been operating for two years in all the states. It seemed to be a good way by which government could help the unemployment problem. Our State Program for the Unemployed was designed after the CETA model, but it also went one step further by providing loan and subsidy incentives to the private sector in the hiring of the unemployed.

Act 151, Session Laws of Hawaii 1975, established the State Program for the Unemployed as a one-year project with three major components to promote jobs and economic recovery. The first component is SCET or

the State Comprehensive Employment and Training. It provides immediate temporary public service jobs. The second component is the State Assistance for Certain Employment Program which subsidizes employers willing to hire and train unemployed persons. The third component is the State Loans for Certain Employment which offers low-interest loans to employers willing to hire unemployed persons.

During this 1977 legislative session, we have found that the State's economic outlook remains uncertain. As policymakers, we reviewed all governmental programs with an eye on fiscal constraint. Unemployment is still at historically high levels and is still the State's major problem.

Under the Carter Administration, Federal CETA monies are expected to increase. Various other proposals for economic recovery and assistance to the states are also being proposed by the new National Administration. While our own State's resources are limited, we can supplement the Federal government's efforts, and together can prevent the further deterioration of employment in Hawaii. Federal assistance alone cannot do the job.

Therefore, Mr. Speaker, this bill before us is needed. Not only is it needed to supplement Federal efforts, but also as a continuation of our deep belief that unemployment brings long term negative social, psychological and economic effects on the people of Hawaii. We certainly cannot afford the expensive labor and production losses that unemployment brings. We cannot afford the costs of continued unemployment benefit payments. Unemployment in Hawaii has also affected increases in the State's welfare rolls. But most of all, we cannot afford the social cost of unemployment on the individual. The disruption of families, lowered standards of living, and the loss of self-esteem and self-respect which occur as an individual suffers prolonged unemployment and has to move on to public assistance after all other benefits run out. These are setbacks that a lot of times can never be overcome.

The State Program for the Unemployed represents our best effort to counter unemployment. It is productive. It has created approximately 3,000 more jobs since its creation in 1975. In return, the public has benefited from increased public services. Therefore, Mr. Speaker, it is imperative that we continue to support the State Program for the Unemployed through House

Bill No. 137.

I urge all my colleagues to vote in support of this measure. Thank you."

Conf. Com. Rep. No. 41 on H.B. No. 180, SD 1, CD 1:

Representative K. Yamada rose and stated:

"Mr. Speaker, in the past, we have honored friends who have served us well, and we have helped those who were in trouble. Today, I come with a plea to ask you to help a friend who had served us well and who is in danger of falling into the deepest chasm of a bottomless abyss from which there is probably no return.

But, Mr. Speaker, I doubt that even your awesome powers, nor the omnipotent-like stature of this body could reach out and pluck this true friend from the grasp of oblivion. There are foreign powers involved and like the days of yore, these foreign meddlers seek to destroy our friend. We have gone through such an experience in 1893 when Queen Liliuokalani was overthrown and a new life style imposed on the ancient Hawaiians.

But for the sake of our forefathers whom this friend has served well, we must help, and even with the combined powers of all of us, hopelessly, there is not much that we can do because of the fiscal integrity of this State.

My friend, Mr. Speaker, of course, is the sugar industry and the independent sugar growers who comprise it. But, Mr. Speaker, I have been wrong. He is not just a friend; he is you and I, and the rest of this magnificent body. With his demise, surely this body, as we know it today, will also perish. So, Mr. Speaker, I ask for our self preservation when I ask all of my colleagues to vote for this bill.

Thank you."

Conf. Com. Rep. No. 44 on S.B. No. 1308, SD 2, HD 1, CD 1:

Representative Kamalii rose and stated:

"Mr. Speaker, I rise to speak in favor of Senate Bill 1308, SD 2,

HD 1, CD 1.

A bill which establishes and funds a Citizens Crime Commission has finally arrived in these chambers for Final Reading. And it should come as no surprise, Mr. Speaker, that I heartily urge its passage, even though the procedure used in Conference Committee was in violation of our House Rules, Section 14.5.

With your permission, I would like to insert the rest of my remarks in the Journal."

The Chair, noting that there were no objections, so ordered.

Accordingly, the remaining remarks of Representative Kamalii are hereby inserted into the Journal:

"So that none of my colleagues mistake this as a frivolous bill, Mr. Speaker, let me remind you that the core of this bill originated in my office during the Eighth Legislative Session, and was introduced as House Bill No. 2306. The House amended the bill somewhat in Committee, making goals and duties of commissioners more specific, and House Bill No. 2306 was sent to the Senate. For a variety of shaky reasons, the Senate redrafted the bill as Senate Concurrent Resolution 84 and this request by the Legislature for a Citizens Crime Commission was sent to the Governor. But Governor Ariyoshi indicated that he would implement such a Commission only by the mandate, not the request, of the Legislature.

In response to that bit of gubernatorial inaction, my own House Bill No. 391 and Senate Bill No. 1308 surfaced early this session as legislative mandates for a Citizens Crime Commission. Though, of course, the democratically authored Senate bill triumphed, the end result can only be an improvement.

Though I take exception to placing the Commission under the control of the Governor, and though I would expand the \$100,000 appropriation, expand the number of commissioners, and extend the initial eighteen month period, this bill is a start.

I particularly commend granting the Commission the power of subpoena, as well as the \$25,000 increase in funds, managed by the Conference Committee.

I urge all of my colleagues to do their part, here and now, in new efforts to combat crime in Hawaii, by voting in favor of this bill. At least, now,

we can make some headway."

Representative Garcia then rose and stated:

"Mr. Speaker, if there is going to be a decision made as to whether or not this is in violation of the House Rules, I would like to call a recess."

At 2:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:00 o'clock a.m.

Representative Garcia then rose and stated:

"I would like to address a question to the Minority Floor Leader for an explanation as to why she feels that the bill is in violation of the House Rules."

Representative Kamalii replied:

"Mr. Speaker, I refer to page 15 of our House Rules, 14.4 and 14.5, which states: 'The meetings of the conference committee shall be conducted as agreed upon by the members of the conference committee, subject to the provisions of Rule 14.5. It shall be the position of the House that conference committee meetings and decision-making sessions shall be public. Public notice of such meetings may be posted or announced on the House floor during the session day.' 14.5 says, '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 or resolution. Amend a bill or resolution by inserting into the bill or resolution any unrelated or new subject; provided that the above provisions shall not apply to the General Appropriations', et cetera. Do you have the Rules there?

Mr. Chairman, if I am wrong, so be it."

Representative Garcia then rose

and stated:

"Mr. Speaker, I don't know whether she is right or wrong. I want to know what the violation is."

Representative Kamalii replied:

"The violation is that when the bill went into conference, it would have been in the Lieutenant Governor's Office as the appointing officer in both versions, and the change was made to put it in the Governor's Office and that he make the appointments."

Representative Garcia responded, stating:

"Mr. Speaker, if that is the case, then, I would like to speak in favor of the bill prior to asking for a ruling of the Chair.

Mr. Speaker, when we went into conference, that particular section, as far as the House conferees were concerned and the Senate conferees were concerned, relating to the Lieutenant Governor, was identical. But when we went into conference committee, Mr. Speaker, I would like to point out that that particular section relating to the appointment to be made by the Lieutenant Governor is part of a sentence which relates to the number of members that will be composed of within the Commission. The Senate position on the number of members was sixty. The House position was eleven. When we went into conference, and the discussions that we have had with the Senate, discussions that I have had with the House conferees on this matter, we felt that there would be, what we thought, a conflict if the Lieutenant Governor would be the appointing authority because he would also serve as Chairman of the Commission itself.

We felt that to be consistent as with all other appointments to the Commission, be they temporary or permanent, we should follow the pattern that we have set as far as appointments for all Commissions, and that is, to be appointed by the Governor. So, we changed that particular section in conference for the Governor to be the appointing authority with the advice and consent of the Senate, and I go back to the original premise upon which we based that particular change. It was part of a sentence which the Senate and the House disagreed upon. That was the first reason why we felt that it should be appointed

by the Governor rather than the Lieutenant Governor.

I might also want to add, Mr. Speaker, that, in this particular area, we had felt that it was necessary that the Commission be composed of a smaller body. We have given them specific responsibilities to work with during an eighteen month period and we felt that with this small member body, they would be able to accomplish several specific purposes under this bill.

Knowing that then, Mr. Speaker, I would like to conclude my remarks by asking for a ruling from the Chair as to whether or not there was a violation of the House Rules relating to the change made by the House conferees and the Senate conferees on this particular matter."

Representative Kamalii then stated:

"Mr. Speaker, before you rule, let me point out to this body that I am not in disagreement with the changes that have been made, but in my opinion, in order to make this bill and the changes that were made, particularly taking it from the Lieutenant Governor's Office and placing it into the Governor's Office, should have been made in our House draft. The Standing Committee Report was ready to come out, and both sides agreed that it would be in the Lieutenant Governor's Office, and then the change was made in conference. That is why I pointed this out.

Let me also point out to the members of this chamber that I also call this attention to another bill that there was violation of our House Rules. I have also pointed out numerous times to this House that it is our job to do our job well; to make our amendments; to clean up our own bills; and don't go with the attitude that somebody else will do it for us.

This is a minority position, a position that we feel very strongly about; which, I think, is our responsibility, that when we find something that hits this floor after it comes out of Committee, that is still not right and we choose to amend it on the floor. We have been shot down numerous times because it is a Republican amendment and it said, don't pass that amendment, we'll take care of it later only because it is a Republican amendment. If I am pursuing this, it is because

I want to point out the fact that, maybe one day, amendments presented to this floor by the minority and the Republican side of this House, will be taken in the light that it is given, that we care too and we take pride in what leaves this chamber.

In helping to correct some of these inequities in the bill, I hope that the majority members will not continually shoot down some of the amendments that we will propose in the session if we find there is an inequity.

Thank you, Mr. Speaker."

Representative Garcia then responded, stating:

"Mr. Speaker, I would like to bring out two points. First, in ensuring that this particular measure met the requirements of the House Rules, I had specifically asked the House Majority Attorney for an opinion relating to this matter as to whether or not it was in violation, and his answer to myself, in response to the question, was that it was not, and he explained it to me in the fashion that I just explained to the House floor.

The second point is whether or not there is input by the Republicans into the development of legislation, and I can state for a fact, as Chairman of the Committee on Judiciary, that there have been instances where we have put in Republican ideas on bills that were brought up for consideration in the House Judiciary Committee, and I am sure it is true for all the other committees in the House. When the ideas were good, we incorporated them into the bill that we were considering and, Mr. Speaker, we don't shun them. I can remember, in fact, this past session, when we have had some points brought out on the floor of the House. We brought bills back for reconsideration and, believe me, I brought back quite a few this session, but we have made some specific changes at the request of some minority members because they were good points. I don't think that we can honestly stand up here and say that we don't consider Republican amendments or Republican points in our consideration as far as legislation goes.

I think this is a particular position that I feel very strongly against. We would like to use the expertise of every individual in this House because they are elected by their own constituents and, Mr. Speaker, I believe that that is the practice that all of us try to follow.

Thank you."

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

"Can I now have adequate staff equal to the majority members?"

Representative Garcia replied:

"Mr. Speaker, that is not a decision I make, but if he is chairman of a committee, I am sure they might consider it."

The Chair stated that the "answer is well taken."

The Chair then ruled:

"The Chair rules, at this time, on Senate Bill No. 1308, that there are no violations committed on Rules 14.4 and 14.5 on this particular bill and Committee Report."

Representative Kamalii then rose and stated:

"Mr. Speaker, I will not appeal the ruling of the Chair because I think I have made my point."

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

"I may have missed the ruling on the process back under 'Unfinished Business', No. 6, the top two bills-- Senate Bills 1305 and 451. Will we take them up for discussion this morning, or is there another approach, or have we already done it?"

The Chair replied:

"We haven't done it yet, Representative Abercrombie. We can take this up for discussion at the end of the calendar if the party wishes."

Representative Abercrombie remarked:

"I am just wondering what the approach would be."

The Chair replied:

"We can take it up at the end of the calendar, if the party wishes."

Representative Abercrombie then asked:

"One further point of information. Then, these bills must pass at a later time also, just as the other points were considered. Is that

correct?"

The Chair replied:

"That is correct."

Representative Abercrombie thanked the Chair.

At 3:12 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:15 o'clock a.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

S.B. No. 1305, SD 1:

Representative Uwayne requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I rise to speak in favor of Senate Bill 1305.

Mr. Speaker, as a renter myself, I am familiar with the burden placed on individuals by rental payments.

Mr. Speaker, in 1974, the Legislature repealed the system of tax credits for renters which had previously been established in 1970. Now, in 1977, we have the opportunity to correct this gross inequity and be of service to the people of this State.

Mr. Speaker, 55 percent of our housing units are occupied by renters, many of whom are in the medium to low income brackets. These renters do not have the privilege of claiming home exemptions and are, in fact, being over-taxed in relation to owner-occupants. With the enactment of this bill, we will be moving towards a more equitable system in terms of taxing the renters. This tax credit will compensate for the rising costs of housing, make homes more affordable, and allow renters to budget more of their earnings for other necessities.

Mr. Speaker, I feel this is a good bill, and I urge my colleagues to vote 'yes' on this measure."

Representative Takamura requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I rise to speak in support of Senate Bill No. 1305,

SD 1. The purpose of this bill is to provide low and medium income renters with a State income tax credit of \$20 multiplied by the number of exemptions to which each is entitled.

This tax credit will apply to all renters whose adjusted gross income is \$20,000 a year or less, and who pay more than \$1,000 in rent for the taxable year; in addition, people sixty-five years of age or older will be able to claim a double tax credit under the provisions of this bill.

Although this measure represents an important contribution to household economies generally, it is particularly significant to the constituents of the Moiliili-McCully area, where 81 percent of the residents rent their homes, devoting approximately 25 percent of their incomes to secure rented housing, and where 6 percent are senior citizens. Because of this, I am particularly pleased to have the opportunity to cast my vote in favor of Senate Bill No. 1305, SD 1, and I urge all of my colleagues in the House to do likewise."

Representative Kamalii requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 1305, SD 1.

Mr. Speaker, the need to recognize the unfair imbalance between the tax benefits accruing to home owners and renters has long been in evidence, and I welcome the reinstatement of a renters' tax credit as a progressive and long overdue step.

Mr. Speaker, I have been introducing similar measures for the previous three sessions, and my most recent effort, this session, seemed to be on the verge of acceptance, particularly after the lengthy committee sessions in the House Finance Committee on this very matter. The work of my staff, together with that of the Tax Foundation, seemed sufficiently persuasive to be enacted into law this session. However much I regret that the eventual renters' tax credit bill bears a Senate designation, I am pleased that the principle of re-establishing such a tax credit is now established.

Mr. Speaker, it is a fact that half of the residents on Oahu are renters rather than home owners. However, Mr. Speaker, the tax

credit allowed to renter households, which amounts to only \$20, hardly qualifies as extreme generosity, even to, or particularly to, renters of the lower economic strata. When we consider the home exemption allowed to home owners, including apartment owners, of \$12,000, and the depreciation and other tax benefits which apartment or home owners are allowed simply for renting their real property, the discrepancy between the property owners and property renters, as regards tax credits, is obviously weighted in favor of the owners.

Nevertheless, Mr. Speaker, it is to be hoped that in the years to come, as the economy of our State improves, that the tax credits allowed to renters will be increased to levels more commensurate with their needs and their participation in subsidizing the property values of the owners.

Thank you, Mr. Speaker."

Representative Abercrombie then rose and asked for a conflict ruling, stating:

"Mr. Speaker, it is an incredible pleasure for me to rise and ask, I believe for the first time in my short but spectacular career in the House of Representatives, for a ruling from the Chair; not on whether I can vote, but even if I can speak on the conflict of interest as a low income household renter."

The Chair ruled that there was no conflict of interest.

Representative Abercrombie then stated:

"Mr. Speaker, I am overjoyed to see this bill before the House. I urge its passage. I urge myself now to remember to take every advantage of this bill should it pass, and I assure you, Mr. Speaker, I shall. I urge all my colleagues who are low income household renters to do the same.

Thank you, Mr. Speaker."

Representative Carroll then rose and stated:

"I rise to speak in favor of this measure.

I would just like to note that this measure is the same as the apple that the Representative from Manoa is eating--they are both Republican

in origin."

Representative Abercrombie rose and remarked:

"Mr. Speaker, I find that last remark as incomprehensible as my opportunity to rise and ask whether I am in conflict."

S.B. No. 451, SD 1:

Representative Takamura requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I rise to speak in support of Senate Bill No. 451, SD 1. The purpose of this bill is to conform the Hawaii Income Tax Law to the recent Federal changes in the area of child care expenses. The provision embodied in this bill allows a credit of five percent of employment-related expenses, not to exceed \$2,000, for one qualifying individual, and \$4,000 for two or more qualifying individuals. The expenses covered by this bill includes those incurred for the care of a dependent under fifteen, a dependent who is physically or mentally disabled, or the spouse of a taxpayer who is physically or mentally incapable of caring for himself. In addition, there is allowance made if the spouse is a student.

By switching from a deduction to a credit, thereby making dependent care benefits more easily accessible, this bill will provide a measure of relief to a large segment of our taxpayers by helping them to provide adequate care for their children and for other dependents unable to care for themselves. At the same time, this measure will stimulate the economy by lowering the unemployment rolls and, in addition, taking a step towards remedying discrimination against women who want or need to work.

I, therefore, urge the members of the House to join me in support of Senate Bill No. 451, SD 1."

Representative Suwa then rose and stated:

"Mr. Speaker, this is just to let the members know that I still have House Bill No. 10 on the Clerk's desk; that I gave my notice to agree with the Senate amendment. This is just to refresh the memory that House Bill No. 10, claims against

the State, is still on the Clerk's desk.

Thank you."

At 3:19 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:20 o'clock a.m.

At this time, the Chair recognized Representative Kunimura and he stated:

"Mr. Speaker, earlier this morning, I made a very strong comment about the media and I would like to clarify, for the record, that it was not intended to reflect any lack of interest or disregard for employees of the media to be present but, rather, to the employers, because nobody works for free, and if the media only put some of their money where the mouth is, I will be willing to pay over-time to service the public in the coverage of all the stories that's going on.

I am pretty sure the conferees and the conference on the budget would have been a shorter one and a more fruitful one, maybe even without an extension, so that was my point. It is not the employees, but it was rather the employer."

The Chair then stated:

"The Chair would like to add that if there are any further discussions this morning, or remarks any member wants inserted in the Journal on the matters that were discussed this morning, will you please do so."

At 3:21 o'clock a.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:22 o'clock a.m.

Representative Kunimura rose on a point of information and asked:

"Might I ask the Speaker of this House, at this time--I have noticed several majority members filing into the minority caucus room. Is it a mad exodus of the majority members from our side to the minority side because of some of our problems?"

The Chair replied:

"It is not so. I just heard they got Portuguese soup tonight."

Representative Kamalii then rose and stated:

"May I explain. Our couches are much softer."

Representative Carroll then remarked:

"I just wanted to add to our Minority Leader's comment that I think it is more enchantment with our apples and our spaghetti than our philosophy."

At 3:23 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 8:30 o'clock a.m.

The House of Representatives reconvened at 8:30 o'clock a.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 576 to 587) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 576) returning House Concurrent Resolution No. 112, which was adopted by the Senate on April 18, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 577) returning House Concurrent Resolution No. 55, HD 1, which was adopted by the Senate on April 18, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 578) returning House Concurrent Resolution No. 91, which was adopted by the Senate on April 18, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 579) returning House Concurrent Resolution No. 132, which was adopted by the Senate on April 18, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 580) returning House Concurrent Resolution No. 139, which was adopted by the Senate on April 18, 1977, was placed on file.

A communication from the Senate

(Sen. Com. No. 581) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1698, HD 1, was adopted by the Senate; and House Bill No. 1698, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 18, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 582) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 28, SD 1, and that Senate Concurrent Resolution No. 28, SD 1, as amended, was finally adopted by the Senate on April 19, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 583) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 93, SD 1, and that Senate Concurrent Resolution No. 93, SD 1, as amended, was finally adopted by the Senate on April 19, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 584) returning House Concurrent Resolution No. 140, which was adopted by the Senate on April 19, 1977, was placed on file.

A communication from the Senate (Sen. Com. No. 585) transmitting Senate Concurrent Resolution No. 171, SD 1, which was adopted by the Senate on April 19, 1977, was placed on file.

By unanimous consent, action was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 586) returning House Bill No. 264, HD 1, which passed Third Reading in the Senate on April 15, 1977, in an amended form, was placed on file.

By unanimous consent, H.B. No. 264, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 264, HD 1, SD 2, were made available to the members of the House at 8:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 587) informing the House that on April 20, 1977, the Senate had failed to pass on Final Reading, House Bill No. 892, HD 1, SD 1, CD 1, and in consequence had requested

for a conference on the subject matter, was placed on file.

DEFERRED RESOLUTION

The following concurrent resolution (S.C.R. No. 171) was disposed of as follows:

<u>S.C.R. No.</u>	<u>Referred to:</u>
171	Committee on Water, Land Use, Development and Hawaiian Homes, 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 taking up bills on Third and Final Readings on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 51 on H.B. No. 892, HD 1, SD 1, CD 1 (Deferred from April 19, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 892, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET", having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Ajifu, Evans, Garcia and Takamine being excused.

At 8:59 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:09 o'clock a.m.

Conf. Com. Rep. No. 50 on S.B. No. 3, SD 1, HD 1, CD 1 (Deferred from April 19, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 3, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

Conf. Com. Rep. No. 46 on H.B. No. 12, HD 2, SD 1, CD 1 (Deferred from April 19, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 12, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CERTAIN FUNDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

Conf. Com. Rep. No. 47 on H.B. No. 2, HD 1, SD 1, CD 1 (Deferred from April 19, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 2, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR JUDICIARY PROGRAM EXPENDITURES AND FOR IMPROVEMENTS FOR THE FISCAL BIENNIUM JULY 1, 1977 TO JUNE 30, 1979, AND AUTHORIZING THE ISSUANCE OF BONDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

Conf. Com. Rep. No. 48 on H.B. No. 5, HD 2, SD 1, HD 1 (Deferred from April 19, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 5, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS AND FOR SALARY ADJUSTMENTS OF EMPLOYEES EXCLUDED FROM CERTAIN BARGAINING UNITS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

Conf. Com. Rep. No. 33 on H.B. No. 28, HD 2, SD 1, CD 1 (Deferred from April 19, 1977):

On motion by Representative K. Yamada, seconded by Representative Suwa and carried, the report of the Committee was adopted and H.B. No. 28, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A CONSTITUTIONAL CONVENTION", having been read throughout, passed

Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

Conf. Com. Rep. No. 45 on H.B. No. 137, HD 2, SD 2, CD 1 (Deferred from April 19, 1977):

On motion by Representative Peters, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.B. No. 137, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

Conf. Com. Rep. No. 9 on H.B. No. 1685, HD 2, SD 2, CD 1 (Deferred from April 19, 1977):

On motion by Representative D. Yamada, seconded by Representative Cayetano and carried, the report of the Committee was adopted and H.B. No. 1685, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS, MOTOR CARRIER VEHICLES, AND MOTOR VEHICLES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

Conf. Com. Rep. No. 16 on H.B. No. 154, HD 2, SD 2, CD 1 (Deferred from April 19, 1977):

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.B. No. 154, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REGIONAL DESIGN PLANS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

Conf. Com. Rep. No. 41 on H.B. No. 180, SD 1, CD 1 (Deferred from April 19, 1977):

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 180, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

Conf. Com. Rep. No. 44 on S.B. No. 1308, SD 2, HD 1, CD 1 (Deferred from April 19, 1977):

On motion by Representative K. Yamada, seconded by Representative Suwa and carried, the report of the Committee was adopted and S.B. No. 1308, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Garcia being excused.

Conf. Com. Rep. No. 49 on H.B. No. 15, HD 1, SD 1, CD 1 (Deferred from April 19, 1977):

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 15, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE REVISOR OF STATUTES", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Garcia being excused.

Conf. Com. Rep. No. 40 on S.B. No. 1464, SD 2, HD 2, CD 1 (Deferred from April 19, 1977):

On motion by Representative Blair, seconded by Representative Larsen and carried, the report of the Committee was adopted and S.B. No. 1464, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY AND LITTER CONTROL", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 892 had passed Final Reading at 8:59 o'clock a.m.; S.B. No. 3 and H.B. No. 12 at 9:09 o'clock a.m.; H.B. No. 2 at 9:10 o'clock a.m.; H.B. Nos. 5 and 28 at 9:11 o'clock a.m.; H.B. Nos. 137, 1685 and 154 at 9:12 o'clock a.m.; H.B. No. 180 and S.B. No. 1308 at 9:13 o'clock a.m.; and H.B. No. 15 and S.B. No. 1464 at 9:14 o'clock a.m.

At 9:14 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:18 o'clock a.m.

S.B. No. 1305, SD 1, on Third Reading (Deferred from April 19, 1977):

On motion by Representative Suwa, seconded by Representative Peters, S.B. No. 1305, SD 1, entitled: "A BILL FOR AN ACT RELATING TO A RENTER'S INCOME TAX CREDIT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

S.B. No. 451, SD 1, on Third Reading (Deferred from April 19, 1977):

On motion by Representative Suwa, seconded by Representative Peters, S.B. No. 451, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE EXPENSES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that S.B. Nos. 1305 and 451 had passed Third Reading at 9:18 o'clock a.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 10, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Peters and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 10, HD 1, and H.B. No. 10, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 10, HD 1, SD 2, had passed Final Reading at 9:20 o'clock a.m.

By unanimous consent, H.C. R. No. 112, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the House agreed

to the amendments proposed by the Senate to H.C.R. No. 112, and H.C.R. No. 112, SD 1, 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.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1226 on H.R. No. 659, HD 1 (Deferred from April 19, 1977):

Representative Peters moved that Stand. Com. Rep. No. 1226 and H.R. No. 659, HD 1, be recommitted to the Committee on Judiciary, seconded by Representative K. Yamada.

Representative Peters then rose and stated:

"Mr. Speaker, I think I owe it to the people in the House for their kokua on this particular measure. There is no doubt in my mind that we have the votes to pass this measure; but, last night, after meeting with so many of you who have expressed concerns about this resolution, you indicated very clearly to me that you agreed with the intent; more especially, Auntie Kinau indicated to me that our kapunas would not have acted in this manner.

Secondly, when Representative Segawa got up and opened today's session, the verses from First Corinthians crystallized that thought - for our kapunas did everything with a very deep love and understanding not only for our aina, but for the people as well. Brother Herb indicated that though we speak with the tongues of men and of angels and have not love, we have become a sounding brass or a tingling cymbal; and though we have the gift of prophesy and understand all the mysteries and all the knowledge; though we have all the faith so that we could remove mountains and have not love, we are nothing; for love beareth all things, believeth all things, hopeth all things and doeth all things; love never faileth; whether there be prophesies or resolutions like this, they shall fail; whether there be tongues, they shall cease; whether there be

knowledge, it shall vanish away; but love shall last forever.

So, I go on record, Mr. Speaker, with love in my *aina*. I thought that perhaps this would be a reflection of the interest of many people by introducing this resolution, but in retrospect, I now have a greater meaning that also includes the love for those marines who may have thought that their actions was simply a joke.

To all of you, I thank you for enduring what perhaps may have been very frustrating, very uncomfortable, because I love all of you very, very much.

Thank you."

The motion was put by the Chair and carried and Stand. Com. Rep. No. 1226 and H.R. No. 659, HD 1, were recommitted to the Committee on Judiciary.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 746 to 750) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 746) congratulating Mary Gray, outgoing president of the United Nations Association of the United States of America, Hawaii Chapter, for her two years of service and dedication in that position was jointly offered by Representatives Ushijima, Takamura, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Evans, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Toguchi, Uechi, D. Yamada and K. Yamada.

On motion by Representative Ushijima, seconded by Representative Takamura and carried, H.R. No. 746 was adopted.

A resolution (H.R. No. 747) relating to condolences to Gilbert Cox upon the death of his wife, Patricia Cox, was jointly offered by Representatives Suwa, 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, Stanley, Sutton, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Suwa, seconded by Representative Yuen and carried, H.R. No. 747 was adopted.

A resolution (H.R. No. 748) honoring Sotaro Uehara upon his second retirement and commending him for his many years of dedicated public service was jointly offered by Representatives Uechi, Abercrombie, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Uechi, seconded by Representative Caldito and carried, H.R. No. 748 was adopted.

Representative Uechi then stated:

"I know this is an unusual resolution; however, and I got Sotaro out of bed this morning and he's sitting up in the gallery - I knew that he wouldn't come here if he knew that a resolution was up for adoption this morning.

However, three years ago, when we started out the House program in agriculture, I asked several persons to aid the Committee in giving directions to the Committee on Agriculture; and those who have not been mentioned in the resolution also includes former Representative Serizawa, who, in his capacity as the previous agriculture coordinator, gave the Committee immeasurable help in 1974; also, Bob Ota who drafted out opportunities for agriculture in Hawaii; and prior to his appointment as Deputy to the Director of Agriculture, Yuki Kitagawa. These four men contributed much in formulating the House program in agriculture.

To Sotaro, we wish you well in your retirement.

Thank you, Mr. Speaker."

Representative Abercrombie then rose and stated:

"I might indicate that when I came into the Legislature as a freshman, I had the opportunity to serve under

the chairmanship of one of the recipients of this resolution, the previous speaker, and in the course of trying to learn something about agriculture, I had occasion to speak many, many times with Mr. Uehara. Not only was he gentle with me in my ignorance, but he was persistent with me in seeing that I was alleviated of that ignorance about agriculture despite everything that the chairman tried to do in that respect and in keeping me that way. So, I have a great deal of respect for Mr. Uehara.

And, I might say in conclusion, that I am well aware of his exemplary work in other fields as well. I doubt that there is any candidate for office or any member of this Legislature who is more grateful than myself; when appearing about 6:30 on a Sunday evening, having walked the district for six or seven hours, and for the exemplary meal that Mr. Uehara and his wife, Sue, were able to prepare and invite a struggling candidate in with the family on a Sunday evening.

And, I will never forget that particular instance; I will never forget the warmth and the hospitality that is in the Uehara home. I know it is a regular occurrence; it is the circumstance of home life in Hawaii that makes this place the paradise that it is.

I am grateful to him for the professional services that he rendered to me as a legislator and I most certainly am grateful to him for the personal relationship and the kindness that he has shown me as a constituent in the 13th District.

Thank you very much."

Representative Uechi then rose and stated:

"Mr. Speaker, Sotaro has been with me not only during the session but throughout the year. Let me introduce Sotaro."

At this time, Mr. Sotaro Uehara, who was seated in the gallery, rose and accepted the applause of the members of the House and the audience.

A resolution (H.R. No. 749) to extend aloha and best wishes to the Western Region Council, Boy Scouts of America was jointly offered by Representatives Ueoka, Abercrombie, Blair, Caldito, Campbell, Cayetano, Cobb, Dods, Inaba, Kiyabu, Larsen, Mizuguchi, Peters, Segawa, Stanley,

Uechi, Ushijima, Uwayne, D. Yamada and Yuen.

On motion by Representative Ueoka, seconded by Representative Yuen and carried, H.R. No. 749 was adopted.

A resolution (H.R. No. 750) honoring the University of Hawaii Baseball Team on their number one ranking in the nation was jointly offered by Representatives Ushijima, Mizuguchi, Ajifu, Aki, Baker, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamura, Toguchi, Uechi, Ueoka, Uwayne, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Mizuguchi and carried, H.R. No. 750 was adopted.

At 9:39 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:41 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1227) informing the House that House Resolution Nos. 743 and 744, House Concurrent Resolution Nos. 140, Standing Committee Report Nos. 1213 to 1226 and 1228, and Conference Committee Report Nos. 45 to 51 have been printed and distributed.

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

Representative Say, for the Committee on Culture and the Arts, pursuant to House Resolution No. 69, adopted by the Regular Session of 1977, and directed to review the operations of the Hawaii Foundation for History and the Humanities, giving special attention to progress and implementing the recommendations of the Legislature Auditor and the role of the multicultural center, presented a report (Stand. Com. Rep. No. 1228) with certain recommendations.

By unanimous consent, the report was received and was placed on file.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1229) recommending that H.R. No. 248, as amended in HD 1, be adopted.

Representative Suwa moved that the report of the Committee be adopted and that H.R. No. 248, HD 1, be adopted, seconded by Representative Peters.

At 10:42 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:27 o'clock a.m., the Vice Speaker assumed the rostrum.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 153) was read by the Clerk as follows:

"STATE OF HAWAII
Executive Chambers
Honolulu

April 20, 1977

The Honorable James H. Wakatsuki
Speaker, House of Representatives
Ninth State Legislature
Regular Session, 1977
State of Hawaii

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for an extension of the 1977 Session of the Ninth Legislature.

With warm personal regards,
I remain,

Yours very truly,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI

Enclosure"

" EXECUTIVE ORDER

WHEREAS, SECTION 11, Article III of the Constitution of the State of Hawaii, provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members of which each house is entitled or may be granted by

the governor'; and

WHEREAS, pursuant thereto the governor extended the 1977 regular session of the Ninth Legislature for a period of forty-eight hours, excluding Saturday and Sunday, to 12:00 midnight, April 19, 1977; and

WHEREAS, the governor further extended the 1977 regular session of the Ninth Legislature for a period of eleven hours to 11:00 A.M., April 20, 1977; and

WHEREAS, it appears that a further extension is necessary in the public interest;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of Hawaii, pursuant to the power vested in me by Section 11, Article III of the Constitution of the State of Hawaii, do hereby further extend the 1977 regular session of the Ninth Legislature of the State of Hawaii for a period of one (1) hour following 11:00 A.M., April 20, 1977.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 20th day of April, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Larry L. Zenker

LARRY L. ZENKER
Acting Attorney General"

Representative Kunimura, upon being recognized, stated:

"If I may, in my very humble way, interpret the one hour extension by the Governor, I can only read that the Governor is giving the State Senate one hour"

Representative Carroll, on a point of order, stated:

"Mr. Speaker, I would like to ask the Chair for what purpose the speaker is rising?"

Representative Kunimura replied:

"I remember the last extension we had, and the members of the House were accorded some time to respond to the extension."

Representative Kamalii, on a point of information, asked:

"Is this your ruling, that we are and will be permitted to speak to the extension?"

The Chair replied:

"No. I am just affording Representative Kunimura a little time because of his feelings towards the extension at this present moment. And, now I recognize Representative Abercrombie."

Representative Abercrombie then rose and stated:

"Mr. Speaker"

At this time, Representative Kamalii rose and stated:

"Point of order, Mr. Speaker."

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

Upon reconvening at 11:31 o'clock a.m., Representative Kunimura rose and asked:

"Mr. Speaker, did I have the floor?"

The Chair answered:

"You did have the floor."

Representative Kunimura then stated:

"May I now graciously lateral the floor back to Senor Abercrombie."

The Chair directed Representative Abercrombie to proceed, and he stated:

"Yes, Mr. Speaker. I take it that the ruling is that speaking at this time on this would not be appropriate."

The Chair replied: "That is correct."

Representative Abercrombie then continued, stating:

"Okay. Thank you, Mr. Speaker.

Mr. Speaker, I rose, at the time of the recess, and I don't believe I had an opportunity to state that in respect of Standing Committee Report 1229, House Resolution 248, requesting a study of the feasibility of creating a new governmental system comprising all of Windward

Oahu, that I was speaking against it.

Mr. Speaker, the purpose of this resolution, says in the Committee Report, is to study the advantages and disadvantages of the formation of a separate municipal or regional government form, either within or without the present City and County structure for the area comprising all or part of the Windward side of Oahu.

Further down, it states: 'Because of the rapid growth of the area, a study should be undertaken at this time to consider the feasibility of setting up a new governmental system for the Windward area.'

In addition, we amended the resolution to take all references of the Legislative Reference Bureau out, our own research body, and replacing it with the 'Office of Council Services'.

Now, I think that this resolution simply doesn't have any merit. I think that it's a travesty on the taxpayers' money to think that we would waste it, or urge the City Council to waste it on such a study. There is no way on earth, financially or otherwise, that this kind of thing is going to occur. And if it occurs, why don't we have the same kind of study for Leeward or East Honolulu? - we'll balkanize the island of Oahu; and after that, we can balkanize the rest of the State; and after that we can go to Maui, and then balkanize Lanai, Molokai, and then we'll separate Niihau and then we'll have all of them separated out; and after that maybe we can separate out our neighborhoods.

You know, we're supposed to be doing things seriously here. Now we're involved, right this very minute, in a very, very serious situation revolving in great measure around revenues.

Now, nobody is seriously going to duplicate services on the Windward side of this island - parks, transportation, all the rest of this kind of thing - when we can scarcely fund the very minimum services in the State, let alone in the City and County. Where the City and County, at this moment, has to float bonds - I'm sorry, I shouldn't say that - has been urged to float bonds, in respect of its financial needs; where it has to borrow money; where it has to cut back services; where there is a threat of lay-offs and so on in public services, with the tax base that it has.

Now, given that circumstance alone, it should be evident that this study is frivolous and a waste of time and money. In addition, we have just seen this morning that we could not pass a part of the bill on the constitutional convention; the additional people from Lanai, Molokai and Niihau, even if it's gestured to them, the idea that we know that they exist.

Now, unless someone wants to say that Windward doesn't exist and nobody knows about it, it doesn't seem to me that this has any merit. Everybody knows Windward exists because they have a championship boxing expert on the Windward side on the City Council, so everyone knows where Windward is. Now, maybe that this resolution came forward because the Honolulu side councilman decked the other councilman and now they're seeking some revenge. But there is some evidence that the story involved there may not have all come out because it happened on Kauai and as you know you can't always get the straight story from Kauai, so it may be that we can't know exactly what happened.

Now, in addition to that, it seems to me that when we talk seriously about it, the central city is clearly separated. . . . the central city . . . I'm going to read this: 'The Windward side of Oahu is a highly developed and fast growing area outside the central city of Honolulu, clearly separated from central Honolulu by the Koolau mountain range.' Now, this is just getting nonsensical. Is this going to be the way we deal with things or is it topographical as opposed to the tax base? If that is the case, we can do it with Punchbowl. We don't have to go further than Koko Head. This kind of thing, it gets to nonsense. And this kind of thing makes the Legislature look stupid if we should pass stuff like this.

We are talking about the population of Windward Oahu being greater than that of Hawaii County. Well, maybe we should tow Hawaii County around to the Windward side; something of that nature. It just doesn't make any sense.

And, I would point out one further thing, when the people leave the Windward side . . . many of them, I should say, who live on the Windward side, work on this side; now, if they want to have a separate county structure on the Windward side,

are they willing to pay an income tax to the City and County of Honolulu for the privilege of working here in a separate county? They have that in other jurisdictions around the country where if you live outside of a municipal area, you pay taxes if you come into that area where you earn your living.

So, there may be some people, I'm not aware of it, who have strong feelings about separating off the Windward side or any other side or area with any island of Hawaii, but I dare say I would like to hear for reasons more than personally selfish in terms of wanting to get some kind of tax break or something. And if they are serious about it, believe me when you separate out we can bring out some very serious points of consideration as to whether there'll be disadvantages under those circumstances.

This kind of business is a waste of the taxpayers' money. It creates circumstances in which people think, or are led to think, even minimally, that somehow their problems can be solved by this kind of business instead of us all working together and trying to figure out how we are going to deal with our mutual problems in terms of revenue and in terms of extending government and good services from government to the people as a whole.

Let's not create false illusions about the sense of things in respect of government services. I think it is a foolish thing to do so and I think it leads the people to think that the Legislature is not serious in its endeavour and this, believe me my friends, is one thing we can't do at this particular time. We are engaged in serious business here. I'm personally willing to engage in frivolity when it doesn't make a difference one way or the other. But, when you're passing resolutions of this nature, it goes beyond that point.

Thank you."

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

"Only one point I would like to add to what Representative Abercrombie has brought before the body already, is all you members are aware that periodically we have legislation, and I guess the most recent example would be the Coastal Management Act where we are faced with the situation where thinking is applied to Hawaii, and where we are forced to argue with the federal people that we should give a lot more controls to the counties.

And their basic justification, in the time that I have been here, has been that because counties are non-contiguous and each one is in a sense geographically entirely separate and that is the unique nature of our islands; that the rationale for a lot of federal laws where you have problems of really balkanized states and contiguous counties that have varying degrees of regulations and controls that need to have some high level of government to intervene to prevent chaos.

I think if we pass this resolution that we are doing a terrific disservice to this State in terms of any future legislation because we will no longer be able to argue that the county can control their own destinies because we will then become very much like the mainland jurisdiction which we have heretofore argued we are significantly and uniquely different from.

I would urge all the members to vote against this."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.R. No. 248, HD 2, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF CREATING A NEW GOVERNMENTAL SYSTEM COMPRISING ALL OR PART OF WINDWARD OAHU", was adopted by a Roll Call vote of 38 ayes to 8 noes, with Representatives Abercrombie, Baker, Blair, Uechi, Ueoka, Uwaine, D. Yamada and K. Yamada voting no, and Representatives Cayetano, Fong, Mina, Takamine and Wakatsuki being excused.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1230) recommending that H.R. No. 427 be adopted.

Representative Suwa moved that the report of the Committee be adopted and that H.R. No. 427 be adopted, seconded by Representative Peters.

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

"Mr. Speaker, the purpose of this resolution is to request the Department of Accounting and General Services to initiate a study of the costs and benefits of installing solar energy systems in existing State buildings and facilities.

Solar energy shows great promise

in the areas of economy of funds and conservation of fossil fuels.

Mr. Speaker, the Department has already initiated studies on installation of solar devices in new buildings to reduce energy costs in connection with water heating systems, and this resolution requests the Department of Accounting and General Services to continue this study and the Department has indicated that they are willing to proceed with the same type of studies.

Mr. Speaker, I would like to ask members of this House to support this resolution."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.R. No. 427, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF INSTALLING SOLAR ENERGY DEVICES IN PUBLIC BUILDINGS", was adopted.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1231) informing the House that House Resolution Nos. 745 to 750, and Standing Committee Report Nos. 1229 and 1230, have been printed and distributed.

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

At 11:46 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.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 751 to 767) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 751) authorizing and empowering the Speaker of the House of Representatives of the Regular Session of 1977 to complete the work of the Ninth Legislature was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 751 was adopted.

A resolution (H.R. No. 752) authorizing the Speaker of the House of Representatives to designate which employees and officers of the House shall be given additional employment in order to

meet the work after the session was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 752 was adopted.

A resolution (H.R. No. 753) approving the Journal of the House of Representatives of any legislative day being compiled as of the Sixty-Third Day was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 753 was adopted.

A resolution (H.R. No. 754) authorizing and directing the Committee on the Journal to compile and print the Journal of the House of Representatives of the Regular Session of 1977 was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 754 was adopted.

A resolution (H.R. No. 755) expressing appreciation to the Legislative Auditor's Office for its splendid cooperation and service rendered to the House during this session was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 755 was adopted.

A resolution (H.R. No. 756) expressing appreciation to the Legislative Reference Bureau for its splendid cooperation and service rendered to the House during this session was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 756 was adopted.

A resolution (H.R. No. 757) expressing appreciation to the Capitol Security Force for outstanding service throughout the Regular Session of 1977 was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii

and carried, H.R. No. 757 was adopted.

A resolution (H.R. No. 758) expressing appreciation to the Central Services Division, Department of Accounting and General Services for excellent services rendered to the House of Representatives, Regular Session of 1977, was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 758 was adopted.

A resolution (H.R. No. 759) extending appreciation to the Honolulu Police Department for its kind and efficient service rendered during the entire session was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 759 was adopted.

A resolution (H.R. No. 760) commending the Honolulu Star-Bulletin for its coverage of the activities of the Ninth Legislature, Regular Session of 1977, was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 760 was adopted.

A resolution (H.R. No. 761) commending the Honolulu Advertiser for its coverage of the activities of the Ninth Legislature, Regular Session of 1977, was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 761 was adopted.

A resolution (H.R. No. 762) commending the United Press International for its extensive coverage of the activities of the Ninth Legislature, Regular Session of 1977, was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 762 was adopted.

A resolution (H.R. No. 763) commend-

ing the Associated Press for its extensive coverage of the activities of the Ninth Legislature, Regular Session of 1977, was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 763 was adopted.

A resolution (H.R. No. 764) expressing deepest appreciation to the radio stations and TV stations for having provided extensive coverage throughout the session was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 764 was adopted.

A resolution (H.R. No. 765) conveying appreciation and thanks to the Pineapple Growers Association of Hawaii for supplying pineapple juice was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 765 was adopted.

A resolution (H.R. No. 766) extend-

ing appreciation to the Hawaii Public Broadcasting Authority for its informative coverage of the State Legislature was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 766 was adopted.

A resolution (H.R. No. 767) extending sincere gratitude and thanks to the Honolulu Council of Churches and all of its member churches, the Association of the Oahu Evangelicals, the Honpa Hongwanji Mission and the Catholic Diocese, was jointly offered by Representatives Kihano, Ajifu, Kamalii and Yuen.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, H.R. No. 767 was adopted.

At 11:56 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

ADJOURNMENT

In accordance with the expiration of the time period specified in the Executive Order, extending the session for one hour, the House of Representatives of the Ninth Legislature, Regular Session of 1977, adjourned at 12:00 o'clock noon.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Gov. Msg. No. 154 informing the House that on April 19, 1977, he signed the following bills into law:

Senate Bill No. 159 as Act 3, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 982 as Act 4, entitled: "TO AMEND CHAPTER 46, HAWAII REVISED STATUTES, RELATING TO GOVERNMENTAL PROVISIONS COMMON TO ALL COUNTIES";

Senate Bill No. 1049 as Act 5, entitled: "RELATING TO CULTURAL HISTORY".

Gov. Msg. No. 155 informing the House that on May 3, 1977, he signed the following bills into law:

Senate Bill No. 144 as Act 6, entitled: "RELATING TO THE HAWAII INSURANCE LAW";

Senate Bill No. 147 as Act 7, entitled: "RELATING TO PUBLIC UTILITIES";

Senate Bill No. 243 as Act 8, entitled: "RELATING TO BASIC RULE";

Senate Bill No. 245 as Act 9, entitled: "RELATING TO RIDING ON ROADWAYS AND BICYCLE PATHS";

Senate Bill No. 336 as Act 10, entitled: "RELATING TO GENERAL OBLIGATION BONDS OF THE COUNTIES";

Senate Bill No. 346 as Act 11, entitled: "RELATING TO FAMILY COURTS";

Senate Bill No. 391 as Act 12, entitled: "RELATING TO PLANNING AND ECONOMIC DEVELOPMENT";

Senate Bill No. 484 as Act 13, entitled: "RELATING TO VEHICLE EQUIPMENT";

Senate Bill No. 589 as Act 14, entitled: "RELATING TO ETHNIC STUDIES";

Senate Bill No. 836 as Act 15, entitled: "RELATING TO PUBLIC UTILITIES";

Senate Bill No. 854 as Act 16, entitled: "RELATING TO UNFAIR AND DECEPTIVE PRACTICES";

Senate Bill No. 1194 as Act 17, entitled: "RELATING TO LAND EXCHANGES";

House Bill No. 164 as Act 18, entitled: "RELATING TO UNLICENSED ACTS";

House Bill No. 170 as Act 19, entitled: "RELATING TO THE COMMISSION ON MANPOWER AND FULL EMPLOYMENT";

House Bill No. 178 as Act 20, entitled: "RELATING TO EXPORTS OF FLOWERS AND FOLIAGE";

House Bill No. 187 as Act 21, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

House Bill No. 1060 as Act 22, entitled: "RELATING TO FARM LOANS AND AMENDING CHAPTER 155, HAWAII REVISED STATUTES";

Senate Bill No. 348 as Act 23, entitled: "RELATING TO THE HAWAII MOTOR VEHICLE SAFETY RESPONSIBILITY ACT".

Gov. Msg. No. 156 informing the House that on May 5, 1977, he signed the following bills into law:

Senate Bill No. 122 as Act 24, entitled: "RELATING TO MARRIAGE LICENSE ISSUANCE";

Senate Bill No. 462 as Act 25, entitled: "RELATING TO THE RESIDENTS OF KALAUPAPA, MOLOKAI";

Senate Bill No. 647 as Act 26, entitled: "RELATING TO TAXATION OF PUBLIC UTILITIES";

Senate Bill No. 761 as Act 27, entitled: "RELATING TO SERIAL NUMBERS AND IDENTIFICATION MARKS ON MERCHANDISE";

Senate Bill No. 799 as Act 28, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

Senate Bill No. 891 as Act 29, entitled: "RELATING TO THE POWER OF THE DEPARTMENT OF TRANSPORTATION TO ISSUE SPECIAL FACILITY REVENUE BONDS";

Senate Bill No. 1299 as Act 30, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

- Senate Bill No. 1367 as Act 31,
entitled: "RELATING TO NAMES";
- Senate Bill No. 1443 as Act 32,
entitled: "RELATING TO EXPENDITURE
OF PUBLIC MONEY AND PUBLIC CON-
TRACTS";
- Senate Bill No. 1460 as Act 33,
entitled: "RELATING TO THE
GARNISHMENT OF PROPERTY AND
CHOSES IN ACTION";
- Senate Bill No. 1479 as Act 34,
entitled: "RELATING TO THE MOTOR
VEHICLE REPAIR INDUSTRY";
- House Bill No. 841 as Act 35,
entitled: "RELATING TO PAYMENT
OF WAGES BY PAYROLL CHECK";
- House Bill No. 1658 as Act 36,
entitled: "RELATING TO PUBLIC
ASSISTANCE";
- Senate Bill No. 1370 as Act 37,
entitled: "RELATING TO DIVORCE".
- Gov. Msg. No. 157 informing the
House that on May 6, 1977, he signed
the following bills into law:
- Senate Bill No. 1304 as Act 38,
entitled: "RELATING TO INTEREST
RATES";
- Senate Bill No. 1368 as Act 39,
entitled: "RELATING TO FOREIGN
LENDERS";
- House Bill No. 7 as Act 40, entitled:
"RELATING TO THE ESTABLISHMENT
OF A LEGISLATIVE ECONOMIC
ADVISORY COUNCIL";
- House Bill No. 74 as Act 41, entitled:
"PROVIDING FOR THE USE OF SCHOOL
FACILITIES FOR THE OPERATION OF
AFTER SCHOOL CHILD CARE PROGRAMS";
- House Bill No. 152 as Act 42, entitled:
"RELATING TO STATE PLANNING";
- House Bill No. 186 as Act 43, entitled:
"RELATING TO THE SUBMISSION OF
COUNTY BUDGETS";
- House Bill No. 192 as Act 44, entitled:
"RELATING TO ACCIDENTAL DEATH
BENEFIT";
- House Bill No. 206 as Act 45, entitled:
"RELATING TO STATEWIDE EMERGENCY
MEDICAL SERVICES PROGRAM";
- House Bill No. 236 as Act 46, entitled:
"RELATING TO TAXATION";
- House Bill No. 325 as Act 47, entitled:
"RELATING TO INCOME TAXATION";
- House Bill No. 374 as Act 48, entitled:
"RELATING TO EMPLOYMENT SECURITY";
- House Bill No. 511 as Act 49, entitled:
"RELATING TO PUBLIC LANDS";
- House Bill No. 585 as Act 50, entitled:
"RELATING TO MOTOR VEHICLES";
- House Bill No. 632 as Act 51, entitled:
"RELATING TO THE EMPLOYEES'
RETIREMENT SYSTEM OF THE STATE
OF HAWAII";
- House Bill No. 813 as Act 52, entitled:
"RELATING TO LEAVES FOR OFFICERS
OR EMPLOYEES ON LOAN TO OTHER
GOVERNMENTS";
- House Bill No. 829 as Act 53, entitled:
"RELATING TO THE ENRICHMENT OF
BREAD AND FLOUR";
- House Bill No. 1070 as Act 54, entitled:
"RELATING TO THE RESPONSIBILITY
OF A VESSEL OWNER FOR UNAUTHO-
RIZED MOORING OR PLACEMENT IN
THE STATE";
- House Bill No. 1221 as Act 55, entitled:
"RELATING TO MARINE CONSERVATION";
- House Bill No. 1425 as Act 56, entitled:
"RELATING TO THE DEPARTMENT OF
HEALTH, ENVIRONMENTAL PROTEC-
TION";
- House Bill No. 1683 as Act 57, entitled:
"RELATING TO THE BOATING LAW";
- House Bill No. 1711 as Act 58, entitled:
"RELATING TO MEASUREMENT
STANDARDS AND INCREASED
UTILIZATION OF THE METRIC SYSTEM".
- Gov. Msg. No. 158 informing the House
that on May 7, 1977, he signed the
following bills into law:
- Senate Bill No. 1369 as Act 59,
entitled: "RELATING TO COUNTIES";
- Senate Bill No. 454 as Act 60,
entitled: "RELATING TO BANKING";
- House Bill No. 1353 as Act 61,
entitled: "RELATING TO CIVIL
SERVICE FOR THE COUNTIES OF
HAWAII, MAUI, AND KAUAI".
- Gov. Msg. No. 159 informing the House
that on May 9, 1977, he signed the
following bills into law:
- Senate Bill No. 416 as Act 62, entitled:
"RELATING TO EMPLOYEES OF
COUNTY LEGISLATIVE BODIES";

House Bill No. 103 as Act 63,
entitled: "RELATING TO STATE-
OWNED LANDS SUITABLE AND
AVAILABLE FOR RESIDENTIAL
DEVELOPMENT";

House Bill No. 162 as Act 64,
entitled: "RELATING TO THE
ESTABLISHMENT OF A STAGGERED
WORK HOUR AND/OR VARIABLE TIME
PROGRAM FOR STATE EMPLOYEES";

House Bill No. 177 as Act 65,
entitled: "RELATING TO MILK
CONTROL";

House Bill No. 198 as Act 66,
entitled: "RELATING TO SAFE
DRINKING WATER";

House Bill No. 235 as Act 67,
entitled: "RELATING TO TAXATION";

House Bill No. 1001 as Act 68,
entitled: "RELATING TO BIKEWAYS";

House Bill No. 1463 as Act 69,
entitled: "EXCLUDING TREES
INVOLVED IN COMMERCIAL FORESTRY
OPERATIONS".

Gov. Msg. No. 160 informing the
House that on May 10, 1977, he signed
the following bills into law:

Senate Bill No. 460 as Act 70,
entitled: "RELATING TO REGULATORY
BOARDS AND COMMISSIONS";

Senate Bill No. 867 as Act 71,
entitled: "RELATING TO CORPORATIONS".

Gov. Msg. No. 161 informing the
House that on May 11, 1977, he signed
the following bills into law:

Senate Bill No. 1472 as Act 72,
entitled: "RELATING TO CERTAIN
POSITIONS IN THE UNIVERSITY OF
HAWAII";

Senate Bill No. 804 as Act 73, entitled:
"RELATING TO AUTOMOBILE NO-
FAULT INSURANCE";

Senate Bill No. 1226 as Act 74,
entitled: "RELATING TO INTER-
GOVERNMENTAL PROCEDURES
AFFECTING LAND USE".

Gov. Msg. No. 162 informing the
House that on May 12, 1977, he signed
the following bills into law:

Senate Bill No. 74 as Act 75,
entitled: "RELATING TO THE
TAXATION OF THE SALE OF
RESIDENTIAL LEASEHOLDS";

Senate Bill No. 475 as Act 76,

entitled: "RELATING TO MENTAL
HEALTH";

Senate Bill No. 485 as Act 77,
entitled: "RELATING TO RECON-
STRUCTED VEHICLES";

Senate Bill No. 572 as Act 78,
entitled: "RELATING TO PLANNING
AND DEVELOPMENT OF KAUAI";

Senate Bill No. 577 as Act 79,
entitled: "RELATING TO NOISE
CONTROL";

Senate Bill No. 1193 as Act 80,
entitled: "RELATING TO IMPROVE-
MENTS AT WAIKIKI, OAHU";

House Bill No. 96 as Act 81, entitled:
"RELATING TO CHILD ABUSE";

House Bill No. 193 as Act 82, entitled:
"RELATING TO THE EMPLOYEES'
RETIREMENT SYSTEM OF THE
STATE OF HAWAII";

House Bill No. 194 as Act 83, entitled:
"RELATING TO INVESTMENTS OF
RETIREMENT SYSTEM FUNDS IN
INSURANCE COMPANY CONTRACTS";

House Bill No. 197 as Act 84, entitled:
"RELATING TO PUBLIC OFFICERS
AND EMPLOYEES";

House Bill No. 207 as Act 85, entitled:
"RELATING TO THE ENFORCEMENT
OF THE EMPLOYMENT PRACTICES
LAW AND AMENDING CHAPTER 378,
HAWAII REVISED STATUTES";

House Bill No. 208 as Act 86, entitled:
"RELATING TO EXTENDING THE
WORK HOURS LIMITATION OF MINORS
UNDER 16 YEARS OF AGE AND
AMENDING CHAPTER 390 OF THE
HAWAII REVISED STATUTES";

House Bill No. 210 as Act 87, entitled:
"RELATING TO WORKERS' COMPEN-
SATION";

House Bill No. 211 as Act 88, entitled:
"RELATING TO TEMPORARY DIS-
ABILITY INSURANCE";

House Bill No. 212 as Act 89, entitled:
"RELATING TO THE PAYMENT OF
WAGES AND OTHER COMPENSATION";

House Bill No. 213 as Act 90, entitled:
"RELATING TO WITHHOLDING OF
WAGES";

House Bill No. 217 as Act 91, entitled:
"RELATING TO PREPAID HEALTH
CARE";

House Bill No. 218 as Act 92, entitled:

"RELATING TO WAGE AND HOUR LAW";

House Bill No. 228 as Act 93, entitled: "RELATING TO FOREIGN CORPORATIONS";

House Bill No. 679 as Act 94, entitled: "RELATING TO BOARDS AND COMMISSIONS";

House Bill No. 685 as Act 95, entitled: "RELATING TO PUBLIC PURCHASES";

House Bill No. 1247 as Act 96, entitled: "RELATING TO MILK CONTROL".

Gov. Msg. No. 163 informing the House that on May 14, 1977, he signed the following bills into law:

Senate Bill No. 254 as Act 97, entitled: "RELATING TO STATE SECURITY OFFICERS";

Senate Bill No. 330 as Act 98, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

Senate Bill No. 530 as Act 99, entitled: "RELATING TO FEES FOR TAX MAP TRACINGS";

Senate Bill No. 745 as Act 100, entitled: "REPEALING CHAPTER 156, HAWAII REVISED STATUTES, RELATING TO THE FARM ADVISORY BOARD";

Senate Bill No. 758 as Act 101, entitled: "RELATING TO THE DRIVER IMPROVEMENT PROGRAM";

Senate Bill No. 995 as Act 102, entitled: "RELATING TO THE UTILIZATION OF ELECTRICITY GENERATED FROM NON-FOSSIL FUELS";

House Bill No. 151 as Act 103, entitled: "RELATING TO POLICY PLANNING";

House Bill No. 182 as Act 104, entitled: "RELATING TO THE HAWAII PESTICIDES LAW";

House Bill No. 185 as Act 105, entitled: "RELATING TO SHORT-TERM INVESTMENT OF STATE MONEYS";

House Bill No. 253 as Act 106, entitled: "RELATING TO REGULATION OF PROBATION AND SUSPENDED SENTENCES UNDER THE HAWAII PENAL CODE";

House Bill No. 676 as Act 107, entitled: "RELATING TO MEDICINE AND SURGERY";

House Bill No. 1105 as Act 108, entitled:

"RELATING TO SUBSTANCE ABUSE";

House Bill No. 1305 as Act 109, entitled: "RELATING TO EVIDENCE OF SEXUAL CONDUCT";

House Bill No. 1687 as Act 110, entitled: "RELATING TO AIRPORT AND HARBOR REVENUE BONDS".

Gov. Msg. No. 164 informing the House that on May 31, 1977, he signed the following bills into law:

Senate Bill No. 1100 as Act 111, entitled: "RELATING TO REAL PROPERTY TAXATION";

House Bill No. 84 as Act 112, entitled: "RELATING TO ART IN STATE BUILDINGS AND STRUCTURES";

House Bill No. 166 as Act 113, entitled: "RELATING TO COMMUNITY CORRECTIONAL CENTERS";

House Bill No. 176 as Act 114, entitled: "RELATING TO PLANT AND NON-DOMESTIC ANIMAL QUARANTINE";

House Bill No. 199 as Act 115, entitled: "RELATING TO ENVIRONMENTAL QUALITY";

House Bill No. 200 as Act 116, entitled: "RELATING TO DRUG ABUSE";

House Bill No. 201 as Act 117, entitled: "RELATING TO HEALTH SURVEILLANCE";

House Bill No. 202 as Act 118, entitled: "RELATING TO VITAL STATISTICS REGISTRATION";

House Bill No. 251 as Act 119, entitled: "RELATING TO THE EXTRADITION OF JUVENILE FUGITIVES";

House Bill No. 254 as Act 120, entitled: "RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT";

House Bill No. 372 as Act 121, entitled: "RELATING TO ADVERTISING UPON LICENSED PREMISES";

House Bill No. 471 as Act 122, entitled: "RELATING TO VEHICLES LEFT UNATTENDED ON PRIVATE PROPERTY";

House Bill No. 562 as Act 123, entitled: "RELATING TO WORKER'S COMPENSATION";

House Bill No. 575 as Act 124, entitled: "RELATING TO USURY";

House Bill No. 618 as Act 125, entitled: "RELATING TO STATE CHARTERED CREDIT UNIONS";

House Bill No. 619 as Act 126,
entitled: "RELATING TO INSURANCE";

House Bill No. 678 as Act 127,
entitled: "RELATING TO THE CON-
TRACTORS RECOVERY FUND";

House Bill No. 833 as Act 128,
entitled: "RELATING TO FISHING
REGULATIONS";

House Bill No. 870 as Act 129,
entitled: "RELATING TO FISH AND
GAME";

House Bill No. 927 as Act 130,
entitled: "RELATING TO POISONS";

House Bill No. 930 as Act 131,
entitled: "RELATING TO CREDIT
CARD OFFENSES";

House Bill No. 1059 as Act 132,
entitled: "RELATING TO AGRICULTU-
RAL PARKS";

House Bill No. 1062 as Act 133,
entitled: "RELATING TO THE USE OF
SCHOOL BUILDINGS, FACILITIES
AND GROUNDS";

House Bill No. 1113 as Act 134,
entitled: "RELATING TO MOTOR
VEHICLE INDUSTRY LICENSING";

House Bill No. 1224 as Act 135,
entitled: "RELATING TO INSURANCE";

House Bill No. 1319 as Act 136,
entitled: "RELATING TO AGRICULTURAL
LANDS";

House Bill No. 1455 as Act 137,
entitled: "RELATING TO PROMOT-
ING DRUGS";

House Bill No. 1602 as Act 138,
entitled: "RELATING TO THE
FOUNDATION ON CULTURE AND THE
ARTS".

Gov. Msg. No. 165 informing the
House that on June 1, 1977, he signed
the following bills into law:

House Bill No. 231 as Act 139, entitled:
"RELATING TO REAL PROPERTY TAX";

House Bill No. 770 as Act 140, entitled:
"RELATING TO LAND USE";

House Bill No. 776 as Act 141, entitled:
"TO AMEND SECTION 841-12 HAWAII
REVISED STATUTES RELATING TO
THE REMOVAL OF BODIES";

House Bill No. 780 as Act 142,
entitled: "RELATING TO REGISTRA-
TION OF VEHICLES";

House Bill No. 808 as Act 143,
entitled: "RELATING TO CIVIL
SERVICE AND EXEMPTIONS";

Senate Bill No. 1074 as Act 144,
entitled: "RELATING TO THE
UNIFORM PROBATE CODE";

House Bill No. 674 as Act 145,
entitled: "RELATING TO FOREST
AND WATER RESERVE ZONES";

House Bill No. 730 as Act 146,
entitled: "RELATING TO APPEALS
BY THE STATE OF HAWAII IN
CRIMINAL PROCEEDINGS";

House Bill No. 778 as Act 147,
entitled: "TO AMEND SECTION
188-25(e) HAWAII REVISED STATUTES,
RELATING TO SPEAR FISHING";

House Bill No. 132 as Act 148,
entitled: "RELATING TO EMPLOY-
MENT SECURITY".

Gov. Msg. No. 166 informing the
House that on June 2, 1977, he signed
the following bills into law:

House Bill No. 131 as Act 149, entitled:
"RELATING TO THE COORDINATION
OF MARINE AFFAIRS";

House Bill No. 219 as Act 150, entitled:
"RELATING TO RECORDATION IN
THE BUREAU OF CONVEYANCES";

House Bill No. 433 as Act 151, entitled:
"RELATING TO ELECTION PRECINCT
OFFICIALS";

House Bill No. 680 as Act 152, entitled:
"RELATING TO THE CONTRACTORS
LICENSE LAW AND THE CONTRAC-
TORS RECOVERY FUND";

House Bill No. 777 as Act 153, entitled:
"TO AMEND SECTION 841-3 HAWAII
REVISED STATUTES, RELATING TO
THE REPORTING OF DEATHS";

House Bill No. 1061 as Act 154, entitled:
"RELATING TO QUIET TITLE ACTIONS";

House Bill No. 1151 as Act 155, entitled:
"RELATING TO BANKING";

House Bill No. 1153 as Act 156, entitled:
"RELATING TO LIFE INSURANCE";

House Bill No. 1166 as Act 157, entitled:
"RELATING TO CABLE TELEVISION";

House Bill No. 1198 as Act 158, entitled:
"RELATING TO DEGREE GRANTING
INSTITUTIONS";

Senate Bill No. 991 as Act 159, entitled:
"RELATING TO PERSONNEL OF THE

JUDICIAL BRANCH";

Senate Bill No. 1297 as Act 160, entitled: "RELATING TO THE GENERAL EXCISE TAX";

House Bill No. 1375 as Act 161, entitled: "RELATING TO JOHN E. AND AIKO T. REINECKE";

House Bill No. 1472 as Act 162, entitled: "RELATING TO TRAFFIC VIOLATIONS";

House Bill No. 1505 as Act 163, entitled: "RELATING TO AGRICULTURE";

House Bill No. 1533 as Act 164, entitled: "RELATING TO PUBLIC ACCESS";

House Bill No. 1641 as Act 165, entitled: "RELATING TO PUBLIC UTILITIES";

House Bill No. 1698 as Act 166, entitled: "RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPAIRS ACT".

Gov. Msg. No. 167 informing the House that on June 4, 1977, he signed the following bills into law:

Senate Bill No. 1059 as Act 167, entitled: "RELATING TO MEDICAL AND HEALTH CARE PROVIDERS";

Senate Bill No. 1203 as Act 168, entitled: "RELATING TO ACQUISITION OF VOTING BY FOREIGN INVESTORS";

House Bill No. 135 as Act 169, entitled: "RELATING TO THE HAWAII EMPLOYMENT SECURITY LAW";

House Bill No. 155 as Act 170, entitled: "RELATING TO POLICY PLANNING";

House Bill No. 190 as Act 171, entitled: "RELATING TO EMPLOYER CONTRIBUTIONS TO THE EMPLOYEES' RETIREMENT SYSTEM AND PROVIDING FOR SEPARATE CONTRIBUTIONS TO THE PENSION ACCUMULATION FUND AND TO THE POST RETIREMENT FUND FOR POLICEMEN, FIREMEN AND CORRECTIONS OFFICERS";

House Bill No. 250 as Act 172, entitled: "RELATING TO FAMILY COURTS";

House Bill No. 269 as Act 173, entitled: "RELATING TO ANNULMENT, DIVORCE AND SEPARATION";

House Bill No. 672 as Act 174, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 786 as Act 175, entitled: "RELATING TO ADVISORY ORGANIZATION";

House Bill No. 978 as Act 176, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

House Bill No. 1143 as Act 177, entitled: "RELATING TO PUBLIC MONEY AND PUBLIC CONTRACTS";

House Bill No. 1694 as Act 178, entitled: "RELATING TO HEALTH PLANNING";

House Bill No. 1696 as Act 179, entitled: "RELATING TO THE HAWAII OCCUPATIONAL SAFETY AND HEALTH LAW";

House Bill No. 999 as Act 180, entitled: "RELATING TO TRAFFIC VIOLATIONS AND THE RULES OF THE ROAD".

Gov. Msg. No. 168 transmitting his statement of objections to Senate Bill No. 258 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 4, 1977

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 258

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 258, entitled, 'A Bill for an Act Relating to Bikeways and the Operation of Bicycles.'

The purpose of this bill is to clarify the rights and duties of a motorist in relation to bicyclists and to improve the flow of traffic on roadways.

Senate Bill No. 258 is basically the same as House Bill No. 999 which I intend to sign into law. However, Senate Bill No. 258 has certain defects that are not found in House Bill No. 999. I note, for example, that the title of Senate Bill No. 258 relates to bikeways and the operation of bicycles. Section 1 of the bill, however, relates to inattention to driving, a subject that is not reflected in the title of the bill, and, therefore, is constitutionally suspect. Moreover, House Bill No. 999, by

repealing Section 265-63, Hawaii Revised Statutes, relating to driving on sidewalks, clarifies the law, since Section 291C-123, Hawaii Revised Statutes, which is being amended by both Senate Bill No. 258 and House Bill No. 999, also relates to driving on sidewalks. Senate Bill No. 258, however, makes no mention of Section 265-63 and, therefore, approval of Senate Bill No. 258 would raise questions as to whether Section 291C-123 or Section 265-63 would apply.

For the foregoing reasons, I am returning Senate Bill No. 258 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 258, entitled, 'A Bill for an Act Relating to Bikeways and the Operation of Bicycles', passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 258 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 258 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 4th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 169 transmitting his

statement of objections to Senate Bill No. 1305 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 4, 1977

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1305

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1305, entitled, 'A Bill for an Act Relating to a Renter's Income Tax Credit.'

The primary purpose of the bill is to provide a tax credit of \$20 per exemption to each qualified low and moderate income renter. The bill will permit persons sixty-five years or older to claim double credits.

As introduced, the bill contained an effective date to be applicable for tax years commencing after December 31, 1976. At the time of its adoption, however, the December 31, 1976 effective date was deleted. Because of this deletion, there arises an ambiguity as to whether or not the renter's credits may be claimed for earlier tax years. This ambiguity has been resolved by the enactment of Senate Bill No. 3, Ninth State Legislature, Special Session, 1977. Senate Bill No. 3 has restored the effective date of December 31, 1976.

In light of the passage of Senate Bill No. 3, which contains the identical provisions proposed by Senate Bill No. 1305 but which contains the further provision that the bill shall become applicable for tax years commencing after December 31, 1976, it would be more appropriate to adopt Senate Bill No. 3 and thereby to avoid a potential ambiguity in the administration of our tax laws.

For the foregoing reasons, I am returning Senate Bill No. 1305 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

TO HOUSE BILL NO. 1531

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1305, entitled, 'A Bill for an Act Relating to a Renter's Income Tax Credit' passed by the legislature was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1305 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution, giving notice of my plan to return Senate Bill No. 1305 with my objections thereon to the legislature as provided in said Section 17 of Article III of the Constitution of the State of Hawaii.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 4th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 170 informing the House that on June 6, 1977, he signed the following bills into law:

Senate Bill No. 856 as Act 181, entitled: "ESTABLISHING A 75TH ANNIVERSARY COMMISSION ON FILIPINOS COMING TO HAWAII";

House Bill No. 727 as Act 182, entitled: "RELATING TO HEALTH CARE PROVIDERS".

Gov. Msg. No. 171 returning House Bill No. 1531 without his approval, together with his statement of objections relating to the measure which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 6, 1977

STATEMENT OF OBJECTIONS

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17, Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1531, entitled, 'A Bill for an Act Relating to the Assessment of Real Property.'

The bill proposes to amend the Hawaii Real Property Tax Law by providing that buildings shall be valued and assessed by using current average basic replacement cost figures and that where the replacement cost method is not applicable the assessor may use any other method in the valuation of buildings.

Under the existing provisions of HRS Section 246-10, the fair market value of buildings is to be ascertained by the replacement cost method. The cost factors used by the Director must reflect the prevailing market costs on the assessment date, consequently, the additional requirement that current cost figures be used is redundant.

Furthermore, the provision allowing the assessor to use other methods in the valuation of buildings is objectionable because it will, in effect, compel the assessor to use the income method of valuation in his appraisal of income producing properties. The assessor will be required to use the income method because it is the most appropriate and is the preferred method for ascertaining the fair market value of income producing properties such as hotels, apartments, commercial and rental properties. Should this occur, the Department of Taxation will be faced with insurmountable problems and complexities. It will require the Department to audit books and records to ascertain the validity of the income represented by these businesses. For some of these businesses, the assessor has no access to the books and records because these records are kept on the mainland. Moreover, the income of an on-going enterprise is greatly influenced and affected by the managerial skill and personnel of the establishment. Too, seasonal fluctuations such as exist in the hotel industry make it extremely difficult for the assessor to ascertain a realistic income stream. Uncertainty of the market further complicates the problem of selecting the proper capitalization rate to be applied in the appraisal.

The present procedure of ascertaining fair market value of buildings by the

replacement cost method presents a reasonable degree of accurateness, is easily applied and generally results in uniform and equal assessments. Assessments made thereunder have been reviewed by our Tax Appeal Court and the assessments have been affirmed. Under the circumstances, there appears no justifiable reason to change the present method of assessing and valuing buildings.

For the foregoing reasons, I am returning House Bill No. 1531 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1531, entitled, 'A Bill for an Act Relating to the Assessment of Real Property' passed by the legislature was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1531 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution, giving notice of my plan to return House Bill No. 1531 with my objections thereon to the legislature as provided in said Section 17 of Article III of the Constitution of the State of Hawaii.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 172 transmitting his statement of objections to Senate Bill No. 533 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 6, 1977

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 533

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 533, entitled, 'A Bill for an Act Relating to Motor-Driven Bicycles.'

The purpose of this bill is to establish a new category of vehicle, the 'motor-driven bicycle', and to regulate its use.

Although the objective of the bill is desirable, it appears that this bill will create confusion because of conflicts and ambiguities. For example, a 'motor-driven bicycle' is defined as a type of 'bicycle' with a motor but the definition of 'bicycle' is amended to exclude those with motors. Thus, a 'motor-driven bicycle' may be held to be a 'motor vehicle' and not a 'bicycle', thereby restricting a 'motor-driven bicycle' to only a limited use of bicycle lanes and paths, a result which I do not believe was intended. It is also noted that this bill continues the requirement that safety helmets be worn, while S.B. No. 244, which awaits my approval, has removed that requirement, except for those under 18 years of age. Further, there appears to be a conflict as to whether a license is required to operate a motor-driven bicycle or whether a permit is sufficient for such operation.

For the foregoing reasons, I am returning Senate Bill No. 533 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 533, entitled, 'A Bill for an Act Relating to Motor-Driven

Bicycles, ' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 533 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 533 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 173 transmitting his statement of objections to Senate Bill No. 517 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 6, 1977

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 517

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 517, entitled, 'A Bill for an Act Relating to Franchises.'

This bill amends the Hawaii Franchise Investment Law which was enacted in 1974. The amendment seek to clarify Hawaii's law and to conform it with the laws of other states.

Clarification of ambiguities in the existing Franchise Investment Law is certainly desirable. However, Senate Bill No. 517 in certain respects decreases the protection presently afforded to franchisees. For example, certain acts which are deemed unfair, or deceptive practices or unfair methods of competition are grounds for private actions between the parties. Under the bill, however, such practices are no longer

grounds for private actions. Instead, the Director of Regulatory Agencies is simply authorized to prohibit registration of the franchise from becoming effective, if the franchise contains provisions permitting such unfair practices. Such prohibition by the Director would not be as effective as a private action for damages. Moreover, courts presently have the discretion to award treble damages. This bill eliminates that provision on treble damages, thus further lessening the protection to franchisees. Also, the existing law requires franchise brokers and selling agents to be registered, whereas Senate Bill No. 517 would only require that such brokers and salesmen be identified. A registration procedure would provide better protection to purchasers because registrations can be revoked.

I believe the changes proposed by Senate Bill No. 517 will weaken our Franchise Investment Law to the detriment of prospective franchise purchasers.

For the foregoing reasons, I am returning Senate Bill No. 517 without my approval.

Respectively,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 517, entitled, 'A Bill for an Act Relating to Franchises,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 517 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 517 with my objections thereon to the Legislature as

provided by said Section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 174 informing the House that on June 7, 1977, he signed the following bills into law:

Senate Bill No. 244 as Act 183, entitled:
"RELATING TO SAFETY EQUIPMENT
FOR MOTORCYCLES AND MOTOR
SCOOTERS";

Senate Bill No. 563 as Act 184, entitled:
"RELATING TO VEHICLE WEIGHT";

House Bill No. 515 as Act 185, entitled:
"RELATING TO SPEARED FISH".

Gov. Msg. No. 175 informing the House that on June 8, 1977, he signed the following bills into law:

Senate Bill No. 574 as Act 186, entitled:
"RELATING TO PUBLIC OFFICERS
AND EMPLOYEES";

House Bill No. 78 as Act 187, entitled:
"RELATING TO BASIC SKILLS AND
REAL-LIFE SKILLS IN THE PUBLIC
SCHOOLS";

House Bill No. 122 as Act 188, entitled:
"RELATING TO COASTAL ZONE
MANAGEMENT";

House Bill No. 171 as Act 189, entitled:
"RELATING TO ELECTIONS";

House Bill No. 215 as Act 190, entitled:
"RELATING TO PREPAID HEALTH CARE";

House Bill No. 817 as Act 191, entitled:
"RELATING TO COLLECTIVE BARGAINING
IN THE PUBLIC SECTOR AND AMENDING
CHAPTER 89, HAWAII REVISED STATUTES";

House Bill No. 967 as Act 192, entitled:
"RELATING TO THE UNIFORM PROBATE
CODE";

House Bill No. 1284 as Act 193, entitled:
"RELATING TO HORIZONTAL PROPERTY
REGIMES";

Senate Bill No. 140 as Act 194, entitled:
"RELATING TO PUBLIC EMPLOYMENT";

Senate Bill No. 246 as Act 195, entitled:
"RELATING TO MOTOR VEHICLE TAXES".

Gov. Msg. No. 176 informing the House that on June 9, 1977, he signed the following bills into law:

Senate Bill No. 451 as Act 196, entitled:
"RELATING TO CHILD CARE EXPENSES";

House Bill No. 259 as Act 197, entitled:
"RELATING TO REAL ESTATE BROKERS
AND SALESMEN";

House Bill No. 261 as Act 198, entitled:
"RELATING TO THE GENERAL EXCISE
TAX";

House Bill No. 512 as Act 199, entitled:
"RELATING TO ELECTION EMPLOYEES";

House Bill No. 929 as Act 200, entitled:
"RELATING TO THE HAWAII FOOD,
DRUG, AND COSMETIC ACT";

House Bill No. 1215 as Act 201, entitled:
"RELATING TO EMPLOYEES IN CERTAIN
EXEMPT POSITIONS OF THE DEPART-
MENT OF PLANNING AND ECONOMIC
DEVELOPMENT";

House Bill No. 1321 as Act 202, entitled:
"RELATING TO THE HAWAII MEAT
INSPECTION ACT";

House Bill No. 1667 as Act 203, entitled:
"RELATING TO INJURY TO PUBLIC
UTILITY PROPERTY".

Gov. Msg. No. 177 transmitting his statement of objections to Senate Bill No. 247 which he has returned to the Senate without has approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 6, 1977

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 247

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 247 entitled, 'A Bill for an Act Relating to Abandoned Vessels'.

The purposes of this bill are (1) to provide for the deposit into the boating special fund of the proceeds from the sale of abandoned vessels; (2) to provide for the disposition of excess revenues therefrom; and (3) to provide for a lien against the owners and claimants of ownership interests in the vessel in the event of a deficiency.

Although the first purpose of this bill has merit, I find the provisions for disposition of excess revenues and for a lien in the event of a deficiency to be objectionable.

With reference to the disposition of excess proceeds, the present law requires payment thereof only to the owner although priority is given to a lien holder. Under this bill, however, the Department of Transportation will have to adjudicate conflicting claims of not only the owner and lien holder, but also of creditors of the owner. To delegate the power to adjudicate conflicting claims to an administrative agency may violate the doctrine of separation of powers.

The provision for a lien in the event of a deficiency also poses due process problems since a lien is given not only against the owner but also against anyone claiming an ownership interest in the vessel without an adequate hearing. In addition thereto, it appears that the lien provision would be ineffective since the property against which the lien attaches is not designated.

For the foregoing reasons, I am returning Senate Bill No. 247 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 247, entitled, 'A Bill for an Act Relating to Abandoned Vessels,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 247 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of

Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 247 with my objections to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 178 returning House Bill No. 113 without his approval, together with his statement of objections relating to the measure which reads as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 9, 1977

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 113

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith House Bill No. 113, entitled, 'A Bill for an Act Relating to the Land Use Commission.'

The purpose of House Bill No. 113 is to require the Land Use Commission to provide upon request public awareness and public education programs relating to the Commission's quasi-judicial procedures for reclassification of land to require the Commission to assist the general public in the process of boundary amendments.

As originally introduced, House Bill No. 113 provided that such programs shall be made available at regular intervals. The bill was subsequently amended to provide that the Land Use Commission upon request shall conduct and provide such programs.

I fully support the purpose of providing informational programs to the general public. However, I am deeply concerned that requiring the Commission upon request to conduct and provide such programs would impose too great an administrative burden on the Commission and will prevent the effective and efficient administration of the Commission's sub-

stantive duties. I believe that better over-all performance on the part of the Commission can be obtained, if the matter of providing informational programs to the public is left to the discretion of the Commission.

For the foregoing reasons, I am returning House Bill No. 113 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice by proclamation of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 113, entitled, 'A Bill for an Act Relating to the Land Use Commission,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 113 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 113 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution of the State of Hawaii.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1977.

/s/ George R. Ariyoshi'

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 179 returning House Bill No. 998 without his approval, together with his statement of objections relating to the measure which reads as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 9, 1977

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 998

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith House Bill No. 998, entitled, 'A Bill for an Act Relating to Bikeways and the Operation of Bicycles.'

The purpose of this bill is to provide for definitions of facilities for bicycles and to clarify certain laws regarding their use.

However, it is my belief that the bill does not accomplish its objective. I note, for example, that Section 1 of the bill adds four new definitions to Section 291C-1, Hawaii Revised Statutes, the fourth of which defines 'bikeway' and attempts to include the other three by stating, 'It includes all of the above terms.' However, Section 291C-1 is an alphabetical listing of terms defined and, when 'bikeway' is inserted alphabetically in the section, the term will include 'Alley', 'Arterial street', 'Authorized emergency vehicle' and 'Bicycle'. It is apparent that this was not intended. An equally absurd result will occur, if the new definitions are added at the end of the section.

It is also noted that Section 2 of the bill amends Section 291C-38(b), Hawaii Revised Statutes, to provide for the use of white lines to separate bicycle lanes from vehicular traffic lanes moving in the same direction. However, Section 291C-38(b)(1) already provides that white lines shall be used to separate lanes of traffic flowing in the same direction. In addition, this section also adds a new item to Section 291C-38(c) to provide that a solid white line is to be used to designate a bicycle lane. However, a solid white line is already used (1) to indicate the edge of a traffic lane where travel in the same direction is permitted on both sides of the line (Section 291C-38(c)(3)); and (2) to indicate the right edge of pavement (Section 291C-38(c)(4)). I believe the use of white lines for so many different purposes will only create confusion and detract from traffic safety.

Section 4 of the bill amends Section

291C-145(c), Hawaii Revised Statutes, and refers to bicycle lanes as being 'adjacent to the roadway'. This is inconsistent with the definition of 'bicycle lane' which is defined as a 'portion of any roadway'. Furthermore, this section appears to mandate that the counties prohibit the use of motorized bicycles on bicycle lanes and bicycle paths, a result I do not believe was intended.

Because of the inconsistencies and ambiguities, it appears that the bill, if permitted to become law, will cause much confusion. Moreover, it is noted that the violation of any of the provisions of Chapter 291C, Hawaii Revised Statutes, is a misdemeanor, but there will be difficulties in the implementation and enforcement of the law due to the possible constitutional problems that could arise.

For the foregoing reasons, I am returning House Bill No. 998 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 998, entitled, 'A Bill for an Act Relating to Bikeways and the Operation of Bicycles,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 998 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 998 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol
Honolulu, State of Hawaii,
this 9th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 180 returning
House Bill No. 1173 without his approval,
together with his statement of objections
relating to the measure which reads
as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 9, 1977

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1173

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith House Bill No. 1173, entitled, 'A Bill for an Act Relating to Hawaiian Homes Commission Act, 1920, as amended.'

The purposes of this bill are (1) to consolidate certain funds which are administered by the Department of Hawaiian Homes Lands by function and source; (2) to standardize terms; (3) to add two new funds as depositories for interest charges and borrowed money; (4) to define parameters for use of various funds; and (5) to increase the amount of the loans made by private lenders that the Department may guarantee.

In addition, the bill contains a provision which would increase the aggregate amount of the receipts from State sugar cane leases and water licenses (called 'Additional Receipts') to be set apart to the Department of Hawaiian Homes Lands from \$5,000,000 to \$7,500,000. The existing ceiling of \$5,000,000 has been reached. This increase in the Additional Receipts ceiling would thus constitute a continuing or standing appropriation of approximately \$600,000 a year for the next several years until the aggregate of the sums so set apart to the Department equals the amount of the increase, that is, \$2,500,000.

Because of the appropriation, the passage of House Bill No. 1173 on final reading before the general appropriations bill was in contravention of the State constitutional provision that no 'appropriation bill. . . shall be

passed on final reading until . .
 . the general appropriations bill,
 shall have been transmitted to the
 Governor.'

Although the bill has merit, for
 the foregoing reason I am returning
 House Bill No. 1173 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
 Governor of Hawaii"

" P R O C L A M A T I O N

WHEREAS, under Section 17 of
 Article III of the Constitution of
 the State of Hawaii the Governor
 is required to give notice, by a
 proclamation, of his plan to return
 with his objections any bill presented
 to him less than ten days before
 adjournment sine die or presented
 to him after adjournment sine die
 of the Legislature; and

WHEREAS, House Bill No. 1173,
 entitled, 'A Bill for an Act Relating
 to Hawaiian Homes Commission Act,
 1920, as amended,' passed by the
 Legislature, was presented to the
 Governor within the aforementioned
 period; and

WHEREAS, House Bill No. 1173
 is unacceptable to the Governor
 of the State of Hawaii;

NOW, THEREFORE, I, GEORGE
 R. ARIYOSHI, Governor of the State
 of Hawaii, hereby issue this proclama-
 tion pursuant to the provisions of
 Section 17 of Article III of the Constitu-
 tion of the State of Hawaii, giving
 notice of my plan to return House
 Bill No. 1173 with my objections
 thereon to the Legislature as provided
 by said Section 17 of Article III
 of the Constitution.

DONE at State Capitol,
 Honolulu, State of Hawaii,
 this 9th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
 Governor of Hawaii"

Gov. Msg. No. 181 transmitting his
 statement of objections to Senate
 Bill No. 51 which he has returned
 to the Senate without his approval
 and which reads as follows:

"STATE OF HAWAII
 EXECUTIVE CHAMBERS

June 9, 1977

STATEMENT OF OBJECTIONS
 TO SENATE BILL NO. 51

Honorable Members
 Ninth Legislature
 State of Hawaii

Pursuant to Section 17 of Article
 III of the Constitution of the State of
 Hawaii, I am returning herewith Senate
 Bill No. 51, entitled, 'A Bill for an
 Act Relating to Energy Conservation.'

The purpose of Senate Bill No.
 51 is to effectuate the conservation
 of fuel and water by requiring the
 use of water flow control devices.
 To carry out such purpose each county
 is mandated to adopt appropriate ordinances
 to require that 'each new structure
 using water shall include water flow
 control devices to restrict and reduce
 the flow of water in showers and faucets.'
 It is anticipated that water flow control
 devices will reduce the amount of
 electricity and gas consumed in the
 production of hot water, in addition
 to limiting the amount of water used.

I strongly support the purpose of
 Senate Bill No. 51. However, certain
 concerns have been expressed by
 the Honorable Frank F. Fasi, Mayor
 of the City and County of Honolulu,
 about the piecemeal adoption of regulations
 by the counties and the desirability
 of having all counties adopt uniform
 regulations on water flow control
 devices. It appears that the International
 Conference of Building Officials (ICBO),
 the model code group which sponsors
 the Uniform Building Code, is presently
 working on a Model Energy Conservation
 Code. In view thereof Mayor Fasi
 has recommended that completion of
 the work of the ICBO be awaited and
 that the counties be permitted to adopt
 the energy conservation regulations
 to be developed by the ICBO.

Inasmuch as this bill mandates the
 counties to amend their ordinances,
 I am deferring to Mayor Fasi's request.

For the foregoing reasons, I am
 returning Senate Bill No. 51 without
 my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
 Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice by a proclamation of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 51 entitled, 'A Bill for an Act Relating to Energy Conservation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 51 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 51 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 182 transmitting his statement of objections to Senate Bill No. 237 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 9, 1977

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 237

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17, Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 237, entitled, 'A Bill for an Act Relating to Collective Bargaining.'

The purpose of Senate Bill No. 237 is to provide for the resolution of any impasse in collective bargaining negotiations involving firemen by means of a whole-package final-offer arbitration.

The bill essentially sets up an arbitration procedure to be followed, if an impasse occurs. The arbitrator is to select the most reasonable of the final offers submitted by the parties and the decision of the arbitrator is final and binding; provided that by mutual agreement the parties may at any time modify the decision. Agreements reached pursuant to the decision of an arbitrator shall not be subject to ratification by the membership. Furthermore, employees covered by this arbitration procedure voluntarily relinquish their right to strike.

I find Senate Bill No. 237 objectionable in several respects:

(1) Under the procedures which have been provided by Senate Bill No. 237, in almost every instance, an out-of-state arbitrator will be chosen. That is the way the bill has been designed. I question whether such a result would be desirable, since out-of-state arbitrators might be ill-equipped to apply portions of the criteria established by the bill, having obtained their expertise under different circumstances and conditions than those prevailing in Hawaii. I also question the propriety of using an arbitrator, who makes a decision, packs his bag and goes home to wherever he came from and need not have to live in the community which is affected by his decision.

(2) I also note that the final-offer package could pose legal problems, if such package should contain non-negotiable items, since the bill does not in any way address this issue.

For the foregoing reasons, I am returning Senate Bill No. 237 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor

is required to give notice by a proclamation of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 237, entitled, 'A Bill for an Act Relating to Collective Bargaining,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 237 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 237 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution of the State of Hawaii.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 183 transmitting his statement of objections to Senate Bill No. 239 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 9, 1977

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 239

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 239, entitled, 'A Bill for an Act Relating to the Professional and Research Staff of Hawaii Public Employment Relations Board.'

The purpose of Senate Bill No. 239 is to make the professional and research staff of the Hawaii Public Employment Relations Board (HPERB)

removable only for cause, although exempt from civil service.

Under existing law, the individuals constituting the professional and research staff of HPERB are appointed by the Board and are exempt from chapters 76 and 77, Hawaii Revised Statutes. In other words, those individuals are non-civil service employees serving at the pleasure of the Board.

I have no objection to the granting of 'tenure' to the foregoing staff personnel to assure the development of expertise in this highly specialized area of labor law. However, I find no necessity to create a separate class of employees who would be exempt from civil service but who can be removed only for cause. I believe the objective of this bill can be accomplished by simply converting the professional and research staff to civil service status. Moreover, inclusion of such staff personnel in the civil service system would be in keeping with the merit system and would enable future personnel actions to be taken in conformance with merit principles.

For the foregoing reasons, I am returning Senate Bill No. 239 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice by a proclamation of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature, and

WHEREAS, Senate Bill No. 239, entitled, 'A Bill for an Act Relating to the Professional and Research Staff of the Hawaii Public Employment Relations Board,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 239 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R.

ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 239 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 184 transmitting his statement of objections to Senate Bill No. 251 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 9, 1977

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 251

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17, Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 251, entitled, 'A Bill for an Act Relating to Motor Vehicles.'

The purpose of this bill is to exempt stored vehicles from county vehicular taxes and to provide a procedure to determine the amount of tax due for the periods prior and subsequent to storage. In addition, this bill makes it a misdemeanor to present a false certificate of storage in an attempt to avoid the payment of taxes due.

I do not find the purpose and intent of Senate Bill No. 251 to be objectionable. However, I have serious reservations about Senate Bill No. 251 because of certain ambiguities contained therein.

The bill amends Section 249-5, Hawaii Revised Statutes, which exempts stored vehicles from the county vehicular tax. Under existing provisions, if a certificate of storage is presented to the treasurer after December 31 of the year in which

the vehicle is registered for license plates and tag but before March 31 of the year immediately following, with the current tax unpaid, then the unpaid tax for three months of the current year shall be paid in full upon presentation of the certificate. The amendment to Section 249-5 proposed by Senate Bill No. 251 provides in part:

'If the certificate is presented to the treasurer within the period:

- (1) December 31 of the year in which the vehicle is registered for license plates and tag; and before
- (2) March 31 of the year immediately following;

and the tax for the year immediately following is unpaid and the person is seeking to register the vehicle for the current year, the person shall pay the tax due and unpaid for the period prior to storage due for the year in which the vehicle was stored; . . .'

The amendment covers the period from December 31 of the year in which the vehicle is registered to March 31 of the following year, which is not quite identical to the period specified under existing law, and requires payment of the tax due and unpaid for the period prior to storage when the person seeks to register the vehicle for the current year, rather than when the storage certificate is presented.

Moreover, under the amendment, it is not at all clear whether only the current year is being referred to or whether the year beyond the current year would also be involved. Further, it is difficult to visualize a situation where taxes would be 'due and unpaid for the period prior to storage due for the year in which the vehicle was stored,' other than the period from December 31 of the year in which the vehicle is registered to March 31 of the year immediately following.

A further question may arise because the amendment proposed by Senate Bill No. 251 also provides that the person registering the vehicle shall pay, in addition to the tax due for the year in which the vehicle was stored, 'the tax due for the fraction of the current year in which the person is registering the vehicle.' It is noted that Section 249-3, Hawaii Revised Statutes, already provides for the payment of taxes for fractional periods of a year. However, Section 249-3 applies to situations where vehicles removed from storage are not subject to

unpaid taxes, whereas under the amendment it is assumed that there might be taxes due and unpaid for the period prior to storage. Based upon the latter assumption and if Section 249-3 is not applicable because of the existence of unpaid taxes, there would be a question as to how the tax due for the fraction of the current year is to be determined.

I believe that the ambiguities noted above will create problems for the counties in the administration of the motor vehicle registration program.

For the foregoing reasons, I am returning Senate Bill No. 251 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice by a proclamation of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature, and

WHEREAS, Senate Bill No. 251, entitled, 'A Bill for an Act Relating to Motor Vehicles,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 251 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 251 with my objections thereon to the Legislature as provided by said Section 17 of Article III of the Constitution of the State of Hawaii.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 185 transmitting his statement of objections to Senate Bill No. 731 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 9, 1977

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 731

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 731, entitled, 'A Bill for an Act Relating to Conveyances.'

The purpose of this bill are (1) to increase efficiency in the search of land titles, (2) to reduce the cost of title searches through increased efficiency, and (3) to provide for a uniform, statewide method of record search based on a parcel identifier system.

The bill proposes to amend Chapter 501, relating to Land Court registration and Chapter 502, relating to the Bureau of Conveyances, Hawaii Revised Statutes, by adding a new section to each chapter requiring that any deed or other document presented for registration shall contain or have endorsed thereon the tax map key last assigned by the State Department of Taxation.

Senate Standing Committee Report No. 530 and House Standing Committee Report No. 863, make it clear that the tax map key is for identification purposes only and that it is not to serve as the legal description of the parcel of land described in the deed or other document.

The purposes of the bill as it proposes to amend Chapter 502, Hawaii Revised Statutes, relating to the Bureau of Conveyances, has merit. However, Senate Bill No. 731, in amending Chapter 501, Hawaii Revised Statutes, relating to Land Court registration, has the following effect: (1) places an unreasonable burden on the Land Court to determine and verify at the time of filing a document that the proper tax map key is used, and (2) substantially increases the possible liability of the State of Hawaii resulting from any error, omission, mistake or misdescription of the property, since the Land Court on behalf of the State of Hawaii acts as guarantor

of the title of the property described in said deed or other document.

For the foregoing reasons, I am returning Senate Bill No. 731 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice by a proclamation of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature, and

WHEREAS, Senate Bill No. 731, entitled, 'A Bill for an Act Relating to Conveyances' was passed by the Legislature and presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 731 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution, giving notice of my plan to return Senate Bill No. 731 with my objections thereon to the Legislature as provided in said Section 17 of Article III of the Constitution of the State of Hawaii.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 186 transmitting his statement of objections to Senate Bill No. 1209 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 9, 1977

STATEMENT OF OBJECTIONS TO

SENATE BILL NO. 1209

Honorable Members
Ninth Legislature
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 1209, entitled, 'A Bill for an Act Relating to Aquaculture.'

The purpose of this bill is to establish a program to stimulate and coordinate the development and growth of aquaculture into a major industry in Hawaii. Although I believe that the intent of this bill to stimulate and coordinate the development and growth of aquaculture has merit, it appears that this bill did not pass three readings in the Senate as required by Section 16 of Article III of the Constitution of the State of Hawaii and, therefore, pursuant to that section, cannot become law.

As introduced, Senate Bill No. 1209 was titled, 'A Bill for an Act Relating to the Definition of Aquaculture.' The purpose of the bill was 'to place aquaculture on an equal basis with agriculture' and, accordingly, aquaculture was 'to be defined, for the purpose of, but not limited to, permit and legal requirements and loans and taxation, to be co-equal to agriculture.'

After Senate Bill No. 1209 in its original form had passed first reading in the Senate, the title and the body of the bill were amended. The title was amended to broaden its scope to aquaculture in general, 'A Bill for an Act Relating to Aquaculture.' Subsequent amendments to the body of the bill have materially broadened the subject matter of the original bill and have gone far beyond merely defining 'aquaculture.'

Because these subsequent amendments to the body of the bill are clearly beyond the limited scope of the original title and would not have been constitutionally permissible under Section 15 of Article III of the Constitution of the State of Hawaii without the broader title, I believe that the change of the bill's title is material. The changes in the body and title of the bill resulted in a new bill that materially differed from the bill originally introduced and, therefore, the new bill should have independently met the three-reading requirement of Section 16 of Article III of the Constitution of the State of Hawaii, which it did not.

Because of the constitutional objection, I believe that this bill cannot become

law and I am herewith returning this bill.

I wish to point out, however, that the coordination and planning for the development of aquaculture will continue, notwithstanding my objection to this bill. With the moneys appropriated by Act 226, Session Laws of Hawaii 1976, specifically, paragraph (3) of Section 4, the Department of Planning and Economic Development began to develop an aquaculture master plan for the State. An interim report on the aquaculture planning program was provided to the Legislature during the 1977 Regular Session and the aquaculture plan is scheduled for completion by June 30, 1977. Furthermore, House Bill No. 7 of the 1977 First Special Session, which properly passed both houses of the Legislature, will enable the Director of Planning and Economic Development to begin seeking federal funding of aquaculture activities in Hawaii, to coordinate aquaculture development projects, and to undertake other activities to develop an aquaculture industry in this State. A written report on the actions taken will be submitted to the Legislature by January 18, 1978, as required by House Bill No. 7.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 17 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice by a proclamation of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature, and

WHEREAS, Senate Bill No. 1209, entitled, 'A Bill for an Act Relating to Aquaculture,' considered by the Legislature during the 1977 Regular Session, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1209, not having passed three readings in the Senate as required by the Constitution of the State of Hawaii, is unacceptable to the Governor of

the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1209 with my objections.

DONE at Hawaii State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1977.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 187 informing the House that on June 15, 1977, he signed the following bill into law:

House Bill No. 1297 as Act 204,
entitled: "RELATING TO THE
HANDICAPPED".

Gov. Msg. No. 188 informing the House that on June 16, 1977, he signed the following bills into law:

Senate Bill No. 1411 as Act 205, entitled:
"RELATING TO PREVENTING LITTER
FROM TRUCKS";

Senate Bill No. 1489 as Act 206, entitled:
"RELATING TO LITTERING";

House Bill No. 1144 as Act 207, entitled:
"RELATING TO HOUSING";

House Bill No. 1547 as Act 208, entitled:
"RELATING TO COUNTIES".

Gov. Msg. No. 189 informing the House that on June 20, 1977, he signed the following bills into law:

House Bill No. 168 as Act 209, entitled:
"RELATING TO INTAKE SERVICE
CENTERS";

House Bill No. 1678 as Act 210, entitled:
"RELATING TO HOUSING".

Gov. Msg. No. 190 informing the House that on June 21, 1977, he signed the following bill into law:

Senate Bill No. 1350 as Act 211, entitled:
"RELATING TO RESIDENCY REQUIRE-
MENTS FOR PUBLIC EMPLOYMENT".

Gov. Msg. No. 191 informing the House that on June 24, 1977, he signed the following bill into law:

Senate Bill No. 1139 as Act 212, entitled:

"RELATING TO AGRICULTURE AND
AQUACULTURE LOANS".

Gov. Msg. No. 192 transmitting copies of a report and recommendations prepared jointly by the Departments of Budget and Finance and Personnel Services, pursuant to House Resolution 579, House Concurrent Resolution 112, and Senate Resolution 365 (1977).

Gov. Msg. No. 193 transmitting copies of an interim report prepared by the Department of Accounting and General Services in response to H.R. No. 410, requesting reports from the executive departments concerning the vendor payment process.

Gov. Msg. No. 194 transmitting copies of a final report prepared by the University of Hawaii in response to S.R. No. 382, relating to the University of Hawaii (1975).

Gov. Msg. No. 195 transmitting copies of the annual report prepared by the Hawaii Public Employment Relations Board in accordance with HRS 89-5.

Gov. Msg. No. 196 transmitting copies of a report entitled, "Review and Evaluation of the State of Hawaii Debt Program" together with a Digest, prepared by Peat, Marwick, Mitchell and Co. for the Department of Budget and Finance on the subject of the State of Hawaii Debt Program.

Gov. Msg. No. 197 transmitting copies of a report prepared by the Department of Transportation in response to S.R. No. 458, requesting the State Department of Transportation to modify its policy on the selection of names for use on highway marking signs.

Gov. Msg. No. 198 transmitting copies of a report prepared by the Department of Attorney General pursuant to Section 662-11, Hawaii Revised Statutes.

Gov. Msg. No. 199 transmitting copies of a report prepared by the University of Hawaii in response to H.R. No. 351 and H.C.R. No. 49 (1977), requesting the University of Hawaii to investigate the possibility of using the Federal Building to house the law school.

DEPARTMENTAL COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Dept. Com. No. 11 from Douglas S. Yamamura, Office of the Chancellor, University of Hawaii at Manoa, acknowledging receipt of House Resolution Nos. 373 and 267.

Dept. Com. No. 12 from Takashi Kitaoka, Director, Hawaii Criminal Justice Statistical Analysis Center, transmitting copies of "Crime in Hawaii 1976".

Dept. Com. No. 13 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Resolution No. 282.

Dept. Com. No. 14 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Resolution No. 414.

Dept. Com. No. 15 from Wayne Minami, Director, Department of Regulatory Agencies, acknowledging receipt of House Resolution Nos. 496 and 409.

Dept. Com. No. 16 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Concurrent Resolution No. 67.

Dept. Com. No. 17 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Resolution Nos. 42, 203, 302, 610, 633 and 743.

Dept. Com. No. 18 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Concurrent Resolution No. 3.

Dept. Com. No. 19 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Resolution No. 288.

Dept. Com. No. 20 from Douglas S. Yamamura, Office of the Chancellor, University of Hawaii, acknowledging receipt of House Concurrent Resolution No. 136 and House Resolution Nos. 413, 518, 713 and 746.

Dept. Com. No. 21 from Wayne Minami, Director, Department of Regulatory Agencies acknowledging

receipt of House Resolution Nos. 362 and 410 and House Concurrent Resolution No. 53.

Dept. Com. No. 22 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Resolution Nos. 283, 284 and 304.

Dept. Com. No. 23 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Resolution No. 303.

Dept. Com. No. 24 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Resolution No. 281.

Dept. Com. No. 25 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Resolution No. 591.

Dept. Com. No. 26 from Wayne Minami, Director, Department of Regulatory Agencies, acknowledging receipt of House Resolution No. 766.

Dept. Com. No. 27 from Hiromu Suzawa, Deputy Attorney General, Department of the Attorney General, acknowledging receipt of House Resolution No. 362 and House Concurrent Resolution No. 53.

Dept. Com. No. 28 from Hiromu Suzawa, Deputy Attorney General, Department of the Attorney General, acknowledging receipt of House Resolution Nos. 406 and 709.

Dept. Com. No. 29 from Hiromu Suzawa, Deputy Attorney General, Department of the Attorney General, acknowledging receipt of House Resolution No. 757.

Dept. Com. No. 30 from Hiromu Suzawa, Deputy Attorney General, Department of the Attorney General, acknowledging receipt of House Resolution No. 409.

Dept. Com. No. 31 from Hiromu Suzawa, Deputy Attorney General, Department of the Attorney General, acknowledging receipt of House Resolution No. 410.

MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Misc. Com. No. 31 from William C. Smith, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 234.

Misc. Com. No. 32 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Concurrent Resolution Nos. 39, 41 and 42.

Misc. Com. No. 33 from the Honorable Thomas P. O'Neill Jr., Speaker, U. S. House of Representatives, Washington, D.C., acknowledging receipt of House Concurrent Resolution Nos. 41 and 42.

Misc. Com. No. 34 from R. B. Legaspi, County Clerk, County Council, County of Hawaii, informing the House that the Council went on record to support House Resolution No. 316 (CAB - Ameliorate Air Freight Rates for Hawaiian Flowers).

Misc. Com. No. 35 from Trinidad Q. Alconcel, Consul General, the Foreign Service of the Philippines, acknowledging receipt of House Concurrent Resolution No. 96.

Misc. Com. No. 36 from Frank W. Naylor, Jr., Acting Administrator, United States Department of Agriculture, Farmers Home Administration, acknowledging receipt of House Resolution No. 477, requesting the establishment of a Farmers Home Administration (FMHA) State Office in Hawaii.

Misc. Com. No. 37 from Milton deMello, Headmaster, Mid-Pacific Institute, acknowledging receipt of House Resolution No. 587.

Misc. Com. No. 38 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of House Resolution No. 351, requesting the University of Hawaii to investigate the possibility of using the Federal Building to house the law school.

Misc. Com. No. 39 from the Honorable Norman P. O'Neill Jr., acknowledging receipt of House Concurrent Resolution Nos. 89 and 72.

Misc. Com. No. 40 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 316, urging that he intervene with the Civil Aeronautics Board to urge amelioration of the high air freight rates on the shipment

of flowers from Hawaii to the mainland.

Misc. Com. No. 41 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of House Concurrent Resolution No. 41, urging that the Federal Supplemental Unemployment Benefits Program be extended.

Misc. Com. No. 42 from the Honorable Howard H. Baker, Jr., United States Senator, acknowledging receipt of House Resolution No. 95.

Misc. Com. No. 43 from the Honorable Walter F. Mondale, Vice President, Washington, D.C., acknowledging receipt of a resolution regarding policy planning process.

Misc. Com. No. 44 from the Honorable Howard H. Baker, Jr., United States Senator, acknowledging receipt of a resolution regarding the Federal Supplemental Unemployment Benefits Program.

Misc. Com. No. 45 from the Honorable Robert C. Byrd, United States Senator, acknowledging receipt of House Concurrent Resolution No. 72, which deals with the problems that immigration and in-migration pose to the State of Hawaii.

Misc. Com. No. 46 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of House Concurrent Resolution No. 72, requesting renewed efforts to address the problems of immigration and in-migration of the State of Hawaii.

Misc. Com. No. 47 from Tatsuo Kato, Deputy County Clerk, County of Kauai, acknowledging receipt of a copy of House Resolution No. 316, requesting the United States Department of Agriculture, the State Departments of Agriculture, Transportation, and Planning and Economic Development, and the delegation to the Congress from the State of Hawaii to intervene with the Civil Aeronautics Board to ameliorate air freight rates for Hawaiian flowers.

Misc. Com. No. 48 from Robert E. Wilcox, Administrator, Kaiser Foundation Hospitals, expressing his personal mahalo to the different departments of the Legislature for the many courtesies extended his personnel during the 1977 legislative session.

Misc. Com. No. 49 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel Inouye, acknowledging receipt of House Resolution No. 553, urging a continuation of the group inclusive tour fares by the airlines.

Misc. Com. No. 50 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel Inouye, acknowledging receipt of House Concurrent Resolution No. 84, urging a prohibition on the use of foreign labor on federally funded projects in the South and Western Pacific areas unless qualified personnel are not readily available from domestic sources.

Misc. Com. No. 51 from Patrick H. Deleon, Ph.D., M.P.H., Legislative Assistant to Senator Daniel Inouye, acknowledging receipt of House Concurrent Resolution Nos. 72, requesting renewed efforts to address the problems of immigration and in-migration on the State of Hawaii; 83, urging that the 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; and 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.

Misc. Com. No. 52 from Christopher N. Visher, Legislative Assistant to Senator Daniel Inouye, acknowledging receipt of House Resolution No. 557.

Misc. Com. No. 53 from the Honorable Walter F. Mondale, Vice President, Washington, D.C., acknowledging receipt of a resolution regarding policy planning process.

Misc. Com. No. 54 from the Honorable Cec Heftel, Member of Congress, acknowledging receipt of a resolution concerning the level of air freight rates applicable on flowers within the State and from Hawaii to the mainland.

Misc. Com. No. 55 from Pierce A. Quinlan, Administrator, Office of Comprehensive Employment Development, acknowledging receipt of House Concurrent Resolution No. 42.

Misc. Com. No. 56 from James L. Kolstad, Director, Community and Congressional Relations, Civil Aeronautics Board, acknowledging receipt of House Resolution No.

558, requesting the Board to continue and further implement Group Inclusive Tour (GIT) fares between Hawaii and the continental United States.

Misc. Com. No. 57 from George Yuen, Director of Health, acknowledging receipt of House Resolution No. 372, requesting the Department of Health to submit a progress report on its 208 Water Quality Planning Program twenty days before the convening of the Ninth Legislature, Regular Session of 1978.

Misc. Com. No. 58 from Nicholas A. Panuzio, Commissioner, General Services Administration, Washington, D.C., acknowledging receipt of House Resolution No. 166, requesting that the General Services Administration donate the Post Office, Custom house, and Courthouse, 335 Merchant Street, Honolulu, Hawaii, to the State of Hawaii.

Misc. Com. No. 59 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Concurrent Resolution No. 138.

Misc. Com. No. 60 from Noboru Yonamine, Chairman, Board of Education, acknowledging receipt of House Resolution No. 744.

Misc. Com. No. 61 from the Honorable Thomas P. O'Neill, Jr., The Speaker, U.S. House of Representatives, acknowledging receipt of House Concurrent Resolution No. 95.

Misc. Com. No. 62 from the Honorable Daniel K. Inouye, United States Senator, transmitting a communication from the Civil Aeronautics Board in response to an inquiry he made regarding the air freight rates on Hawaiian flower shipments.

Misc. Com. No. 63 from David S. Hurwitz, Acting Commissioner, Assistance Payments Administration, Department of Health, Education, and Welfare, Social Security Administration, Baltimore, Maryland, acknowledging receipt of House Concurrent Resolution No. 39, requesting Hawaii's Congressional delegation to seek legislation to provide funds to meet the higher cost of public assistance for immigrants in Hawaii and to meet their special needs.

Misc. Com. No. 64 from S. Don Shimazu, President, Construction Industry Legislative Organization, acknowledging receipt of House Resolution No. 677.

Misc. Com. No. 65 from Loy M. Shipp, Jr., Assistant Commissioner

for Space Planning and Management, General Services Administration, Washington, D.C., acknowledging receipt of House Resolution No. 166, requesting that the General Services Administration donate the Post Office, Custom house, and Courthouse, 335 Merchant Street, Honolulu Hawaii, to the State of Hawaii.

Misc. Com. No. 66 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Resolution Nos. 436 and 680 and House Concurrent Resolution No. 85.

Misc. Com. No. 67 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, transmitting a communication which he received from the Department of Agriculture in response to an inquiry the Senator made regarding the establishment of a Farmers Home Administration (FHA) State office in Hawaii.

Misc. Com. No. 68 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 624.

Misc. Com. No. 69 Lawrence E. Weatherford, Jr., Administrator, Unemployment Insurance Service, U.S. Department of Labor, acknowledging receipt of House Concurrent Resolution No. 41, urging the United States Congress to extend the Federal Supplementary Benefits Program beyond March 31, 1977.

Misc. Com. No. 70 from William C. Smith, Administrative Assistant to the President of the Senate, acknowledging receipt of House Concurrent Resolution No. 95.

Misc. Com. No. 71 from the Honorable Thomas P. O'Neill Jr., Speaker, U.S. House of Representatives, acknowledging receipt of House Resolution Nos. 318, 359, 236 and 436 and House Concurrent Resolution No. 45.

Misc. Com. No. 72 from the Honorable Thomas P. O'Neill Jr., Speaker, U.S. House of Representatives, acknowledging receipt of House Resolution Nos. 56 and 377.

Misc. Com. No. 73 from Patrick H. DeLeon, Ph.D., MPH, Legislative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Resolution No. 359 and House Concurrent Resolution Nos. 95 and 96.

Misc. Com. No. 74 from William C. Smith, Administrative Assistant to the President of the U.S. Senate, acknowledging receipt of House Resolution Nos. 318, 359, 236 and 436 and House Concurrent Resolution No. 45.

Misc. Com. No. 75 from Robert L. Leggett, Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment, U.S. House of Representatives, acknowledging receipt of House Resolution No. 680, in support of amendments to the Marine Mammal Protection Act which would provide reasonable constraints to adequately protect porpoise stocks and also ensure protection of the continued viability of the U.S. tuna industry.

Misc. Com. No. 76 from Jack H. Watson, Jr., acknowledging receipt of a communication sent to the President of the U.S. Senate.

Misc. Com. No. 77 from William C. Smith, Administrative Assistant to the President of the Senate, acknowledging receipt of House Resolution No. 377 and House Concurrent Resolution No. 56.

Misc. Com. No. 78 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Resolution No. 459, relating to strategic oil reserves for the State of Hawaii.

Misc. Com. No. 79 from the family of the late Joe Pao acknowledging with grateful appreciation the kind expression of sympathy from the members of the House of Representatives.

Misc. Com. No. 80 from the Honorable Daniel K. Inouye, U.S. Senator, acknowledging receipt of House Resolution No. 618.

Misc. Com. No. 81 from Domingo F. Panganiban, NFAC Executive Director and concurrently Plant Industry Director, Republika ng Pilipinas, acknowledging receipt of House Resolution No. 740.

Misc. Com. No. 82 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of House Resolution No. 459.

Misc. Com. No. 83 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 249.

Misc. Com. No. 84 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 377 and House Concurrent Resolution

No. 56.

Misc. Com. No. 85 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Concurrent Resolution No. 45.

Misc. Com. No. 86 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 514, relating to pesticides tolerance petitions submitted to the Environmental Protection Agency and a copy of a communication which he received on this matter in response to his expression of concern from the United States Environmental Protection Agency.

Misc. Com. No. 87 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Concurrent Resolution No. 49.

Misc. Com. No. 88 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 318.

Misc. Com. No. 89 from Bernandine Denning, Director, Office of Revenue Sharing, Office of the Secretary of the Treasury, acknowledging receipt of House Resolution No. 359.

Misc. Com. No. 90 from Denton E. Sprague, Acting Administrator, United States Department of Agriculture, acknowledging receipt of House Resolution No. 557.

Misc. Com. No. 91 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of House Resolution No. 236.

Misc. Com. No. 92 from E. J. Billman, Chairman of the Board, acknowledging receipt of House Resolution No. 729.

Misc. Com. No. 93 from D. K. Newbigging, Chairman, Jardine, Matheson and Co., Ltd., acknowledging

receipt of a copy of House Resolution No. 719.

Misc. Com. No. 94 from F. J. Mulhern, Administrator, United States Department of Agriculture, Animal and Plant Inspection Service, acknowledging receipt of House Resolution No. 314.

Misc. Com. No. 95 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 618.

Misc. Com. No. 96 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 96.

Misc. Com. No. 97 from Victor J. Kimm, Deputy Assistant Administrator for Water Supply, United States Environmental Protection Agency, acknowledging receipt of a copy of House Concurrent Resolution No. 95.

Misc. Com. No. 98 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 236.

Misc. Com. No. 99 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of copies of House Resolution Nos. 318, 514 and 436, and House Concurrent Resolution No. 56.

Misc. Com. No. 100 from Peter W. Rodino, Jr., Chairman, Committee on the Judiciary, United States Congress, acknowledging receipt of House Concurrent Resolution No. 72.

Misc. Com. No. 101 from Christopher N. Visher, Legislative Assistant to Senator Daniel K. Inouye, transmitting a copy of a response received from the U.S. Environmental Protection Agency concerning the discharge of cattle waste from certain Young Brothers barges into Honolulu Harbor.