

THIRTY-SECOND DAY

Friday, March 3, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Richard Taylor of Saint Philomena Church, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Baker, Blair, Caldito, Campbell, Cayetano, Dods, Garcia, Ikeda, Inaba, Kawakami, Kunimura, Larsen, Lunasco, Mina, Naito, Peters, Sutton, Suwa, Takamura and D. Yamada, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Thirty-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 Thirty-First Day was approved.

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 58) transmitting Senate Concurrent Resolution No. 68, congratulating the Alii Golf Club of Honolulu, the Muscular Dystrophy Association and the Aloha Section of the Professional Golfers' Association of America for their efforts to bring about the First Annual Jerry Lewis M.D.A. Aloha Classic, which was adopted by the Senate on March 2, 1978, was read by the Clerk and was placed on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.C.R. No. 68 was adopted.

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

Representative Kondo introduced 28 students from schools in Maui County; the schools being Lahainaluna High School, Baldwin High School, Maui High School, Hana High School, Molokai High School and Lanai High School. They were accompanied by their advisers, Mr. Hokama, Mr. Agena and Mr. Watanabe, and

"are part of the Student Travel for Legislative Experience Program, and they are here to observe us in action."

Representative Toguchi introduced 30 students from King Intermediate School and 4 students from Saint Ann's School, who are with the Title I Class. They were accompanied by their teachers, Mrs. Tani, Mrs. Little, Mrs. Wong and Mrs. Slevins.

Representative Kihano introduced Mrs. Rosalie Kanehira of Waipahu, a very close friend of his, and Mr. Hiram Kaakua, a former Assistant Sergeant-at-Arms for the House of Representatives.

Representative Morioka introduced 60 fourth grade students from Palolo Elementary School. They were accompanied by their teachers, Mrs. Ohara, Mrs. Muramoto and Mrs. Kikuchi, and parents, Mrs. De Guzman, Mrs. Augustine and Mrs. Lambert.

Representative Aki introduced members of the National Retired Teachers' Association and the American Association of Retired Persons, as follows: Mr. Masao Uematsu, Chairman; Grace Terranella, Vice Chairman; Lillian Gibbons, Secretary (Oahu); Rose Horner, State Director; Kenneth Wong, State Director, American Association of Retired Persons; Gladys Erhart (Oahu); Howard Tate (Hawaii); Arthur Spleen (Kauai); Edward Webster (Oahu); Rachael Zane (Oahu); Timothy Wong (Oahu); John Fong (Maui); Al Parker (Oahu); Louise Machado (Oahu); Leonard Nunes (Maui); and Gladys Bauer (Hawaii).

Representative Ueoka then introduced Mr. Ernest Pascual from Maui, "a man who makes Maui tick."

SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended for the purpose of considering a resolution.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 408) congratulating and recognizing Camille Deubel on being selected for a role in the forthcoming movie, "The Fourth Figure" was jointly offered by Representatives Narvaes, Ajifu, Evans, Toguchi, Abercrombie, Aki, Blair, Caldito,

Campbell, Carroll, Cayetano, Cobb, Fong, Garcia, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kunimura, Lunasco, Machida, Mizuguchi, Morioka, Nakamura, Poepoe, Say, Segawa, Shito, Stanley, Suwa, Takamura, Uechi, D. Yamada and Wakatsuki.

On motion by Representative Narvaes, seconded by Representative Ajifu and carried, H.R. No. 408 was adopted.

Representative Narvaes then proceeded to introduce the honoree, stating:

"Mr. Speaker, it is not often that we are honored with the presence of a movie star and although many of the members here think they are movie stars, they are not. They are just a bunch of hams.

Mr. Speaker, our honoree, Camille Deubel, is the real thing. Mr. Speaker, Camille Deubel has attained what most women only dream of becoming and that dream is to be a star.

Mr. Speaker, let me introduce a Hawaii-born movie star, and let me say that she is from the Windward side, and I am really proud of her, and she is my adopted sister."

Representative Narvaes then introduced the honoree, Camille Deubel, and her husband, Scotty.

A red carnation lei was presented to Camille by Representative Carroll and Representative Evans presented a red carnation lei to her husband, Scotty. Representative Toguchi presented Camille with a certified copy of the resolution.

At 11:17 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal greetings to the guests."

Upon reconvening at 11:23 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Blair, Cayetano, Dods and Ikeda.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 400 to 406) and concurrent resolutions (H.C.R. Nos. 82 and 83) were disposed of as follows:

H.R. Nos. Referred to:

- 400 Committee on Youth and Elderly Affairs
- 401 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 402 Jointly to the Committees on Water, Land Use, Development and Hawaiian Homes and Culture and the Arts, then to the Committee on Finance
- 403 Committee on Tourism, then to the Committee on Finance, then to the Committee on Legislative Management
- 404 Jointly to the Committees on Ecology and Environment and Ocean and Marine Resources
- 405 Committee on Water, Land Use, Development and Hawaiian Homes
- 406 Committee on Water, Land Use, Development and Hawaiian Homes, then to the Committee on Finance

H.C.R. Nos.

- 82 Committee on Energy and Transportation, then to the Committee on Finance
- 83 Jointly to the Committees on Ecology and Environment and Ocean and Marine Resources

The Chair directed the Clerk to note the presence of Representatives Caldito, Inaba, Kawakami, Kunimura, Larsen, Lunasco, Mina, Peters, Sutton, Suwa, Takamura and D. Yamada.

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

H.B. No. 1889-78, HD 1 (Deferred from March 2, 1978):

Representative K. Yamada requested that action be deferred to the end of the calendar and the Chair, noting

that there were no objections, so ordered.

H.B. No. 2814-78 (Deferred from March 2, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2814-78, entitled: "A BILL FOR AN ACT RELATING TO DEGREE GRANTING INSTITUTIONS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Campbell, Garcia and Naito being excused.

H.B. No. 2601-78, HD 1 (Deferred from March 2, 1978):

On motion by Representative Say, seconded by Representative Stanley and carried, H.B. No. 2601-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE KAMEHAMEHA DAY CELEBRATION COMMISSION", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Campbell, Garcia and Naito being excused.

The Chair directed the Clerk to note that H.B. Nos. 2814-78 and 2601-78 had passed Third Reading at 11:24 o'clock a.m.

H.B. No. 2173-78, HD 3 (Deferred from March 2, 1978):

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

H.B. No. 2765-78, HD 1 (Deferred from March 2, 1978):

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

STANDING COMMITTEE REPORTS

Representative Machida, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 439-78) recommending that H.R. No. 22 be referred to the Committee on Finance.

Representative Machida moved that the report of the majority of the Committee be adopted and H.R. No. 22 be referred to the Committee

on Finance, seconded by Representative Dods.

Representative Abercrombie then rose and stated:

"Mr. Speaker, I'd like to speak against passing Standing Committee Report 439 and the concurrent resolution."

The Chair stated:

"These items will be for the referral to your Committee on Finance. It's not for the passage or adoption."

Representative Abercrombie stated:

"Passing it on, I meant, to Finance. After all, we don't want to waste the Finance Committee's time.

Mr. Speaker, the purpose of this resolution requests that the Federal and state governments sponsor their conference and seminars in areas of the state with low hotel occupancy rates to the extent feasible, and that county governments are also requested to hold their conferences and seminars in areas of their respective counties with low hotel occupancy rates to the extent feasible. I'm sure the taxpayers of this State, and I'm sure the taxpayers in the county, will be delighted to learn that we will be carrying on our seminars and our conferences in areas where there is low occupancy rate. I'd say if Mauna Kea ever has a low occupancy rate, perhaps we could go over there and have a meeting. I'm sure the taxpayers of this State, and I'm sure the taxpayers of the county, will be delighted to learn that their officials will be engaged in paying airline fares to get to these areas of low occupancy rate. I'm sure that the taxpayers of the State and the taxpayers of the City and County will be delighted to learn that a per diem will be paid for conferences and for seminars, to the extent feasible, all over the State where there is a low occupancy rate. I am sure that the taxpayers of the City and County and the taxpayers of the State of Hawaii will be delighted to learn that we will have the opportunity to do this. For example, in Hilo and the Honokaa areas, the rate is 51.4 percent; areas in Maui, exclusive of Wailuku, Kahului, Lahaina and Napili, with a rate of 58.4 percent. These figures are according to the Department of Economic Development's data book of 1977.

My understanding is then that we will search out hotels where this occupancy rate is low and then we will do our best to take whatever it is we have

to do, whether or not it has anything to do with the hotel, or with the area, with the subject matter connected with the hotel or with the area, and hold conferences there. It's interesting that the State of Hawaii already has up here on the Old Pali Road a whole estate for conferences; an estate which members of this body have been at for conferences. It is interesting that we have an auditorium right here in this Capitol where conferences can be held; that the taxpayers are still paying for. It is interesting that there are auditoriums all over this island where seminars and conferences may be held - in the DOE and the UH - which the taxpayers are already paying for.

What we're being asked to do is to have the State subsidize any individual hotel and this should give the taxpayers some brief idea of how the hotels are running this whole deal down here in terms of a hotel room tax, in terms of the kind of control they have over this governmental system; give you some brief idea of how your money right in front of you, placed right in front of your very eyes - this is how we're going to do it to you, and we're not even apologizing. We're not even going to ask your permission. We're going to pass it right in front of you. Your Committee fully endorses this measure with continuous promotional and reinforcement efforts to raise hotel occupancy rates where sorely needed. What this does to the taxpayers is that the Legislature of the State of Hawaii, in particular the House, is now going into the promotion business itself with your tax dollars, not through the HVB, but individually, and reinforcement efforts to raise hotel occupancy rates.

I am not aware that there is anything in our rules in this House. I am not aware that there is anything in the Constitution of the State of Hawaii that requires us to reinforce efforts to raise hotel occupancy out of the taxpayers' dollars from the budget as passed by this House and by the Senate for the operations of this Legislature. This is as cynical, as blatant a rip off of the taxpayers that I have ever seen presented on this floor. Now, I don't know how much of it is going to get out of here. I can stand up, but I hope to God somebody is listening. I hope to God somebody is going to print it up, write it up, whatever. I hope to God everybody is prepared

to stand up here or in their own communities and take this Committee Report and say, yeah, that's right. Well, you know, we found a hotel over on Maui or the Big Island, or on Oahu; maybe the Kuilima, I don't know. I haven't checked their hotel occupancy rate lately. So we're going to take your money; we're going to run out there; we're going to have a little conference. We're going to have a little seminar to the extent feasible.

Well, I'll tell you what the extent feasible is. The extent feasible is how much money we got left in the treasury, and how much money is going to be signed over out of the Legislative Management Committee because the Legislative Management Committee, to the best of my knowledge, is the one that signs these things; is going to be forced to have to account for it to the House. And what we're going to say here is. . . what we're going to tell them is, well, look, we're going to go to any place that has a low occupancy rate, and it doesn't make a damn bit of difference whether that fouls up the entire budget we have for this House, or for this Legislature, if it passed on the other side. I don't know if there's a companion kind of thing on the other side.

Well, I want everybody to think about it because you can take it on to Finance - fine - and the Finance Committee is going to have to come back to us and explain how we're going to deal with our budget because you don't think that this can pass Finance just like this, do you? We're going to have to have money put in here for this. No question about it. Does anybody believe for an instant that the Finance Committee is going to come back to the floor, back to the Tourism Committee, and on this floor, and not have money in order to accomplish this? Gasoline, food, rooms - who's kidding who? And, at the same time, we're cutting budgets all over; we're cutting programs. Now, you tell me how, in an election year, 1978; primary, October; in case anybody forgets - Republicans or Democrats, Independents, I don't care - you tell me how, in October, you're going to explain to people that the Finance Committee and the Tourism Committee and the Legislature, this House, is going to put more money in so that it can take the pressure off a hotel in terms of its occupancy. Not because it is necessary to be there, not because it is pertinent to be there, not because it is required for the business of the Legislature to be there, but because it relieves low occupancy

in a hotel.

Well, let me tell you something. I got an extra room at my house and I can't take up the whole Legislature, but if you want a subcommittee, be my guest. Fifty dollars a day - how about it - for four? That's not bad - right? And you can have use of the kitchen facilities at the same time so you won't have to go out to eat and you can save on the per diem. You can have my house. You can have Ike Sutton's house. I take that back, I should speak for myself. It's just that it has been noted on this floor in the past that some of the members have areas that are able to be occupied.

The sun shines. The sun shines on this. I'll finish with this: 'Your Committee strongly feels that if more government sponsored conferences and seminars were held in low occupancy areas, the economy of these islands could be stimulated and the well-being of the hotels, its employees, and their communities enhanced.'

You notice that the phrase begins with hotels and ends with communities. Communities don't come first. It says hotels is first. I can read English. The well-being of the hotels - its employees and the economy will be enhanced. I don't think that's the way we enhance the economies, and the communities, and the employees of this State by taking public funds and running legislators all over the State for whatever kind of deal that they want to be involved in, no matter what the context is. That's not the way we help them. That's the way we disgust them. That's the way that we make people feel that everybody's on the take and just in for themselves.

This resolution, this concurrent resolution, is an insult to the common sense and the fiscal integrity of the people of Hawaii. I know it's on Second Reading for Finance. I would be ashamed - my responsibilities to the taxpayers in this election year. I say that to you quite candidly. You think I'm going to go and run for re-election and say that I voted for something like this in an election year. I won't vote in a non-election year either. You can put that in the Journal, but I'm sure as hell not going to do it in an election year. And if that's a good enough reason to defeat this thing, hey, that's fine with me, but I can't even get a hearing on something so the only place I get a hearing sometimes

is down here. Fair is fair, yeah?

Thank you."

Representative Machida then rose and stated:

"Mr. Speaker, since the previous speaker spoke on the contents of this resolution, I would like to rebut some of his statements.

Number one, I would agree with him, this is a bad resolution if 75 percent of what he said is true. I think he's reading more into this resolution than is really there.

All this resolution does is to request those of us who are in a public sector to hold conferences and seminars, to the extent feasible, in areas where there are low occupancy. We, in the public sector, should have some direction for those in the private sector to take care of this very real problem in the tourism industry.

Mr. Speaker, all the previous statements made by the previous speaker, I think, are not really relevant to this resolution.

Thank you."

Representative Abercrombie rose and remarked:

"I thank the Chairman of the Tourism Committee for confirming every single thing I just said."

Representative Kunimura then rose and stated:

"I rise to speak in favor of this resolution, and for one simple reason: I take the economy of this State like I take my body or anybody else's body.

When we have one area of the State with low hotel occupancy, that means less of employment opportunity. And if a body is sick with cancer in the arm, we gotta cure that cancer in the arm. This resolution, in no way, is compelling people to put up seminars, travel to an area that is unnecessary; but should the departments of this State, should the counties decide to hold their conference and their seminars and their conventions, that we are requesting, through this resolution, they can consider holding such conferences and such meetings in the areas where they have low hotel occupancy.

And there is one other thing that I would like to clear for the record. The Legislative Management Committee does not, in any manner, shape, or

form, authorize members of this House to even take a taxi trip. Those things are all spelled out in the House Manual that is approved by the Speaker of the House, and the Legislative Management Committee only pays the bill. But, I'd like to say this - that any monkey shine for travel, we will abide by the report and let the people know that the Speaker of the House is just sending people around on unnecessary trips. But, it's well governed; it's well coordinated; and I'm pretty sure the leadership, after much discussion, authorizes trips for committees to do their work, to gather information, and I have no complaint. But if this was a bill appropriating money to send people to low hotel occupancy areas just for the sake of helping the low occupancy, to build it up, then I would vote against this particular measure, but this is only a resolution and we've had umpteen thousands of resolutions all the years I've been here in the Legislature. I think this is one of the better ones instead of some of the monkey shine that's been going on, so I urge all my colleagues to vote in favor of this Committee Report and the passage of House Resolution No. 22."

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

"Mr. Speaker, I certainly had no intentions of speaking against the resolution; however, I am concerned that this resolution does not include the private sector, or asking the Hawaii Visitors Bureau to stimulate the economy, or the Hotel Association to stimulate the economy as requested in the 'Be it resolved' clause here. If we're going to ask taxpayers to pay for stimulating the economy, it should not only come from the government sector. In fact, it shouldn't come from the Federal, State and County, but it should be in the private sector, and I hope that the Finance Committee will adjust itself to this concern.

Thank you."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.R. No. 22, entitled: "HOUSE RESOLUTION REQUESTING THE FEDERAL, STATE, AND COUNTY GOVERNMENTS TO HOLD GOVERNMENT-SPONSORED CONFERENCES IN AREAS WITH LOW HOTEL OCCUPANCY RATES", was referred to the Committee on

Finance, with Representatives Abercrombie, Carroll, Evans, Kamalii, Larsen, Narvaes and Sutton voting no.

Representative Machida, for the majority of the Committee on Tourism, presented a report (Stand. Com. Rep. No. 440-78) recommending that H.C.R. No. 11 be referred to the Committee on Finance.

On motion by Representative Machida, seconded by Representative Dods and carried, the report of the majority of the Committee was adopted and H.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL, STATE, AND COUNTY GOVERNMENTS TO HOLD GOVERNMENT-SPONSORED CONFERENCES IN AREAS WITH LOW HOTEL OCCUPANCY RATES", was referred to the Committee on Finance, with Representatives Abercrombie, Carroll, Evans, Kamalii, Larsen, Narvaes and Sutton voting no.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 441-78) recommending that H.B. No. 2850-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Say moved that the report of the Committee be adopted and H.B. No. 2850-78, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Stanley.

Representative Sutton then rose and stated:

"Akaha hiu helu'u kama ualani onala e elua."

Representative Kunimura replied:

"Pa'a kawaha hana kalima."

Representative Abercrombie then rose and the Chair asked:

"Representative Abercrombie, will you interpret both previous speakers?"

Representative Abercrombie answered:

"Yes, Mr. Speaker, I will interpret. That's why I rose. Pakalolo."

Representative Kunimura was recognized and he stated:

"Mr. Speaker, 'Pa'a kawaha hana kalima' means 'keep your mouth shut and work.'"

The motion was put by the Chair

and carried, and the report of the Committee was adopted and H.B. No. 2850-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 6, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 2850-78, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 442-78) informing the House that House Bill Nos. 2173-78, HD 3, and 2765-78, HD 1, House Resolution Nos. 398 to 407, House Concurrent Resolution Nos. 82 to 84, and Standing Committee Report Nos. 439-78 and 440-78, have been printed and distributed.

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 409 to 412) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 409) commending John Thomas Waterhouse on his grant of an "Open Space" easement in gross to the State of Hawaii at Kipukai, Kauai was jointly offered by Representatives Kawakami, Caldito, Campbell, Carroll, Cobb, Dods, Evans, Fong, Inaba, Kamalii, Kihano, Kunimura, Larsen, Lunasco, Mina, Naito, Nakamura, Say, Segawa, Shito, Stanley, Suwa, Toguchi, Uwaine and D. Yamada.

On motion by Representative Kawakami, seconded by Representative D. Yamada and carried, H.R. No. 409 was adopted.

A resolution (H.R. No. 410) expressing support and appreciation to the University of Hawaii Rainbow Basketball Team was jointly offered by Representatives Ushijima, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Lunasco, Machida, Medeiros, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton,

Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Sutton and carried, H.R. No. 410 was adopted.

A resolution (H.R. No. 411) congratulating the Hana Dragonettes was jointly offered by Representatives Machida, Caldito, Blair, Carroll, Fong, Kawakami, Kondo, Larsen, Mina, Morioka, Naito, Peters, Say, Segawa, Takamine, Uechi, Ueoka and D. Yamada.

On motion by Representative Machida, seconded by Representative Caldito and carried, H.R. No. 411 was adopted.

A resolution (H.R. No. 412) extending deepest sympathy to the family of Bill Among was jointly offered by Representatives Yuen, Abercrombie, Ajifu, Aki, Blair, Caldito, Cayetano, Cobb, Dods, Evans, Fong, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kondo, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Ushijima, Uwaine, K. Yamada and Wakatsuki.

On motion by Representative Yuen, seconded by Representative Kihano and carried, H.R. No. 412 was adopted by a rising vote.

By unanimous consent, the following resolutions (H.R. Nos. 413 to 415) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 6, 1978:

A resolution (H.R. No. 413) requesting the Department of Health to amend the rule which prohibits the operation of a motor vehicle's engine while it is stationary was jointly offered by Representatives Lunasco and Machida.

A resolution (H.R. No. 414) requesting the Department of Health in consultation with the State Retirement System to conduct a feasibility study concerning the State hiring of retirees from the patient labor force to work at Kalaupapa Settlement without having the retirees relinquish their pensions or other benefits was jointly offered by Representatives Kondo, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters,

Poepoe, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada, K. Yamada, Yuen and Wakatsuki.

A resolution (H.R. No. 415) requesting the establishment of an interim committee relating to financial institution was jointly offered by Representatives Uwaine, Ajifu, Blair, Cobb, Fong, Medeiros, Nakamura, Takamine, Ueoka, Ushijima and K. Yamada.

At this time, Representative Ueoka was recognized to make a late introduction and he introduced "a former State Senator and a classmate of mine at law school, Mr. Dale Saffel, and his wife, from Kansas."

Representative Kiyabu then introduced Mr. David Kikau of Kaimuki High School, "one of HONOLULU ADVERTISER's young achievers." Accompanying David were his classmates from the Pre-Industrial Preparation Class, and his teacher, Mr. Richard Kawaguchi, and "a good friend of mine, Mr. Joe Maeda."

Representative Kunimura introduced a former colleague, Kenneth Lee, who was seated in the gallery.

THIRD READING

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

H.B. No. 2172-78

On motion by Representative Kawakami, seconded by Representative Caldito and carried, H.B. No. 2172-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed Third Reading by a vote of 47 ayes, with Representatives Baker, Campbell, Garcia and Naito being excused.

H.B. No. 2171-78

On motion by Representative Kawakami, seconded by Representative Caldito and carried, H.B. No. 2171-78, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", passed Third Reading by a vote of 47 ayes, with Representatives Baler. Campbell, Garcia and Naito being excused.

H.B. No. 2941-78

Representative Kawakami moved that H.B. No. 2941-78, having been read throughout, pass Third Reading, seconded by Representative Say.

Representative Say then rose to speak in support of H.B. No. 2941-78, stating:

"Mr. Speaker, this bill deals primarily with the Iolani Palace Complex, which encompasses about eleven acres of land bounded by Richards Street, King Street, Likelike Street, and the State Capitol Mall. The bill also addresses the moratorium to be placed on any new physical restoration project found on the Complex.

During the past autumn of 1977, the subcommittee on Culture and the Arts took a look at the magnificent restoration of the Iolani Palace. At the September 19, 1977, public hearing, a great amount of issues were discussed concerning the restoration of the Palace Complex. The subcommittee also took a tour of the Palace itself, where the comments concerning the restoration of the Palace had adjectives such as 'magnificent', 'spectacular', 'outstanding', and 'beautiful'.

The major finding of our subcommittee was that the Palace project has suffered from beginning to end, from a lack of clear policy direction and purpose. It has never been established whether it was to function as an educational center, a tourist attraction, a cultural complex, or a historical restoration for historical purposes. The subcommittee did not even find a master plan for the restoration project. What the Committee found out was (1) the architectural restoration dictated the function of what the Palace should be, and (2) the Department of Land and Natural Resources interpretation of a master plan is a compilation of studies and the eight incremental steps in restoring the Palace.

The total scope of the project, the parameters of the cost, and the level of restoration has never been determined until each increment of the restoration has been restored. For example, the original projection time and cost of the project was \$2.5 million for a period of two years. Now, the project has run into a \$6 million project and has taken eight years with more to come.

At the present time, the Palace is about ready to be opened and we all agree that the Friends of Iolani Palace

have done a magnificent job in restoring the Palace and have suffered through the usual agonies of working with government bureaucracy and red tape. The fact that the Palace structure itself now stands ready for public inspection at this time is a feat in itself for all to enjoy.

The management and operational contract has been signed and approved by the Board. The public hearings conducted by the Board for the rules and regulations are about completed and are being examined by the Attorney General's office. Although the public policies are not discrete and specific, the Chairman agrees that the Palace should be opened as soon as possible for public viewing.

Understanding that the Committee found that alternative and long-range planning decisions were not meaningfully considered and with each contract's implementation, in terms of restoration, the activities and contracts themselves determined policies and directions of the project's restoration. The Committee has arrived at the conclusion that a moratorium should be imposed on any further restoration of activities and areas within the Palace Complex until a master plan is developed.

So, as far as the Iolani Palace Complex restoration project is concerned, the cost estimated for the Friends remaining construction work is as follows if the August 1, 1977, bid is out to the contractors: Complete Iolani Barracks, \$627,000; Repair, fabricate and finish fence and gates, \$258,500; Install new site utilities, \$68,750; Remove and replace roadbeds, \$236,500; Landscape work, \$374,000; Kana'ina Orientation Center, \$484,000; Coronation Stand, \$101,200; which adds up to a total of \$2,149,950.

As far as the fiscal year 1978-79, in terms of CIP appropriations, \$670,000 has been appropriated - \$60,000 for design, and \$610,000 for construction.

At this time, I really don't know what the \$670,000 will be used for, in terms of the restoration. The Committee and myself are concerned that without a master plan, without any policies and guidelines, that we do not know what will really happen. At this time, the Committee does not have a breakdown of maintenance cost and personnel cost to understand how the Palace will be run or operated. Another factor is that I believe that the Friends will now concentrate much of their time and labor towards

the operation and management at the expense of the restoration. With these concerns, I ask for your support on this measure.

But may I reiterate that the Friends should open the Palace and manage it, and that the Department, in consultation with the Legislative Reference Bureau, formulate the master plan.

On behalf of myself and my Committee members, I would like to say 'thank you very much' for their support, and I urge all of you to support this bill.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2941-78, entitled: "A BILL FOR AN ACT RELATING TO THE IOLANI PALACE COMPLEX" passed Third Reading by a vote of 47 ayes, with Representatives Baker, Campbell, Garcia and Naito being excused.

H.B. No. 1998-78, HD 1

On motion by Representative Blair, seconded by Representative Kawakami and carried, H.B. No. 1998-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed Third Reading by a vote of 47 ayes, with Representatives Baker, Campbell, Garcia and Naito being excused.

H.B. No. 3041-78

On motion by Representative Suwa, seconded by Representative Peters and carried, H.B. No. 3041-78, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING: MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1978", passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Abercrombie and Sutton voting no, and Representatives Baker, Campbell, Garcia and Naito being excused.

H.B. No. 3053-78, HD 1

On motion by Representative Suwa, seconded by Representative Peters and carried, H.B. No. 3053-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REVENUE BONDS ISSUED BY THE STATE OF HAWAII", passed Third Reading by a vote of 47 ayes,

with Representatives Baker, Campbell, Garcia and Naito being excused.

H.B. No. 3060-78

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 3060-78, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION PANELS", passed Third Reading by a vote of 47 ayes, with Representatives Baker, Campbell, Garcia and Naito being excused.

The Chair directed the Clerk to note that H.B. Nos. 2172-78 and 2171-78 had passed Third Reading at 11:50 o'clock a.m.; 2941-78 at 11:56 o'clock a.m.; 1998-78 at 11:57 o'clock a.m.; 3041-78 and 3053-78 at 11:58 o'clock a.m.; and 3060-78 at 11:59 o'clock a.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

H.B. No. 1889-78, HD 1 (Deferred from March 2, 1978):

By unanimous consent, action was deferred until Monday, March 6, 1978.

H.B. No. 2173-78, HD 3 (Deferred from March 2, 1978):

Representative Kiyabu moved that H.B. No. 2173-78, HD 3, having been read throughout, pass Third Reading, seconded by Representative Mina.

Representative Kiyabu then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill 2173-78, HD 3, relating to the State Plan. I would like to say at the outset that this one bill has undergone several lengthy hearings and committee meetings and was preceded by the work of an interim committee and the work of last year's 1977 legislative session.

Mr. Speaker, I would also like to personally commend and thank the members of my Committee for the interest they have shown, the hours they have spent with me on this bill, and the impressive level of discussion we have shared on this very important measure.

Ever since the passage of our State Land Use Law in 1961, Hawaii has been recognized as the national leader in state planning. And I believe, Mr. Speaker, that this bill before us

now will again confirm Hawaii's reputation as an innovative and progressive pioneer in this area.

This landmark legislation establishes an overall statewide planning structure to provide a means toward a quality future for Hawaii. The bill establishes a long-range overall theme, goals, objectives, and policies; priority directions for areas of State concern; and a statewide planning process which, among other things, provides for the formulation of State functional plans.

Mr. Speaker, each of these documents is a statement to the people of Hawaii on the direction that their elected officials feel the State must take. At the same time, we have included measures to ensure adequate public participation and input in any subsequent review and amendment to this Act.

Mr. Speaker, one of the things we did in this bill was to establish a planning and management system, not only to assist in the formulation of the various plans called for in the bill, but also to coordinate and carry out the directions set forth in the measure.

To provide this coordination and to advise and make recommendations to the Legislature, we have established a policy council composed of equal numbers of representatives of the State and the counties, and a high proportion of the members of the general public. This Policy Council will be chaired by the Director of the Department of Planning and Economic Development and staffed by his agency. To assist in the development of each functional plan, we established advisory committees composed of public officials, professionals, and members of the general public. Therefore, Mr. Speaker, the ultimate decision on any changes to this Hawaii State Planning Act, and on major conflicts among the plans involved will rest with us, the Legislature, as we are the policy-making body of the State.

I believe that the members of my Committee will agree with me when I say that this document will provide the direction that is needed for the future allocation of our limited resources. As we begin to utilize this document, we will demonstrate to the people of Hawaii that we are serious and concerned about the future of our State.

For example, to achieve more coordinated and directed growth, we have provided for the capital and operating budget appropriations process to be in conformance with the State Plan. In order to make

the plan more effective, we have also required the land use decision-making processes of the Land Use Commission and the State Land Board to conform to the State Plan.

Mr. Speaker, I truly believe that House Bill 2173-78, House Draft 3, is the first step toward a better future for the State of Hawaii. I, therefore, urge the passage of this bill by the members of this House.

Thank you."

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

"Mr. Speaker, I wish to congratulate the Chairman of the State General Planning Committee, its members and staff, who have put in so many hours to produce this impressive document. The document is quite lengthy and very detailed.

Its detail, however, is probably its downfall. This document attempts to address many concerns. In doing so, it complicates our local planning procedures. While the bill includes some good overall goals, we've made the implementation process inflexible, and that is not the real world.

Some four years ago, Mr. Speaker, several members of our Republican caucus held a series of meetings with planners throughout the State. Our concept of a State Plan was an incorporation of the plans of the four separate counties, held together by a State umbrella. Our actions resulted in Act 189 of the 1975 session.

The issue then was home rule. And that hasn't changed as far as I'm concerned. This bill breaks faith with home rule and subjects the counties to conform to detailed plans made by the State. This document, as it stands now, does not permit the individual counties to meet their unique needs on their own terms.

Oahu County, for example, has completed its general plan and is processing its development plan. As mandated by the City Charter, public input was provided and the neighborhood boards themselves contributed a lot of time and effort. The people want to have a say in determining their destinies and Oahu County provided that.

The bill before us negates a lot of that effort.

According to the bill, functional plans must be submitted to the Legislature for approval. Now, I agree that legislative bodies are all 'wise'. However, the Hawaii State Legislature is composed mainly of part-time Representatives. We do not meet year round and, therefore, would inject a restrictiveness into the planning and approval process. The Hawaii economy can't afford to sit and wait for nine months for decisions on planning changes.

A State Plan is a set of goals to direct our planners towards achieving certain objectives. It provides a basis for determining priorities. This bill attempts to set the priorities themselves, by law.

Now, that is not wise, for it will restrict the perspective of both the State and the counties. For example, page 66 of this document mandates State capital expenditures in accordance with this priority directive and the resultant functional plan. Now, can you imagine the incredible maneuverings by individual legislators on every functional plan that we must approve? The CIP would depend on that.

The numerous directives in the bill create opposing statements. I submit that this bill creates more conflicts than it will solve. We will have a State General Plan; but a plan which will be impossible to implement, and Hawaii absolutely does need a State Plan. The people are looking to us for directions; for guidance.

We are in a political situation where there are constant disagreements between the City and the State. The bill before us would lead to further conflict and no decision making. And no decision making leads to economic stagnation and probable higher costs in the future.

The document before us is not reasonable. County and State officials have testified against it. We all know that we must pass a plan this year. Then, let's look at the bill, review it, re-work it, and come out with a document that is worthy of this body's approval."

Representative Sutton was recognized and he stated:

"Mr. Speaker, I rise to speak against House Bill 2173-78. I believe it is House Draft 3. I don't know how many times it's. . ."

The Chair interrupted:

"You're correct, it's House Draft 3."

Representative Sutton asked:

"May I proceed?"

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

"Mr. Speaker, at the outset, I want to tell you that this document is an unconstitutional delegation of powers. It attempts to rewrite the Constitution of the State of Hawaii, and to rewrite every Charter granted since statehood.

Herbert Clark Hoover, former President of the United States of America, when made head of the Hoover Commission by President Truman in 1944, was asked to reorganize the government of the United States and eliminate waste. At that time, he stated that one of the greatest evils of bureaucracy was 'when one arm of the government appointed a committee to do their task, the committee does not solve the problem but just compounds it', Mr. Hoover said.

Ladies and gentlemen of this Legislature, I submit we should heed Mr. Hoover's words and not pass the buck to a committee which, in effect, is what the State General Plan bill before us does.

Before us today is a document which attempts to boil down in possibly 7000 words, all of the objectives and goals and policies that should guide Hawaii in its future development. It contains literally hundreds of propositions about the future. It deals with the economy, population, the physical environment, facility systems, water and transportation, and all the multitude of socio-cultural problems divided in categories, such as housing, health, and education. If adopted, it will be a mandatory guideline for State and county decision makers. It would put a legal policy umbrella over, for example, such agencies as the State Land Use Commission. Future decisions of government bodies will be mandated to be consistent with this Plan. Likewise, any action of the City and County of Honolulu, or the various county governments on the other islands will be mandated to conform. Just look at the last paragraph, Mr. Speaker, on page 37. They must conform.

Mr. Speaker, you have, in attempt, not only superseded the City Charter, but you have made a mockery of all of their machinery. And let me give you an example. You will

have a City and County making a determination of what the density is to be from their point of view of planning - a general plan for that particular county. And then, all of a sudden, comes this huge umbrella and says, no, you didn't plan on the right density. You did not make provisions which we now accord that you must conform. Take your plans and throw them out the window, or into File 13, or in the waste basket, and conform.

Now, you just heard the previous speaker, the elegant Mr. Poepoe, tell you that home rule was being superseded. Mr. Speaker, I'm going a step further than Mr. Poepoe. I'm going to tell you that home rule's dead with this bill. You've killed it, and you're not going to be able to resurrect that home rule because you have put an umbrella, Mr. Speaker, of such tremendous legal consequences that it is comparable to the NRA, the National Recovery Act. Minoru Inaba is probably the only one in the room who remembers that besides me. This was the blue eagle, Mr. Speaker, of the New Deal. And it clothed all of the functions of government in the codes very comparable to this - same idea. We got a lot of problems; we get a committee to solve it, but they could not solve it.

So, Mr. Speaker, I would ask that you remember the words of President Herbert Clark Hoover, 'don't have a committee do the job that you were supposed to do.'

Thank you, Mr. Speaker."

Representative Evans then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 2173-78, HD 3, with some reservations. This bill offers a promising start for making the government of Hawaii more visionary and more unified in its planning for the future. It is a good bill overall, and a definite step in the right direction, but it is not without shortcomings.

My concerns with House Bill No. 2173-78, House Draft 3, is that it goes beyond providing a set of long range goals and an administrative apparatus with which to work towards such goals, and it involves itself with shorter-term specifics that should not be legislated into a single statute of this kind. The problem arises from the inclusion into the bill of an earlier resolution on 'priority directions'.

With the inclusion of this new section, the long range State Plan will include

the agenda of what is of immediate concern and the priorities under which resources should be allocated. I feel that the agenda of what is of immediate concern to the State cannot be put into the law in this way, simply because circumstances are constantly changing - sometimes radically changing - and the State government must have the flexibility to react to these changes effectively and to refocus priorities when necessary, rather than waiting for formal changes in the statute to be made.

Priority directions should be a tool of the lasting, statutory State Plan, and not a part of the statute itself. Adding them to the State Plan is a bit like adding a specific law to the Constitution.

In giving these priority directions the force of law, and having them guide other planning documents, including the county plans, there is a further problem of pushing State-defined priorities on to the counties, which, by virtue of their closer relation to people and local problems, are often in a better position to judge what their priorities should be.

Mr. Speaker, despite these shortcomings, I am in favor of this bill. No legislative undertaking of this immense size is going to be without its imperfections. The overall concepts and objectives of this bill are to be praised. It is time that we, in Hawaii, make more explicit the goals we set for ourselves as a statewide community. And it is time that we move toward these goals with better planning mechanisms and a more unified, efficient approach.

A tremendous amount of effort has gone into this bill from many sources, and what has been achieved is laudable. The Committee Chairman who guided the development of this bill should be commended for the time and energy that was put into this important measure.

Fellow members of the House, I urge your support of this bill.

Thank you."

Representative Carroll then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure to express some reservations that I have."

Directed by the Chair to "proceed",

Representative Carroll stated:

"Mr. Speaker, in 1961, I believe it was, this State Legislature passed the first of its kind Land Use Law. And as a freshman in law school about that time, I was amazed at the foresight, the vision, the provisions that were being made for the future by our Legislature. I've had the experience during the past thirteen or so years to see that that law has had some good effect but, often, because of the impact of the counties as well as other governmental agencies, the dream that was sought after by those legislators has largely been dashed.

The reservation that I have with this measure, Mr. Speaker, is that it is too general. It sets priorities. It has excellent language, goals and so forth, but I do not see within this measure the kind of specificity that I would like to see in this particular plan, granted that these areas are broad and in a sense will not react to a detailed treatment at this time.

It is my opinion, contrary to other speakers who have risen on this matter, that there is power being taken from the county, but I feel not enough power is taken from the county because it is there where the City Councils have granted the types of permits to do things that clearly should not be done. I do not intend to speak to any specific projects at this time, but I think, Mr. Speaker, this particular measure is a step in the right direction, but it is not specific enough. I do not think it has the teeth in it to do what it wants to do, and I hope that we will have at least one more chance to revise this measure in the session that should be coming up next year. I believe that as the functional plans are being submitted, we will have that opportunity.

In spite of those reservations, I would urge that we all vote 'aye' on this measure."

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

"Mr. Speaker, one of the things that was most difficult for the Chairman as . . . and I'd like to speak as a member of the Committee that put this bill together and speaking for it.

Mr. Speaker, one of the difficulties that the Chairman and the Committee addressed is language. Not the six or seven thousand words, 70 pages, and all that, but the key words like

'conform', words like 'encouraging.' We wanted to know precisely what we meant by that, and I would maintain to the members that we do have a precise document here. Not an imprecise document, but we know exactly what it is that we're saying here.

In this instance, 'conform' is to bring into harmony or agreement. I'm quite aware of the fact that if you wished to, you can define conform as obedience or compliance. But when you do, as obedience and compliance, it is noteworthy that it is used as a secondary sense in defining it and used only when it is in terms of adapting to a prevailing standard of custom. It is precisely the opposite that this plan is addressed - the opposite direction. So rather than being, that is to say, rather than defining the word 'conform' as has been done on the floor, and maybe done by others who oppose this bill as obedience or compliance, it is quite clear from the language and thrust of the bill, individually and taken all together in its various sections, that the contrary definition is what is sought and what will occur if this bill is implemented by virtue of it being voted on and followed. That is to say, to bring into harmony or agreement. It doesn't guarantee it - it says to bring into - to give birth to. To create it - harmony and agreement. There is disharmony. There is no agreement at this time.

That is precisely the question that the Committee addressed - how can we do this? How can we take all the various plans, formulations, individual emotions and commitments, counties, individuals, neighborhood boards, State bodies, et cetera, administrative bodies - how can we bring them into harmony and agreement? This has been the conviction of the Committee right straight through. It has most certainly been the conviction of the Legislature in giving us the opportunity to follow through. It has been the conviction that it is our responsibility, at this time in our history, to do this. We are not trying to tell people down the line what they must do. But we most certainly are saying that we are intelligent enough now and most certainly have not only authority, but the responsibility, to understand where our resource allocations are involved. We must bring into harmony and agreement how those resources, human and physical - all our resources - and spiritual, will be brought into

harmony. We most certainly have that responsibility. And that's what we're trying to do.

The home rule business is a myth. It's home rule if you want to do it your way, and it's. . . it's a district CIP when you want a grant made. You know, that, to me, is the total. . . home rule. Forget that number. I can't even rule my own home so I don't like this bill and the contents of it to be clouded by demagogic discussions of home rule. Now, I'd like to do my own demagoguery with reality.

Reference has been made to specific pages in this document. For example, on page 37. . . well, it's too bad that the people who have made reference. . . I shouldn't say the people - the Representative who made reference to page 37, didn't read page 36 because that's where it starts.

Now, I'm a firm believer in context. The reason is because I take advantage of taking things out of it so often. I know how to do it. You start on page 36 - you'll see Part 2, Planning Coordination and Implementation, and you will find there that contrary to the contention that the county plans and home rule should be destroyed here. Quite the opposite. You will find that in the statewide planning system, you will see that it says where the priority directions are concerned, the State and the counties - it doesn't say the State or the counties, in conjunction with each other, shall set the priorities for the allocations of resources. I don't know how much clearer we can make that language. Then, go on to page 37 and you'll find that the basis for the functional plans are going to be the County General Plans that are already in existence. This will be the take-off point. Now, that is absolutely clear in the language. The plans that are already under way; the advantages that we have then toward the State functional plans, in respect of the work that's already been done, is not going to be thrown out the window. On the contrary, the bill commends that it be utilized for the State functional plan.

Now, I'm especially interested in page 66 which was also referred to, because I have cited those pages in particular, starting back on 64, from 'population growth and distribution' on through pages 66 and 67, over and over again, in committee hearings.

Contrary to what has been stated here, we are not fixing anything anymore than the guideway. If we pass a bill,

as we just did about the guideway with the amending language, and it comes back to us, we have set very, very specific conditions under which money is going to be spent in this State. We have said very, very specifically what it is we will be doing with at least the island of Oahu and the urban core of Oahu, not only in respect of transportation, but every other single aspect that any committee in this House deals with as a result of its implementation or non-implementation.

Now, the CIP budget. I'll tell you quite frankly - of course, it sets that. Our budget directions - this is what we're trying to do. We're trying to get rid of this log-rolling. It is the opposite of what is contended here that, namely, it's every man or woman for themselves in here and see what CIP can get into hell with, whether it measures up to what's in the interest overall, so long as you look good. On the contrary, what we're trying to do with this bill is to put together a functional plan which will guide the district CIP allocations in such a manner as to benefit the people in those districts on an overall island basis - island wide basis and statewide basis. It gives us the opportunity to get away from the kind of log-rolling that's involved in the CIP stuff with the districts. This is what we're after. This is what we're trying to set. We're not trying to tell people down the line what it is those CIP projects must be. We're trying to set the process in motion so that they can discover how best they can serve the State with them. That's what we're trying to do.

We are not trying to rewrite charters. Quite the opposite. We are trying to implement, on a statewide basis, for the first time, recognition of the County Charters in a way that will enable us, as a Legislature, to expend money to appropriate funds which will reflect the County Charters and the people in the particular areas and the non-contiguous counties.

This is an opportunity on the statewide level. This has not been submitted to a committee. This has been submitted to the people, and it will not be submitted to a committee. It is a falsehood to think that if this bill passes, that the results of it, in terms of the functional plan, will be as a result of a committee meeting. On the contrary, it will reflect directly, and I can speak

just from my interest on the island of Oahu alone, it will be a direct reflection from the neighborhood boards, the development councils, and all the other planning activities and resources that are available to us - the community associations - right now. This virtually tells people to get out and do this. It practically pulls them out of their houses into meetings to do exactly that - formulate the functional plan from the bottom up. This is what this Plan is intended to do. This is the intent of the Plan - that it will come from the bottom up. The appearance of the functional plan will be the last step - not the first step. The last step in a statewide, and island-wide, and island specific plans. The first step will be the last of a series of meetings, and decision making will go on from the people and this will be reflected in the functional plan. It will be comprehensive.

What's wrong with mandating the future? Why are we here? Of course, we're mandating the future here. That's our responsibility. The moment we pass the bill, saying we were going to have a State General Plan, we committed ourselves to that. Now, we can't go back and say, oh, my God, would they actually get one out. It's interesting. I really think that the opposition to the State General Plan would be . . . the only opposition could really be is it wasn't expected to be done. And so now people who have to be against it because, while on the surface, sure, theoretically, we were going to try and get a general plan, they actually put one together. And not only that, but they got one that makes sense. And not only that, but they've got most people able to say, yeah, I will give it a try. We'll try to deal with it. Not only that, they got Abercrombie and Kiyabu congratulating each other all over the place. Now, let me tell you, that is really bringing into harmony or agreement.

Now, finally, you either mean it or you don't. Of course, there's going to be problems. One of the problems that we have had and which this Plan seeks to address itself to is to get rid of the personality; to minimize the personalities in the executive and/or the legislative branches of county governments and so on, no matter who those people are. We're trying to institutionalize a process wherein the individual personalities will not matter as much as they do now.

In the absence of a State Plan, these personality conflicts and all the rest

take precedence over almost everything else, and the people are not well served, as a result. So, you bet, we're trying to mandate the future. We're mandating how the future will be dealt with. We're mandating an opportunity. That's what we're mandating in the State General Plan.

And I say again, I reiterate and close with this: We either mean it or we don't. If we don't mean it, then vote down the General Plan and let's say and let's give it, inasmuch as the past history - past American history - has been brought up on this floor today, in respect of ex-President Hoover and the organization. Let me state, as I have previously, two instances: (1) The historian, Herbert Croley, a progressive historian at the time of Teddy Roosevelt, the turn of the century, at the closing of the frontier, in which the frontier in America became a state of mind. The battle of Wounded Knee ended the actual frontier battles - the actual physical closing of the Western frontier of the United States took place in 1892 - the battle of Wounded Knee. And at that time, we ended an era of frontiers that had physical boundaries, and we entered an era of frontiers that had mental boundaries. . . . only the imagination - the talent - that was in the room, according to the Constitution, that gives us the opportunity to be here. That's what this Plan is addressed to.

Croley said then, 'you cannot institutionalize a mood.' It doesn't do any good to say on one day, gee, we ought to plan better, and the next day - just leave it up in the air without any possibility at all of being able to do so. You cannot institutionalize a mood. That's why reform doesn't work. There's never been a reform administration in the United States that was ever worth a damn because they're trying to institutionalize a mood. We're trying to institutionalize a process with this.

You either mean it or you don't mean it. If you don't mean it, then let's take one last historical example. Let's go back to the time that Jim Fisk, the robber baron. . . let's go back to when they really knew how to log roll. Let's go back to the grand administration when they were heaving the bucks out of the Treasury; when there wasn't any opportunity to do otherwise but steal. And Fisk went before a congressional committee and said when they asked him, 'How could you do this? How

could you possibly have taken advantage of the people of the United States and the Treasury of the United States in this way?' And he said, 'Listen, it's every man drag out his own corpse.' That was his philosophy - dog eat dog. That's what this bill is trying to alleviate. We're trying to get rid of the personalities of the dog eat dog atmosphere. We're trying to say we really mean it when we say State General Planning. We're trying to bring harmony. We're trying to bring agreement. We're trying to bring conformity on that basis.

Thank you."

Representative Sutton, in rebuttal, stated:

"Mr. Speaker, I can document this case on home rule being destroyed by specific language. Let me give you another page. I gave you page 37; now I'll give you page 53. If you people would just kindly turn to page 53 and go to line 17 which reads as follows: 'The County general plans and development plans shall be in conformance for their overall theme, goals, objectives, policies, and priority directions of this chapter and the State functional plan by January, 1982.'

Mr. Speaker, we're in the year of our Lord 1978. Four years hence, they've got to conform. How can a County know how to plan when they do not know what the umbrella will contain? They are put in constant jeopardy that all of their plans are of no avail because they have not assumed things that are in evidence. Mr. Speaker, the word 'conformance' is used there without any possible ambiguity at all, and that destroys home rule.

Now, Mr. Speaker, let me proceed a little further. As a child, I loved 'Pollyanna'. I greatly enjoyed 'Alice in Wonderland', and I had many thrills out of the 'Wizard of Oz', but, Mr. Speaker, look what we're trying to do here. Let me show you this language. It's a language of Pollyanna. It's a language that does not speak to reality. They talk about high priority actions for developing economic activities. You know, this is beautiful. It's just 'hang your clothes on that hickory limb, but don't go near the water.'

High priority action for developing economic activities and they shall be a clean industry. I'm clean, Mr. Speaker. A clean industry - I'm Mr. Clean - a clean industry that will

have minimal effects on Hawaii's environment. There's no such thing as a clean industry. Sugar, with our beautiful fields, and they got a mill, and that mill puts out all that smoke and when they burn their cane fields, there's all of that stuff that flies around, all the way from Mr. Lunasco's home to mine. There's no such thing as a clean industry. You're growing an industry. You're going to make a buck, and you're going to give jobs, and you're going in there and you're going to do something that isn't clean, per se, by definition. This is 'Pollyanna' language.

Now, Mr. Speaker, when you go to the restaurant, you order a steak, or, and I said any alternative, you order crab or chicken, or lobster, but you don't have the waiter bring all five of those in front of you because that's too much.

Mr. Speaker, I'm sorry, but the last speaker from Manoa has just greatly fulfilled every one of my warnings. Mr. Speaker, we are biting off more than we can chew.

Thank you."

Representative Medeiros then rose and stated:

"Mr. Speaker, I did not intend, this morning, to rise to speak on this bill at this time, but as a member of the Committee, I would like to compliment the Chairman and the Committee members for the many long hours that we have put into this bill, and I include myself as well, Mr. Speaker, and I believe, this morning, the concerns are that the State will be going in one direction and the counties will be going in the other direction. And if you don't read this bill thoroughly, you would believe so, that this is exactly what would happen.

I'm not going to read these pages to you, Mr. Speaker and this honorable body, but I would like to draw your attention to page 43, and I think the most important thing is your safety valve that we have incorporated in this bill, and that is your Policy Council. The duties of the Policy Council will take care of the concerns that have been voiced this morning on the floor of this House. And if I was to take the time to read this, then I believe, Mr. Speaker, that I would be procrastinating the issues this morning, but if I ask that you read these two pages - page 43 and

page 44 - it will enlighten you and it will answer much of the concerns for some of my colleagues who are speaking against the bill.

Thank you."

Representative Carroll rose in rebuttal, stating:

"Mr. Speaker, I rise to make certain comments in rebuttal of the previous speaker, the senior Representative from Nuuanu, and I'm speaking again in favor of the measure.

Mr. Speaker, page 53 was referred to in the County general plans. Section 61 of this measure has been commented upon, and I happen to have, actually, by chance, before me, a statement of the objectives of the County Plan of the island of Oahu which is signed by one member of the City Council.

Under economic activities, Policy No. 4 - Objective B - which is to maintain the viability of Oahu's resort industry - Policy No. 4 states, 'to provide public and encourage private improvements to facilities in Waikiki.'

Policy No. 5 is to discourage further high density development in Waikiki. Then, under that same section, it talks about the objective of preserving and enhancing the natural monuments and scenic views of Oahu for the benefit of both residents and visitors.

Policy No. 2 under that section says, 'to protect Oahu's scenic views, especially those seen by highly developed and heavily travelled areas.' Then, under the transportation and utilities section, Objective C, which says, 'to maintain a high level of service for all utilities.' The policy is to maintain existing utility systems in order to avoid major breakdowns.

We're talking about specificity and we're talking about demeaning the County of their powers, and I think this is a totally blind approach to take, because there is a project that was just approved within the last three weeks in the Waikiki district which is diametrically opposed to every one of these items. The day before they. . .well, last week, in two separate days of the week, there were major breakdowns of the water system because of aging pipes and because there are no improvements that have been put in there to take care of that particular problem.

And in that same area, the City Council, in its infinite wisdom, is

getting ready to approve additional high density buildings and so I'm talking about, in my comments, about the fact that no matter how well we prioritize, no matter how much we look to the future and try to take care of these things and even when the city governments, in their wisdom, adopt these very policies and, in effect, echo our comments, we still do not get the kind of effect that it takes to take care of our land and to take care of our natural resources, and the needs of our citizens. And it's to that effect that I feel that while this is a good measure, it is not nearly strong enough, and I think it leaves, as I said earlier, too much power with the counties.

Thank you."

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

"Mr. Speaker, I, too, would like to commend the Chairman of the Committee and its members for coming out with such a comprehensive document. Mr. Speaker, I, too, have reservations about this bill, but not because this bill is too detailed.

Mr. Speaker, on some of the pages, in fact, throughout the document; for example, on page 8 and page 9, on policies and objectives for population, there are words like 'encourage', 'insure', 'promote', 'foster', and 'pursue'. Other objectives are equally general. On page 12, regarding agriculture, words like 'foster', 'seek', 'promote', 'support', 'enhance' and 'assure' are all open to interpretation. Even if we look at the priority directions beginning on page 56, we find objectives hardly approaching the level of detail required to really set priorities in decision making.

I really feel that the arguments presented by the previous speakers, in voting against this measure, is not really the reason.

Now, let me tell you why I'm supporting this measure, even with some of these languages that I pointed out to you.

Number one, we, as policymakers, need to commit ourselves to solving the problems of the State. We need to begin the process of setting priorities. We need to recognize that the well-being of every person in Hawaii depends on the wise and the equitable allocation of all precious resources.

We need to establish a framework in which the tough decisions can be made, including the major trade-offs.

Mr. Speaker, we need to face the challenge of leadership. We are the elected officials. It is our duty to muster our collective wisdom and face the issues. We must provide leadership. We must set in motion the planning that must be done to protect the welfare of our people. If we back off now, how can we explain ourselves to the general public? How can we say that even with some generalities, it was too hard to handle, or too complex to vote on, and too detailed to accommodate all the special interests?

For those reasons, Mr. Speaker, I ask all of you to support House Bill No. 2173-78."

Representative Kiyabu then rose and stated:

"Mr. Speaker, I rise again to speak in favor and, perhaps, clarify some of the statements that were made previously.

Mr. Speaker, the State General Plan has, in the first portion - Part 1 - goals and objectives, and it may seem to some people because this is a comprehensive. . . or it deals with various subjects, it may seem that they're contradicting each other. It's true, on one hand, we're talking about development, and on the other hand, we are talking about preserving our environment, but I don't see a conflict unless you talk about a specific property and then, you know, it's difficult to say development versus ecology. But if we take in a broad statewide prospective and try to get a balance, I don't see any conflict in those policies.

The direction is a means to focus upon from all those broad goals and objectives. We're trying to focus what the problem of the State is today, and I think all of you can agree that employment is our biggest problem in this State. And we're, in this portion, trying to focus on employment and this is a basis to develop a functional plan. I think if these people would read the bill and not just read, you know. . . separate pages, we're trying to develop a planning process and, naturally, when there's a change, you have resistance.

Some people have mentioned that in the past, we made it inflexible. Well, I think flexibility has been the problem. With this particular bill,

and in developing this functional plan, we would bring sunshine to government. For the first time, I think the people of this State will know what direction the State is going, and I think it's as . . . policy-making, we should have that opportunity to approve or disapprove those plans, rather than some State bureaucrat deciding upon their own what direction the State is going to take us.

Insofar as the counties' concerns, we have tried to resolve those conflicts, short of giving the county all that they wanted. If we had agreed to the thing that they're really fighting for - making the County general plans superior to the State - then, I would not have recommended the Committee to approve this bill. It would then have been a County Plan and not a State Plan.

In the formulation of the functional plans, we have devised means so that there will be two areas of resolutions with the counties. We have developed an advisory committee which includes professional government officials and members of the general public. And the County Mayors will be submitting a list so that the Governor will select from his list so that the counties will have adequate input from the very beginning, and, at this point, if we can't resolve those conflicts, the Policy Council was developed to give equal weight to both State and counties and to . . . we included more members from the public so that there will be no conflicts of interest either for the State or the county.

I think we developed all the means to resolve the conflicts between the State and the County general plans. I think that this document is a good planning document and if planners on both sides of the State and the counties look at it objectively, they will find that this is the proper mechanism to go but, unfortunately, there are some political pressures.

Thank you."

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

"During these past, what, 32 days now, House session of 1977, and during the interim period, I believe that all Committee members on the State General Plan has done a very outstanding job in formulating the State General Plan. But a lot

of the credit should be given to the Chairman himself who has tried to accommodate all - all of the Committee members who are here today.

In speaking about the State General Plan, I've taken a different approach in looking at what the State General Plan should be. And the view or perspective I've taken is one of . . . just like taking a football team. You have eleven members on a football team - eleven on offense, eleven on defense. Well, there's twenty-two policies and objectives in this State General Plan document before you. I think the senior colleague from Nuuanu knows that in any position you play, there must be a plan of action of how you're going to block, who you're going to be blocking, your downfield blocking, and what have you. . . even your halfbacks and so forth.

In the State General Plan here, it is a document of being the foundation of where we're going, maybe ten to twenty years down the road. What you folks also have to understand is that if there's any adoption or amendments or revisions to be made, it is going to be made here, in this body, and in the Senate.

I'm trying to tell the members who are in opposition of this Plan that, maybe I'm going to be living, maybe 50 years down the road; I don't know about the member from Nuuanu, but I believe it's going to work out, so I'd like to say that I hope all of my colleagues will vote for this Plan, and I think it's a very good Plan.

Thank you."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to give you a message to give to the prior speaker."

The Chair remarked:

"The Chair will allow you one indiscretion", and directed Representative Sutton to "proceed".

Representative Sutton stated:

"Mr. Speaker, the gentleman is the Chairman of the Culture and the Arts. As such, I expect that he has read George Bernard Shaw, and George Bernard Shaw said that the most important thing for us to do is to think about going back to Methuselah."

At 1:29 o'clock p.m., the Chair

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

The House of Representatives reconvened at 1:52 o'clock p.m.

Roll call having been requested, the motion was put by the Chair and carried, and H.B. No. 2173-78, HD 3, entitled: "A BILL FOR AN ACT RELATING TO PLANNING", having been read throughout, passed Third Reading by a vote of 32 ayes to 6 noes, with Representatives Caldito, Lunasco, Nakamura, Poepoe, Sutton and Ueoka voting no, and Representatives Aki, Baker, Blair, Campbell, Carroll, Garcia, Ikeda, Kawakami, Kunimura, Naito, Segawa, Shito and D. Yamada being excused.

At 1:54 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 2:00 o'clock p.m.

H.B. No. 2765-78, HD 1 (Deferred from March 2, 1978):

On motion by Representative Cobb, seconded by Representative Ueoka and carried, H.B. No. 2765-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", having

been read throughout, passed Third Reading by a roll call vote of 38 ayes, with Representatives Aki, Baker, Blair, Campbell, Carroll, Garcia, Ikeda, Kawakami, Kunimura, Naito, Segawa, Shito and D. Yamada being excused.

The Chair directed the Clerk to note that H.B. No. 2173-78 had passed Third Reading at 1:53 o'clock p.m. and H.B. No. 2765-78 at 2:01 o'clock p.m.

At 2:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:04 o'clock p.m.

The Chair then stated:

"The Chair would like to remind all members that session begins at 10:00 o'clock Monday, so plan your schedule accordingly, and we will probably have a long day on Monday."

ADJOURNMENT

At 2:07 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 10:00 o'clock a.m. on Monday, March 6, 1978, by a rising vote, in memory of the late Mr. Bill Among.

THIRTY-THIRD DAY

Monday, March 6, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 10:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Honorable Herbert Segawa, after which the Roll was called showing all members present with the exception of Representatives Abercrombie, Baker, Peters and D. Yamada, who were excused.

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

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 59) returning House Concurrent Resolution No. 84 which was adopted by the Senate on March 3, 1978, was read by the Clerk and was placed on file:

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

Representative Takamura introduced twenty-seven members of the Moiliili Senior Citizens' Center, who were accompanied by Ms. Gail Haruki.

Students from the Aiea Community School for Adults were introduced by Representative Lunasco. They were accompanied by Diane and Kikue.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 413 to 415) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
413	Committee on Ecology and Environment
414	Committee on Public Employment and Government Operations, then

to the Committee on Finance

415 Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management

SUSPENSION OF RULES

On motion by Representative Yuen, seconded by Representative Kamalii and carried, the rules were suspended to allow members to offer resolutions.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 416) extending acknowledgement and welcome to Dr. Henry J. Heimlich was jointly offered by Representatives Evans, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Fong, Garcia, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kondo, Larsen, Machida, Medeiros, Mina, Mizuguchi, Morioka, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Ueoka, Uwaine, Yuen and Wakatsuki.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 416 was adopted.

Representative Evans then introduced the honoree, Dr. Henry J. Heimlich; Mr. Larry Larrabee, President of Castle Memorial Hospital; and Mr. Nathan Goto of Division 22 of Kiwanis International. They were presented with leis by Representatives Kamalii, Stanley and Ikeda, respectively. Representative Segawa presented them with certified copies of the resolution.

At 10:13 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:16 o'clock a.m., Representative Machida introduced thirty-seven senior citizens from Maui - 25 from Paia and 12 from Haliimaile. They were accompanied by Mr. and Mrs. Edwin Nakamoto.

UNFINISHED BUSINESS

H.B. No. 1889-78, HD 1, on Third Reading (Deferred from March 3, 1978):

By unanimous consent, action was deferred to the end of this morning's calendar.

STANDING COMMITTEE REPORTS

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 443-78) recommending that H.R. No. 181, 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. 181, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE COMMITTEE ON EDUCATION TO REVIEW THE DEPARTMENT OF EDUCATION'S RESPONSE AS TO THE FEASIBILITY OF ESTABLISHING TEACHER CENTERS IN EACH SCHOOL DISTRICT", was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 444-78) recommending that H.B. No. 939, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Nakamura and carried, the report of the Committee was adopted and H.B. No. 939, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978, with Representatives Narvaes and Sutton voting no.

At 10:18 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:19 o'clock a.m.

Representative Kawakami, for the majority of the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 445-78) recommending that H.B. No. 2756-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Lunasco and carried, the report of the majority of the Committee was adopted and H.B. No. 2756-78, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Kawakami, for

the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 446-78) recommending that H.B. No. 2837-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2837-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 447-78) recommending that H.B. No. 2192-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 2192-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE NO-FAULT INSURANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 448-78) recommending that H.B. No. 2929-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 2929-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 449-78) recommending that H.B. No. 1935-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 1935-78,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 450-78) recommending that H.B. No. 2499-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 2499-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL-LANDLORD TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 451-78) recommending that H.B. No. 2396-78, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Takamine moved that the report of the Committee be adopted and that H.B. No. 2396-78, HD 2, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Yuen.

Representatives Dods and Segawa then asked for a conflict ruling, stating that they were both "insurance agents."

The Chair ruled: "No conflict."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 2396-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GROUP INSURANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 452-78) recommending that H.B. No. 1987-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Nakamura

and carried, the report of the Committee was adopted and H.B. No. 1987-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 453-78) recommending that H.B. No. 1946-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1946-78, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN BIRTH CERTIFICATES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 454-78) recommending that H.B. No. 1948-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1948-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 455-78) recommending that H.B. No. 3011-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Segawa moved that the report of the Committee be adopted and H.B. No. 3011-78, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Shito.

Representative Takamura then asked for a conflict ruling, stating that he was a "subarea chairman".

The Chair ruled: "No conflict."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 3011-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", passed Second Reading and was placed on the calendar for Third Reading

tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 939, HD 1; 2756-78; 2837-78; 2192-78, HD 1; 2929-78, HD 1; 1935-78, HD 1; 2499-78, HD 1; 2396-78, HD 2; 1987-78, HD 1; 1946-78; 1948-78; and 3011-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 456-78) recommending that H.B. No. 2496-78, as amended in HD 1, pass Third Reading.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 457-78) recommending that H.B. No. 2352-78 pass Third Reading.

Representative Blair, for the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 458-78) recommending that H.B. No. 2249-78, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 456-78 on H.B. No. 2496-78, HD 1; 457-78 on H.B. No. 2352-78; and 458-78 on H.B. No. 2249-78, HD 1, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2496-78, HD 1; 2352-78; and 2249-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 459-78) recommending that H.B. No. 2879-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2879-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 460-78) recommending that H.B. No. 2390-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2390-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 461-78) recommending that H.B. No. 2612-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2612-78, entitled: "A BILL FOR AN ACT RELATING TO BANKING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 462-78) recommending that H.B. No. 2432-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2432-78, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF PROPERTY AND CHOSES IN ACTION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2879-78, HD 1; 2390-78, HD 1; 2612-78; and 2432-78 were made available to the members of the House at 10:00 o'clock a.m.

Representative Mizuguchi, for the Committee on Education, presented a report (Stand. Com. Rep. No. 463-78) recommending that H.B. No. 610, as amended in HD 2, pass Third Reading.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 464-78) recommending that H.B. No. 1870-78, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 463-78 on H.B. No. 610, HD 2, and 464-78 on H.B. No. 1870-78, HD 1, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 610, HD 2, and 1870-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Kiyabu, for the majority of the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 465-78) recommending that H.B. No. 2114-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the majority of the Committee was adopted and H.B. No. 2114-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 466-78) recommending that H.B. No. 1858-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Mina and carried, the report of the Committee was adopted and H.B. No. 1858-78, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF A PLAN FOR STATE LANDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 467-78) recommending that H.B. No. 1994-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee

was adopted and H.B. No. 1994-78, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 468-78) recommending that H.B. No. 1997-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 1997-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-COMPETITIVE PROMOTIONS OF PUBLIC EMPLOYEES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 469-78) recommending that H.B. No. 1996-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 1996-78, entitled: "A BILL FOR AN ACT RELATING TO PROVISIONAL APPOINTMENTS OF PUBLIC EMPLOYEES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 470-78) recommending that H.B. No. 1993-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 1993-78, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 471-78) recommending that H.B. No. 2165-78, HD 1, pass Second Reading

and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2165-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASE BY A PUBLIC UTILITY OF GEOTHERMAL ENERGY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2114-78, HD 1; 1858-78; 1994-78; 1997-78, HD 1; 1996-78; 1993-78; and 2165-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

At 10:24 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:26 o'clock a.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 472-78) recommending that H.B. No. 2942-78 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 472-78 on H.B. No. 2942-78 was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2942-78 were made available to the members of the House at 10:00 o'clock a.m.

Representative Cayetano, for the Committee on Energy and Transportation, presented a report (Stand. Com. Rep. No. 473-78) recommending that H.B. No. 1932-78, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 1932-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER LAW", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Machida, for the Committee on Tourism, presented

a report (Stand. Com. Rep. No. 474-78) recommending that H.B. No. 145, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Machida, seconded by Representative Dods and carried, the report of the Committee was adopted and H.B. No. 145, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 475-78) recommending that H.B. No. 139, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Machida moved that the report of the Committee be adopted and that H.B. No. 139, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Dods.

Representative Sutton then asked for a conflict ruling, stating that he "owns a hotel."

The Chair ruled: "No conflict."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1932-78, HD 2; 145, HD 1; and 139, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 476-78) recommending that H.B. No. 2750-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 477-78) recommending that H.B. No. 2170-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 478-78) recommending that H.B. No. 3059-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 479-78) recommending that H.B. No. 1783-78, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 480-78) recommending that H.B. No. 1815-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 481-78) recommending that H.B. No. 2091-78, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 482-78) recommending that H.B. No. 2727-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 483-78) recommending that H.B. No. 2680-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 484-78) recommending that H.B. No. 2164-78, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 485-78) recommending that H.B. No. 2097-78 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 486-78) recommending that H.B. No. 3033-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 487-78) recommending that H.B. No. 2570-78 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 488-78) recommending that H.B. No. 1922-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 489-78) recommending that H.B. No. 1778-78 pass Third Reading.

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 490-78) recommending that H.B. No. 3042-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 491-78) recommending that H.B. No. 2912-78 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 492-78) recommending that H.B. No. 2746-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 493-78) recommending that H.B. No. 2581-78 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 494-78) recommending that H.B. No. 2385-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 495-78) recommending that H.B. No. 2293-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 496-78) recommending that H.B. No. 1880-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 497-78) recommending that H.B. No. 1885-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 498-78) recommending that H.B. No. 2764-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 499-78) recommending that H.B. No. 2319-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 500-78) recommending that H.B. No. 2306-78, HD 1, pass Third Reading.

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 501-78) recommending that H.B. No. 1822-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 502-78) recommending that H.B. No. 2318-78 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 503-78) recommending that H.B. No. 3045-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 504-78) recommending that H.B. No. 2860-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 505-78) recommending that H.B. No. 2239-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 506-78) recommending that H.B. No. 1769-78, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 476-78 on H.B. No. 2750-78, HD 2; 477-78 on H.B. No. 2170-78, HD 2; 478-78 on H.B. No. 3059-78, HD 1; 479-78 on H.B. No. 1783-78, HD 1; 480-78 on H.B. No. 1815-78, HD 1; 481-78 on H.B. No. 2091-78, HD 1; 482-78 on H.B. No. 2727-78, HD 1; 483-78 on H.B. No. 2680-78, HD 1; 484-78 on H.B. No. 2164-78, HD 1; 485-78 on H.B. No. 2097-78; 486-78 on H.B. No. 3033-78, HD 1; 487-78 on H.B. No. 2570-78; 488-78 on H.B. No. 1922-78, HD 1; 489-78 on H.B. No. 1778-78; 490-78 on H.B. No. 3042-78, HD 1; 491-78 on H.B. No. 2912-78; 492-78 on H.B. No. 2746-78, HD 1; 493-78 on H.B. No. 2581-78; 494-78 on H.B. No. 2385-78, HD 2; 495-78 on H.B. No. 2293-78, HD 2; 496-78 on H.B. No. 1880-78, HD 1; 497-78 on H.B. No. 1885-78, HD 2; 498-78 on H.B. No. 2764-78, HD 2; 499-78 on H.B. No. 2319-78, HD 1; 500-78 on H.B. No. 2306-78, HD 1; 501-78 on H.B. No. 1822-78, HD 2; 502-78 on H.B. No. 2318-78; 503-78 on H.B. No. 3045-78, HD 1; 504-78 on H.B. No. 2860-78, HD 1; 505-78 on H.B. No. 2239-78, HD 2; and 506-78 on H.B. No. 1769-78, HD 1, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section

16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2750-78, HD 2; 2170-78, HD 2; 3059-78, HD 1; 1783-78, HD 1; 1815-78, HD 1; 2091-78, HD 1; 2727-78, HD 1; 2680-78, HD 1; 2164-78, HD 1; 2097-78; 3033-78, HD 1; 2570-78; 1922-78, HD 1; 1778-78; 3042-78, HD 1; 2912-78; 2746-78, HD 1; 2581-78; 2385-78, HD 2; 2293-78, HD 2; 1880-78, HD 1; 1885-78, HD 2; 2764-78, HD 2; 2319-78, HD 1; 2306-78, HD 1; 1822-78, HD 2; 2318-78; 3045-78, HD 1; 2860-78, HD 1; 2239-78, HD 2; and 1769-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 507-78) recommending that H.B. No. 2388-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2388-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PODIATRY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Machida, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 508-78) recommending that H.B. No. 1823-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Machida, seconded by Representative Dods and carried, the report of the Committee was adopted and H.B. No. 1823-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Blair, for the majority of the Committee on Ecology and Environment, presented a report (Stand. Com. Rep. No. 509-78) recommending that H.B. No. 2337-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2337-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL AND LITTER CONTROL", passed Second Reading and was placed on the calendar

for Third Reading tomorrow, March 7, 1978, with Representative Larsen voting no.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 510-78) recommending that H.B. No. 2086-78, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2086-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDED RESEARCH PROJECTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2388-78, HD 1; 1823-78, HD 1; 2337-78, HD 1; and 2086-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 511-78) recommending that H.B. No. 2303-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 512-78) recommending that H.B. No. 2462-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 513-78) recommending that H.B. No. 3034-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 514-78) recommending that H.B. No. 2545-78, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 511-78 on H.B. No. 2303-78, HD 1; 512-78 on H.B. No. 2462-78, HD 2; 513-78 on H.B. No. 3034-78, HD 2; and 514-78 on H.B. No. 2545-78, HD 2, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2303-78, HD 1; 2462-78, HD 2; 3034-78, HD 2; and 2545-78, HD 2, were made available to the members of the House at 10:00 o'clock a.m.

Representative D. Yamada, for the

Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 515-78) recommending that H.B. No. 2334-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2334-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EVENTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 516-78) recommending that H.B. No. 1934-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 1934-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 517-78) recommending that H.B. No. 2399-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2399-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 518-78) recommending that H.B. No. 2611-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2611-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 519-78) recommending that H.B. No. 2394-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2394-78, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 520-78) recommending that H.B. No. 3047-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 3047-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 521-78) recommending that H.B. No. 2465-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2465-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 522-78) recommending that H.B. No. 2400-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb,

seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 2400-78, entitled: "A BILL FOR AN ACT RELATING TO THE CHARGES COLLECTIBLE BY INDUSTRIAL LOAN COMPANIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 523-78) recommending that H.B. No. 1594 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Cobb, seconded by Representative Ueoka and carried, the report of the Committee was adopted and H.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2334-78, HD 1; 1934-78; 2399-78; 2611-78, HD 1; 2394-78; 3047-78, HD 1; 2465-78, HD 1; 2400-78; and 1594 were made available to the members of the House at 10:00 o'clock a.m.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 524-78) recommending that H.B. No. 2793-78, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 524-78 on H.B. No. 2793-78, HD 1, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2793-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representatives D. Yamada and Garcia, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 525-78) recommending that H.B. No. 2895-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the report of the Committees was adopted and H.B. No. 2895-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION", passed Second Reading

and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representatives D. Yamada and Garcia, for the Committees on Consumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 526-78) recommending that H.B. No. 2305-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative Cobb and carried, the report of the Committees was adopted and H.B. No. 2305-78, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR CREDIT CARD OFFENSES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 527-78) recommending that H.B. No. 2478-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2478-78, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE REPAIR AND MAINTENANCE OF PUBLIC FACILITIES AND MAKING APPROPRIATIONS THEREFOR", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2895-78, HD 1; 2305-78; and 2478-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 528-78) recommending that H.B. No. 2641-78 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 529-78) recommending that H.B. No. 1910-78 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 530-78) recommending that H.B. No. 2229-78, HD 1, pass Third Reading.

Representative Suwa, for the Commit-

tee on Finance, presented a report (Stand. Com. Rep. No. 531-78) recommending that H.B. No. 158, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 532-78) recommending that H.B. No. 2460-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 533-78) recommending that H.B. No. 2936-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 534-78) recommending that H.B. No. 2123-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 2107-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 536-78) recommending that H.B. No. 2937-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 537-78) recommending that H.B. No. 2827-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 538-78) recommending that H.B. No. 3051-78 pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 539-78) recommending that H.B. No. 2868-78, as amended in HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 540-78) recommending that H.B. No. 2539-78, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 528-78 on H.B. No. 2641-78; 529-78 on H.B. No. 1910-78; 530-78 on H.B. No. 2229-78, HD 1; 531-78 on H.B. No. 158, HD 2; 532-78 on H.B. No. 2460-78, HD 2; 533-78 on H.B. No. 2936-78, HD 1; 534-78 on H.B. No. 2123-78, HD 2; 535-78 on H.B. No. 2107-78, HD 1; 536-78 on H.B. No. 2937-78, HD 1; 537-78 on H.B. No. 2827-78,

HD 2; 538-78 on H.B. No. 3051-78; 539-78 on H.B. No. 2868-78, HD 1; and 540-78 on H.B. No. 2539-78, HD 2, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2641-78; 1910-78; 2229-78, HD 1; 158, HD 2; 2460-78, HD 2; 2936-78, HD 1; 2123-78, HD 2; 2107-78, HD 1; 2937-78, HD 1; 2827-78, HD 2; 3051-78; 2868-78, HD 1; and 2539-78, HD 2, were made available to the members of the House at 10:00 o'clock a.m.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 541-78) informing the House that House Standing Committee Report No. 441-78 and Special Committee Report Nos. 7 to 11 have been printed and distributed.

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

SPECIAL COMMITTEE REPORTS

Representative Segawa, for the House Committee on Health, pursuant to H.R. No. 712, adopted by the Regular Session of 1977, and directed to review and assess the adequacy of the programs and services of the State's community mental health centers, presented a report (Spec. Com. Rep. No. 7), which was received and placed on file.

Representative Segawa, for the House Committee on Health, pursuant to H.R. No. 712, adopted by the Regular Session of 1977, and directed to review and assess the operation and management of the Maui Memorial Hospital, presented a report (Spec. Com. Rep. No. 8), which was received and placed on file.

Representative Segawa, for the House Committee on Health, pursuant to H.R. No. 89, adopted by the Regular Session of 1977, and directed to review health care financing, presented a report (Spec. Com. Rep. No. 9), which was received and placed on file.

Representative Segawa, for the House Committee on Health, pursuant to H.R. No. 86, HD 1, adopted by the Regular Session of 1977, and directed to assess the services and programs to the handicapped in Hawaii, presented a report (Spec. Com. Rep. No. 10),

which was received and placed on file.

Representative Segawa, for the House Committee on Health, pursuant to H.R. No. 81, HD 1, adopted by the Regular Session of 1977, and directed to assess the health care services and needs of rural areas in Hawaii, presented a report (Stand. Com. Rep. No. 11), which was received and placed on file.

INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 417) congratulating and commending Ms. Lynne Boyer for winning the 1977 Lancer's World Cup Surfing Meet was jointly offered by Representatives Evans, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cobb, Dods, Fong, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Larsen, Medeiros, Morioka, Naito, Nakamura, Narvaes, Peters, Poepoe, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takamura, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada and Yuen and was read by the Clerk.

On motion by Representative Evans, seconded by Representative Ajifu and carried, H.R. No. 417 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 418 to 421) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 7, 1978:

A resolution (H.R. No. 418) requesting that the drivers' education program on Maui be revitalized was jointly offered by Representatives Caldito, Kondo, Machida, Mizuguchi and Ueoka.

A resolution (H.R. No. 419) requesting a study on the establishment of private industries within correctional facilities to aid in the vocational training and rehabilitation of inmates was offered by Representative Naito.

A resolution (H.R. No. 420) requesting a study on the impact of a raising of the mandatory retirement age for public employment in Hawaii was jointly offered by Representatives Nakamura, Stanley, Blair, Dods and Ueoka.

A resolution (H.R. No. 421) requesting the Legislative Auditor to conduct a study on having the State act as a "self-insurer" for public assistance drivers under the No-Fault Law was jointly offered by Representatives D. Yamada and Caldito.

SUSPENSION OF RULES

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

THIRD READING

H.B. No. 2850-78, HD:

Representative Say moved that H.B. No. 2850-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Stanley.

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

"Mr. Speaker and members of this House, the formal designation of Hawaiian as the 'emblematic and symbolic language' of the State is an important gesture. Although we are now what educators would call 'an English-speaking community', the process by which we in all cultural and linguistic diversities became such a community was dependent upon Hawaiian.

The truly official language of Hawaii today may well be pidgin. Pidgin is very much like a direct, word-for-word translation of Hawaiian. Unaware, we often speak and learn English as though Hawaiian were our native tongue. Therefore, Mr. Speaker, in a fundamental, though 'funny kine' way, those of us who know and understand pidgin might be considered native speakers.

More importantly, the 'Olelo Hawaii is ours because it was here before we were, because it is a part of the history and culture to which we are all heirs. Our State motto is Hawaiian. So is our State song. We have recognized the power and beauty of expression in the language. With this bill we will now 'Nana I Ke Kumu' we will look to the source.

Thus, regardless of how we may directly place ourselves in relationship to the Hawaiian language, it belongs to us and we belong to it.

I urge that you all vote aye on this bill."

Upon being recognized, Representative Sutton said the following in Hawaiian:

"That acknowledging Hawaii as

the official language of these islands is a tribute that we all appreciate and we thank James Wakatsuki."

Representative Say requested that the following be inserted into the Journal:

"I speak in favor of H.B. No. 2850-78, HD 1.

The bill, as amended, is intended to make the Hawaiian language an integral part of our State government, to remind us always of the origin, the roots, of our State. The bill is intended to foster the use of the Hawaiian language in all of our State's emblems and symbols.

As originally introduced, the bill provided that the Hawaiian language is to be the official language of the State. It was not clear whether or not this meant that we would have to read, write and speak the Hawaiian language, draft laws in the Hawaiian language or conduct our government in the Hawaiian language.

To make it clear that it was not the intention of this Legislature to displace the English language as our official language, the bill was amended to read that the Hawaiian language shall be the 'emblematic and symbolic' language of our State.

What is intended by the phrase 'emblematic and symbolic' language is that in all of the emblems and symbols used by our State in which language is used, we should use the Hawaiian language if it fits the design and scheme of the emblem or symbol.

To give you an example, let me point to our great seal of the State of Hawaii. It contains the phrase 'UA MAU KE EA O KA AINA I KA PONO', which is the State's motto. The motto, in Hawaiian, and placed on our great seal, makes our seal not only unique but truly symbolic of Hawaii. Our great seal would lose its uniqueness and its identification with Hawaii if our motto was stated in the English language.

The use of the Hawaiian language in our emblems and symbols which uses language should encourage the use of the Hawaiian language. The Hawaiian language must remain as representative of our State and should be used whenever possible on our emblems and symbols as a constant reminder of Hawaii's roots."

The motion to pass H.B. No. 2850-78, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO EMBLEMS AND SYMBOLS", on Third Reading was put by the Chair and carried by a vote of 47 ayes, with Representatives Abercrombie, Baker, Peters and D. Yamada being excused.

The Chair directed the Clerk to note that H.B. No. 2850-78, HD 1, had passed Third Reading at 10:36 o'clock a.m.

At 10:36 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:40 o'clock a.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

H.B. No. 1889-78, HD 1 (Deferred from March 3, 1978):

Representative Garcia moved that H.B. No. 1889-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Garcia then offered the following amendment to H.B. No. 1889-78, HD 1.

"Section 1 of H.B. No. 1889-78, HD 1 is amended by amending lines 4 to 7 on page 1 to read:

'Justices. Parties shall be entitled to a hearing before a full court. In case of a vacancy,'"

Representative Garcia moved that the amendment be adopted, seconded by Representative K. Yamada.

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

"Mr. Speaker, the amendment which has been offered by the chairman of the Judiciary Committee correctly analyzed the problem and came up with an adequate solution and I would like to thank him for the work. Thank you."

At 10:41 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:43 o'clock a.m.

Representative Garcia then explained the amendment as follows:

"Mr. Speaker, what this amendment

does is that it deletes from the original bill, HD 1, pages 5 to 7, the words 'oral arguments shall be before a full court provided that in the appropriate case the court in its discretion may dispense with oral arguments.'

What this particular sentence tried to do was to give statutory authority to the courts to have the option of deciding whether or not oral arguments will be presented before the courts. It was felt that perhaps giving this statutory authority to the courts would be inappropriate at this time - only in elected cases should the court exercise that discretion - and for that reason we deleted that particular sentence in the amendment."

The motion was put by the Chair and carried and the amendment was adopted.

By unanimous consent, further action on H.B. No. 1889-78, as amended, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1889-78, HD 2, were made available to the members of the House at 10:40 o'clock a.m.

At this time, Representative Campbell introduced forty-five students from Farrington High School.

The Chair then made the following announcement:

"The Chair would like to remind all members to be prepared for a very long day tomorrow. Session begins at 10:00 o'clock a.m. We will continue until we finish the Third Reading bills, which will number approximately 135 bills."

COMMITTEE REASSIGNMENTS

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

H.B. No.	Re-referred to:
1770-78	Committee on Finance
2447-78	Committee on Health

At 10:48 o'clock a.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives stood in recess until 5:00 o'clock p.m. this evening.

EVENING SESSION

Upon reconvening at 6:25 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Abercrombie, Peters and D. Yamada.

STANDING COMMITTEE REPORTS

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 542-78) recommending that H.R. No. 34, as amended in HD 1, be referred to the Committee on Housing.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, H.R. No. 34, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE COMMITTEE ON WATER, LAND USE, DEVELOPMENT AND HAWAIIAN HOMES TO REVIEW THE PARK DEDICATION STATUTE AND SEEK COUNTY INPUT IN ITS REVIEW", was referred to the Committee on Housing.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 543-78) recommending that H.B. No. 617, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 617, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 544-78) recommending that H.B. No. 2816-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2816-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to

note that printed copies of H.B. Nos. 617, HD 1, and 2816-78, HD 1, were made available to the members of the House at 2:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 545-78) recommending that H.B. No. 2729-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 546-78) recommending that H.B. No. 2934-78, HD 1, pass Third Reading.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 547-78) recommending that H.B. No. 2168-78, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 545-78 on H.B. No. 2729-78, HD 2; 546-78 on H.B. No. 2934-78, HD 1; and 547-78 on H.B. No. 2168-78, HD 1, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2729-78, HD 2; 2934-78, HD 1; and 2168-78, HD 1, were made available to the members of the House at 2:30 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 548-78) recommending that H.B. No. 2307-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2307-78, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS, AMMUNITION, AND DANGEROUS WEAPONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 549-78) recommending that H.B. No. 2147-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2147-78, entitled: "A BILL FOR AN ACT TO AMEND SECTION 703-301, HAWAII REVISED STATUTES, RELATING TO

JUSTIFICATION A DEFENSE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 550-78) recommending that H.B. No. 2248-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2248-78, entitled: "A BILL FOR AN ACT RELATING TO GENERAL POWERS OF COUNTIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 551-78) recommending that H.B. No. 2087-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2087-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE ON BAIL", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 552-78) recommending that H.B. No. 2152-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2152-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE: DEFERRED ACCEPTANCE OF GUILTY PLEA", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed to the Clerk to note that printed copies of H.B. Nos. 2307-78; 2147-78; 2248-78; 2087-78, HD 1; and 2152-78, HD 1, were made available to the members of the House at 2:30 o'clock p.m.

At 6:28 o'clock p.m., the Chair declared a recess; subject to the call of the Chair.

The House of Representatives reconvened at 6:30 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 553-78) recommending that H.B. No. 2728-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 554-78) recommending that H.B. No. 1803-78, as amended in HD 2, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 555-78) recommending that H.B. No. 2618-78, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 553-78 on H.B. No. 2728-78, HD 2; 554-78 on H.B. No. 1803-78, HD 2; and 555-78 on H.B. No. 2618-78, HD 1, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2728-78, HD 2; 1803-78, HD 2; and 2618-78, HD 1, were made available to the members of the House at 4:30 o'clock p.m.

Representative Toguchi, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 556-78) recommending that H.B. No. 2100-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Toguchi, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2100-78, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN THE NORTHWESTERN HAWAIIAN ISLANDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 557-78) recommending that H.B. No. 1445, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1445, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", passed Second Reading and was placed on the calendar for Third Reading

tomorrow, March 7, 1978.

At 6:31 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:32 o'clock p.m.

COMMITTEE REASSIGNMENT

The Chair, at this time, re-referred H.B. No. 445 to the Committee on Judiciary only.

STANDING COMMITTEE REPORTS

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 558-78) recommending that H.B. No. 445 pass Second Reading and be placed on the calendar for Third Reading.

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

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 559-78) recommending that H.B. No. 1884-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1884-78, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE CONCERNING NOTICE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2100-78; 1445, HD 1; and 1884-78 were made available to the members of the House at 4:30 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 560-78) recommending that H.B. No. 1539, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1539, HD 1; entitled: "A BILL FOR AN ACT RELATING TO BAIL SURETIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 561-78) recommending that H.B. No. 2136-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2136-78, HD 1, entitled: "A BILL FOR AN ACT TO AMEND HAWAII REVISED STATUTES, SECTION 831-3.2, RELATING TO EXPUNGEMENT OF ARREST RECORDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 562-78) recommending that H.B. No. 2687-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2687-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY RIGHTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 563-78) recommending that H.B. No. 1875-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

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

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 564-78) recommending that H.B. No. 2145-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2145-78, entitled: "A BILL FOR AN ACT RELATING TO PHYSICAL OR MENTAL DISEASE, DISORDER, OR DEFECT EXCLUDING RESPONSIBILITY IS A DEFENSE: FORM OF VERDICT AND JUDGMENT WHEN FINDING OF IRRESPONSIBILITY IS MADE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 565-78) recommending that H.B. No. 2143-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2143-78, entitled: "A BILL FOR AN ACT TO AMEND SECTION 621-18, HAWAII REVISED STATUTES, RELATING TO WITNESSES IN CRIMINAL CASES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 566-68) recommending that H.B. No. 1876-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1876-78, entitled: "A BILL FOR AN ACT RELATING TO THE MEANING OF CHILD AND RELATED TERMS IN THE UNIFORM PROBATE CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 567-78) recommending that H.B. No. 2142-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2142-78, entitled: "A BILL FOR AN ACT TO AMEND SECTION 702-231, HAWAII REVISED STATUTES, RELATING TO DURESS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 568-78) recommending that H.B. No. 2144-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2144-78, entitled: "A BILL FOR AN ACT RELATING TO CARRYING DEADLY WEAPONS; PENALTY", passed Second Reading

and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1539, HD 1; 2136-78, HD 1; 2687-78, HD 1; 2145-78; 2143-78; 1876-78; 2142-78; and 2144-78 were made available to the members of the House at 5:00 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 569-78) recommending that H.B. No. 1878-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1878-78, entitled: "A BILL FOR AN ACT RELATING TO NOTICE IN GUARDIANSHIP OF THE PERSON PROCEEDINGS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 570-78) recommending that H.B. No. 1888-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1888-78, entitled: "A BILL FOR AN ACT RELATING TO JURISDICTIONAL LIMIT OF THE CLERK IN HANDLING SMALL ESTATES OF PERSONS LEAVING NO KNOWN RELATIVES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 571-78) recommending that H.B. No. 2894-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2894-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand.

Com. Rep. No. 572-78) recommending that H.B. No. 2317-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2317-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIONS BY THE ATTORNEY GENERAL", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 573-78) recommending that H.B. No. 2242-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2242-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY FOR THEFT BY SHOPLIFTING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 574-78) recommending that H.B. No. 248, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1878-78; 1888-78; 2894-78, HD 1; 2317-78, HD 1; 2242-78, HD 1; and 248, HD 1, were made available to the members of the House at 5:30 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 575-78) recommending that H.B. No. 3054-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada

and carried, the report of the Committee was adopted and H.B. No. 3054-78, entitled: "A BILL FOR AN ACT RELATING TO VESSELS OR PROPERTY TAKEN INTO LEGAL CUSTODY AND PROHIBITING UNAUTHORIZED CONTROL THEREOF", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 576-78) recommending that H.B. No. 2286-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2286-78, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE OF THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 577-78) recommending that H.B. No. 2105-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2105-78, entitled: "A BILL FOR AN ACT RELATING TO PROOF OF FINANCIAL RESPONSIBILITY REQUIRED UPON CONVICTION OF CERTAIN OFFENSES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 578-78) recommending that H.B. No. 1882-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1882-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONS ELIGIBLE FOR APPOINTMENT AS GUARDIAN OF THE PERSON OF MINORS AND INCAPACITATED PERSONS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee

on Judiciary, presented a report (Stand. Com. Rep. No. 579-78) recommending that H.B. No. 2693-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2693-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTE REVISION AND PUBLICATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 580-78) recommending that H.B. No. 2822-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2822-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 581-78) recommending that H.B. No. 2146-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 2146-78, HD 1, entitled: "A BILL FOR AN ACT TO AMEND SECTION 641-13(5), HAWAII REVISED STATUTES, RELATING TO APPEALS BY STATE IN CRIMINAL CASES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 582-78) recommending that H.B. No. 2893-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2893-78, HD 1, entitled: "A BILL FOR AN ACT

RELATING TO COMPLAINTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 583-78) recommending that H.B. No. 2130-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2130-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 3054-78; 2286-78; 2105-78; 1882-78, HD 1; 2693-78, HD 1; 2822-78, HD 1; 2146-78, HD 1; 2893-78, HD 1; and 2130-78, HD 1, were made available to the members of the House at 6:00 o'clock p.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 584-78) recommending that H.B. No. 2592-78, as amended in HD 1, pass Third Reading.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 585-78) recommending that H.B. No. 2593-78, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 584-78 on H.B. No. 2592-78, HD 1, and 585-78 on H.B. No. 2593-78, HD 1, was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2592-78, HD 1, and 2593-78, HD 1, were made available to the members of the House at 6:00 o'clock p.m.

Representatives Naito and Garcia, for the Committees on Corrections and Rehabilitation and Judiciary, presented a report (Stand. Com. Rep. No. 586-78) recommending that H.B. No. 1970-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ueoka, seconded by Representative Garcia and carried, the report of the Committees was adopted and H.B. No. 1970-78,

entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY SERVICE AS A SENTENCING ALTERNATIVE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 1970-78 were made available to the members of the House at 6:00 o'clock p.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 587-78) recommending that H.B. No. 2066-78, HD 1, pass Third Reading.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 588-78) recommending that H.B. No. 1893-78 pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 587-78 on H.B. No. 2066-78, HD 1, and 588-78 on H.B. No. 1893-78 was deferred until tomorrow, March 7, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2066-78, HD 1, and 1893-78 were made available to the members of the House at 6:00 o'clock p.m.

At 6:38 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:44 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 558-78 (H.B.

No. 445):

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 445, entitled: "A BILL FOR AN ACT RELATING TO LIVING WILLS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 7, 1978, with Representatives Evans, Kunimura, Mina, Nakamura, Shito, Sutton, Toguchi and Uechi voting no.

The Chair directed the Clerk to note that printed copies of H.B. No. 445 were made available to the members of the House at 4:30 o'clock p.m.

Stand. Com. Rep. No. 563-78 (H.B. No. 1875-78, HD 1):

By unanimous consent, action was deferred for one day.

At 6:48 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 7:00 o'clock p.m., the Chair made the following announcement:

"The Chair would like to remind all members that session begins at 10:00 o'clock a.m. promptly. We will continue the session until the first calendar and the supplemental calendar #1 are completed."

ADJOURNMENT

At 7:04 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 10:00 o'clock a.m. tomorrow, Tuesday, March 7, 1978.

THIRTY-FOURTH DAY

Tuesday, March 7, 1978

The House of Representatives of the Ninth Legislature of the State of Hawaii, Regular Session of 1978, convened at 10:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Arthur Charier of Mililani Church, after which the Roll was called showing all members present with the exception of Representatives Baker, Fong, Garcia, Kawakami, Kunimura, Larsen, Mina, Nakamura, Poepoe, Suwa, Ushijima, D. Yamada and K. Yamada, who were excused.

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

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

At 10:06 o'clock a.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:07 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Fong, Kawakami, Kunimura, Larsen, Ushijima and K. Yamada.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 60 to 67) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 60) transmitting Senate Concurrent Resolution No. 72, commending Joe C. Harper, First Citizen of Kahaluu, Oahu, for his dedication and outstanding service to the community, which was adopted by the Senate on March 6, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 61) transmitting Senate Concurrent Resolution No. 15, requesting the United States Secretary of Labor to certify the Occupational Safety and Health Program of the State of Hawaii and respectfully urging Hawaii's delegation to the Congress of the United States to support certification for Hawaii

and to review the basic intent of the Federal Occupational Safety and Health Law, which was adopted by the Senate on March 6, 1978, was placed on file.

By unanimous consent, further action on S.C.R. Nos. 72 and 15 was deferred until tomorrow, March 8, 1978.

A communication from the Senate (Sen. Com. No. 62) transmitting Senate Bill No. 1590-78, SD 4, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION IN BUILDINGS", which passed Third Reading in the Senate on March 6, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 63) transmitting Senate Bill No. 1756-78, entitled: "A BILL FOR AN ACT RELATING TO NON-COMPETITIVE PROMOTIONS OF PUBLIC EMPLOYEES", which passed Third Reading in the Senate on March 6, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 64) transmitting Senate Bill No. 1759-78, entitled: "A BILL FOR AN ACT RELATING TO LEAVES OF ABSENCE", which passed Third Reading in the Senate on March 6, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 65) transmitting Senate Bill No. 1799-78, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICES IN STATE GOVERNMENT", which passed Third Reading in the Senate on March 6, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 66) transmitting Senate Bill No. 2114-78, entitled: "A BILL FOR AN ACT RELATING TO A JOB-SHARING PROJECT IN THE DEPARTMENT OF EDUCATION", which passed Third Reading in the Senate on March 6, 1978, was placed on file.

A communication from the Senate (Sen. Com. No. 67) transmitting Senate Bill No. 2614-78, entitled: "A BILL FOR AN ACT RELATING TO THE EXEMPTION OF THE EXECUTIVE SECRETARY OF THE COMMISSION ON POPULATION AND THE HAWAIIAN FUTURE FROM THE PROVISIONS OF CHAPTERS 76 AND 77, HAWAII REVISED STATUTES", which passed Third Reading in the Senate on March 6, 1978, was placed

on file.

On motion by Representative Yuen, seconded by Representative Kamalii and carried, S.B. Nos. 1590-78, SD 4; 1756-78, 1759-78, 1799-78, 2114-78 and 2614-78 passed First Reading by title and further action was deferred until tomorrow, March 8, 1978.

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

Representative Cobb introduced two of his legislative interns, Bill Melohn and Steven Grier.

Representative Abercrombie introduced Augie Rey, "one of my old friends and one of our great entertainers in Hawaii", his fiancée, Ilana Dowding, and her children, Maria, Ruby and Joseph.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. No. 418 to 421) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
418	Committee on Education, then to the Committee on Finance
419	Committee on Corrections and Rehabilitation, then to the Committee on Finance
420	Committee on Public Employment and Government Operations, then to the Committee on Finance, then to the Committee on Legislative Management
421	Jointly to the Committees on Consumer Protection and Commerce and Public Assistance and Human Services, then to the Committee on Finance, then to the Committee on Legislative Management

UNFINISHED BUSINESS

Stand. Com. Rep. No. 563-78 on H.B. No. 1875-78, HD 1 (Deferred from March 6, 1978):

Representative K. Yamada moved that the report of the Committee be adopted and H.B. No. 1875-78, as amended in HD 1, pass Second Reading and be placed on the calendar

for Third Reading, seconded by Representative Cobb.

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

Upon reconvening at 10:19 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Garcia, Mina, Suwa and D. Yamada.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1875-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RACING ON HIGHWAYS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978, with Representatives Larsen, Lunasco and Sutton voting no.

STANDING COMMITTEE REPORTS

Representatives Blair and Uechi, for the Committees on Ecology and Environment and Agriculture, presented a joint report (Stand. Com. Rep. No. 589-78) recommending that H.R. No. 104, as amended in HD 1, be adopted.

Representative Blair moved that the joint report of the Committees be adopted and H.R. No. 104, HD 1, be adopted, seconded by Representative Uechi.

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

Representative Takamine's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of H.R. No. 104, HD 1, and H.C.R. No. 30, HD 1, requesting Hawaii's Congressional delegation and appropriate State agencies to assist the sugar industry in meeting the standards of the U.S. Environmental Protection Agency.

The purpose of these resolutions is to petition Hawaii's Congressional delegation and appropriate State agencies to assist the sugar industry with its problems in meeting the standards of the U.S. Environmental Protection Agency.

Without such Federal and State support and assistance, the sugar industry will be forced to spend additional millions of dollars for environmental

benefits at a time when they can ill afford such expenditures.

Studies show that for every full time sugar employee, there are about 2.29 non-sugar jobs indirectly created by the sugar industry.

Sugar production is Hawaii's major agricultural activity and the second largest provider of export income in the private sector. This shows the importance of sugar to Hawaii's economy - much more so than any other sugar producing state.

While Oahu has 82 percent of the State's population, the neighbor islands - Hawaii, Maui and Kauai - have 85 percent of sugar acreage. Oahu would be able to absorb the loss of sugar as an economic activity, whereas, the neighbor islands would be devastated by the loss of sugar.

Direct and indirect employment that the sugar industry affects amounts for approximately 31,000 jobs. While Hawaii's unemployment rate of 8.8 percent was the third highest in the nation in October, 1976, the loss of these additional 31,000 jobs would result in an unemployment rate of up to 17 percent.

This 17 percent unemployment rate is a frightful figure to contemplate. Studies show that on the neighbor islands, the unemployment rates would jump to 41 percent for Hawaii, 42 percent for Maui, and 63 percent for Kauai in direct and indirect employment with the loss of the sugar industry. Needless to say, this would be disastrous to the economies of the neighbor islands of Hawaii, Maui and Kauai and to the entire State.

There are additional impacts to consider with the demise of the sugar industry: (1) State General Fund tax revenues would decline by about 12.5 percent; (2) the cost of living would rise; and (3) 200,000 acres of rich agriculture land would go to waste.

Therefore, we strongly urge adoption of H.R. No. 104, HD 1, and H.C.R. No. 30, HD 1, in order to provide much needed assistance in terms of meeting U.S. Environmental Protection Agency Standards to the Sugar Industry."

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

Representative Sutton's statement

is as follows:

"Mr. Speaker, unreasonable enforcement of environmental standards can result in large expenditures that the industry can ill afford. This, our Congressional delegation and President Carter are asked to give their full attention."

The motion was put by the Chair and carried, and the joint report of the Committees was adopted and H.R. No. 104, HD 1, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION AND APPROPRIATE STATE AGENCIES TO ASSIST THE SUGAR INDUSTRY IN MEETING THE STANDARDS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY", was adopted.

Representatives Blair and Uechi, for the Committees on Ecology and Environment and Agriculture, presented a joint report (Stand. Com. Rep. No. 590-78) recommending that H.C.R. No. 30, as amended in HD 1, be adopted.

On motion by Representative Blair, seconded by Representative Uechi and carried, the joint report of the Committees was adopted and H.C.R. No. 30, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION AND APPROPRIATE STATE AGENCIES TO ASSIST THE SUGAR INDUSTRY IN MEETING THE STANDARDS OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY", was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 591-78) recommending that H.B. No. 1770-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1770-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 1770-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 592-78) recommend-

ing that H.B. No. 1838-78, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 592-78 on H.B. No. 1838-78, HD 1, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1838-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 593-78) recommending that H.B. No. 1779-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 1779-78, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO THE JUDICIARY FOR THE FISCAL BIENNIUM JULY 1, 1977, TO JUNE 30, 1979, AND AUTHORIZING THE ISSUANCE OF BONDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 1779-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 594-78) recommending that H.B. No. 2166-78, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 594-78 on H.B. No. 2166-78, HD 2, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2166-78, HD 2, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 595-78) recommending that H.B. No. 2102-78, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 595-78 on H.B. No. 2102-78, HD 2, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section

16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2102-78, HD 2, were made available to the members of the House at 10:00 o'clock a.m.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 596-78) recommending that H.B. No. 2447-78, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 596-78 on H.B. No. 2447-78, HD 1, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2447-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Toguchi, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 597-78) recommending that H.B. No. 2402-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.B. No. 2402-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 598-78) recommending that H.B. No. 2379-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2379-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF ARTISTIC PRINTS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 599-78) recommending that H.B. No. 3049-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 3049-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE MARSHAL", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 600-78) recommending that H.B. No. 2085-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2085-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING PERMITS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 2402-78, HD 1; 2379-78, HD 1; 3049-78, HD 1; and 2085-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative D. Yamada, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 601-78) recommending that H.B. No. 2169-78, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 601-78 on H.B. No. 2169-78, HD 2, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2169-78, HD 2, were made available to the members of the House at 10:00 o'clock a.m.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 602-78) recommending that H.B. No. 2469-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 2469-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO

SENTENCING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978, with Representative Naito voting no.

The Chair directed the Clerk to note that printed copies of H.B. No. 2469-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 603-78) recommending that H.B. No. 2054-78, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 603-78 on H.B. No. 2054-78, HD 1, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2054-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 604-78) recommending that H.B. No. 2118-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2118-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITING, PEDDLING, AND DISORDERLY CONDUCT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 605-78) recommending that H.B. No. 2434-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the majority of the Committee was adopted and H.B. No. 2434-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC EAVESDROPPING", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

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

of the Chair.

The House of Representatives reconvened at 10:26 o'clock a.m.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Homes, presented a report (Stand. Com. Rep. No. 606-78) recommending that H.B. No. 2689-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 2689-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2118-78, HD 1; 2434-78, HD 1; and 2689-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 607-78) recommending that H.B. No. 2459-78, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 607-78 on H.B. No. 2459-78, HD 1, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2459-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 608-78) recommending that H.B. No. 2191-78, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 2191-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATION OF TAXES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 609-78) recommending that H.B. No. 2296-78, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 2296-78, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT OF PUBLIC FUNDS", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 610-78) recommending that H.B. No. 2634-78 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 2634-78, entitled: "A BILL FOR AN ACT RELATING TO BEER AND WINE SALES IN HAWAII", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 611-78) recommending that H.B. No. 2444-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 2444-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL OBLIGATION BONDS OF COUNTIES OF THE STATE OF HAWAII", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 612-78) recommending that H.B. No. 450, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Suwa, seconded by Representative Peters and carried, the report of the Committee was adopted and H.B. No. 450, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE TAXATION", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2191-78, HD 1; 2296-78; 2634-78; 2444-78, HD 1; and 450, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 613-78) recommending that H.B. No. 2185-78, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 613-78 on H.B. No. 2185-78, HD 2, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2185-78, HD 2, were made available to the members of the House at 10:00 o'clock a.m.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 614-78) recommending that H.B. No. 704, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 614-78 on H.B. No. 704, HD 1, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 704, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

At 10:30 o'clock a.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:31 o'clock a.m.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 615-78) recommending that H.B. No. 3012-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 3012-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNICABLE DISEASES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No.

3012-78, HD 1, were made available to the members of the House at 10:00 o'clock a.m.

At 10:32 o'clock a.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:43 o'clock a.m., the Chair stated:

"The Chair would like to remind all members that we have a very long, long calendar today. As much as possible, the Chair would appreciate moving expeditiously, adhering to parliamentary procedure, proper decorum, proper language, tolerance and patience."

Representative Abercrombie, on a point of information, asked:

"Does proper language constitute saying 'aye' when the Majority Floor Leader stands up?"

The Chair replied:

"You have the point."

Representative Abercrombie then thanked the Chair.

At this time, Representative Campbell, granted permission to make a late introduction, introduced 35 students from Farrington High School.

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 456-78 on H.B. No. 2496-78, HD 1 (Deferred from March 6, 1978):

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

Stand. Com. Rep. No. 457-78 on H.B. No. 2352-78 (Deferred from March 6, 1978):

On motion by Representative Blair, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 2352-78, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSAL OF SOLID WASTES",

having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 458-78 on H.B. No. 2249-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Blair, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 2249-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 463-78 on H.B. No. 610, HD 2 (Deferred from March 6, 1978):

Representative Mizuguchi moved that the report of the Committee be adopted and H.B. No. 610, HD 2, having been read throughout, pass Third Reading, seconded by Representative Campbell.

Representative Medeiros then rose to speak in favor of House Bill No. 610, HD 2, stating:

"Mr. Speaker, many of our elementary schools are located near busy streets, including six-lane highways, which poses a threat to the lives of our younger children.

The mixture of automobiles, buses and trucks is extremely dangerous to our younger children making his crucial crossing upon entering or leaving the school grounds.

This bill provides that each Police Chief appoint, train and compensate adult traffic monitors to assist the Police Department in the implementation of the JPO program wherever it is necessary.

Mr. Speaker, nothing contained in this bill shall be construed to diminish the role now performed by the Junior Police Officers. Mr. Speaker, the value of our children's lives should and must be top priority in our government administration - be it the State, County and Federal level.

I urge my colleagues to join me in the passage of this bill. Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 610, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC CONTROL NEAR SCHOOLS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 464-78 on H.B. No. 1870-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Shito, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 1870-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE MORTGAGE INSTRUMENTS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 472-78 on H.B. No. 2942-78 (Deferred from March 6, 1978):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2942-78, entitled: "A BILL FOR AN ACT RELATING TO TRUCK-TRACTORS AND SEMITRAILERS USED FOR AGRICULTURAL PURPOSES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

At 10:50 o'clock a.m., on request by Representative Uechi, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:51 o'clock a.m.

Stand. Com. Rep. No. 476-78 on H.B. No. 2750-78, HD 2 (Deferred from March 6, 1978):

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

Stand. Com. Rep. No. 477-78 on H.B. No. 2170-78, HD 2 (Deferred from March 6, 1978):

Representative Kawakami moved that the report of the Committee be adopted and H.B. No. 2170-78, HD 2, having been read throughout, pass Third Reading, seconded by Representative Caldito.

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

"Mr. Speaker, as you will note, this bill says, 'Relating to the Hawaiian Homes Commission Act 1920, as amended.'

Now, Mr. Speaker, in 1920, we were a Territory. We had, Mr. Speaker, the finest representative that this Republic, or State, or Monarchy, has ever had in Washington, D.C. - Prince Kuhio, or more affectionately known as Prince Kuhio Kalaniana'ole Kawanana'kooa. He placed before the Congress of the United States a remedial act to remedy the fact that when we became a Territory, that we received little or no recognition for our natives. Our natives are just exactly the same, Mr. Speaker, as the American Indian, or the American Eskimo, and yet, has never received the same type of congressional admission.

Prince Kuhio attempted, in 1920, to establish a Hawaiian homes concept, a concept that those with more than 50 percent of Hawaiian blood would receive an opportunity to have certain lands for homes and farms. This Act is now embodied in our State Constitution, word for word.

We, today, have before us an Act that would amend the Hawaiian Homes Act of 1920, and how would it amend it, Mr. Speaker? It would amend it by establishing seven revolving funds. There seems to be something magic like that. . . we have our magic seven pools in Hana. There isn't anything magic about this. The Hawaiian Home Loan Fund was funded by the leasing of our sugar cane lands. This was not the original concept that Prince Kuhio had in mind. Those lands were for the Hawaiians - not to be leased. We then call it the Hawaiian Home Loan Fund.

We then have the Additional Receipts Loan Fund No. 2. The monies of this Fund come from monies transferred from the Hawaiian Home Loan Fund, installments of principal paid on loans, or as payments representing reimbursements on account of advances made, but not including interest on such loans or advances. Then there is a clause to the effect that this Fund should be used for purposes as controlled by Section 214, Mr. Speaker.

Third, we have the Hawaiian Home General Loan Fund. This includes monies appropriated by this very Legislature for the construction of homes, and this, we should have done many years ago. I think that this

Legislature has done more. In my district, I have a large Hawaiian homes area. We have constructed 126 homes. The mother and father of our own Danny Kaleikini are in those homes.

Then, we have the Hawaiian Home Replacement Loan Fund. These monies shall be used to make loans to lessees to construct replacement homes. There have been a great amount of delay in repairing our homes in our Hawaiian homes area. This is a fine conception, but we have been able to do it under the existing mechanism.

The next one is the Hawaiian Home Repair Loan Fund and, again, this shall be funded by the Legislature.

Then, we have the Hawaiian Home Farm Loan Fund. This, in turn, is funded by us, funded by us that can come out of the General Fund or a Special Fund and we can work it in such a way that interest payments are very low and principal installments accommodated for the individual. This is not done in this bill.

The Hawaiian Homes Operating Fund is the next one. That is your seventh.

Now, Mr. Speaker, I do not believe that there is another Attorney/CPA in this body except myself and I, therefore, am qualifying myself as an expert witness, and I say to you, Mr. Speaker, that this is not the highest administrative technique to establish seven funds. When you go to the bank, you don't have seven funds. You got one, and when all of us do our business, we know that the more funds we have, the more accounting we have, and the more duplication we have, and the more dangers that we have of proper accounting. I've studied this.

I'm a great believer in the works that Billie Beamer has done because she has done a magnificent job in my area, but I do not feel that she was properly advised on this bill. We don't want something more complicated. We want something more simple, and if we are going to amend an Act which is embodied in the Constitution of this State, an Act which was enacted by the Congress of the United States, not an Act of this body. . . Hawaiian Homes Act was an Act of the Congress of the United States and, therefore, the amendment process that we have before us is a very dangerous thing to do if we are not doing it in the most expert way and because I honestly believe that I can come before people.

Like our own Representative Peters

who loves the Hawaiian people like nobody I have ever known, and I can say to Representative Peters, who is the Vice Chairman of the Finance Committee, 'Mr. Peters, I cannot go along with this.' He will say, 'I represent the people who will recognize your sincerity.'

Therefore, I say to everybody here, if we are going to amend the Hawaiian Homes Commission Act, let us do it after immensely more meticulous study than this, and let us hold this in abeyance until such time as we come with a bill where we can say, these are the finest accounting procedures known in the accounting profession.

I thank you, Mr. Speaker."

Representative Lunasco then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, but with some reservation, and I will try to keep my comments to those areas that are of concern to me.

I wish to confirm at the outset that I am a staunch advocate of sound basic education. I am an advocate of our centralized educational system which strives to provide equal learning opportunities for all of our people without discrimination or segregation. Because of my firm conviction, I rise to speak in opposition to the proposed increase in the additional receipts ceiling to primarily fund a special education program for the Hawaiian Homestead children, included in this bill.

This House, in 1964, approved Act IV which established a ceiling of \$5 million and redistributed the receipts from former loan and development fund capitalization to establish an educational fund for primarily elementary school children on the Homestead land area. For the past ten years, \$3.6 million accrued to the educational fund which normally would have gone to loan financing. Instead, only \$750,000 went to loans and \$650,000 to development in this same period. The Department of Education became the expending agency for the educational funds. \$3 million has been expended to date by the Department of Education.

While the motives of the legislators may have justified the decision in 1964 because they also approved a loan guarantee ceiling of \$8 million, I cannot, in good conscience, endorse the continuation of this practice. My concerns are philosophical, ethical and financial.

I wonder if by contemplating passage of this measure, we are not conceding that there are inherent ethnic differences in the capacity to learn amongst our people? I wonder if we are also conceding that the Department of Education cannot accommodate or provide for these differences in their regular budget, so a special franchise must be awarded the Department of Hawaiian Home Lands to care for their own people - the native Hawaiians?

Are we not also saying that the Department of Education has failed to meet the educational needs of the native Hawaiians, therefore, the Department of Hawaiian Home Lands must allocate some of its resources to supplement the budget to guarantee that the homesteaders will not be neglected?

We have always prided ourselves with our attempts to provide equal opportunities for all of our people, regardless of race, color or creed and our lifestyle in Hawaii, for the most part, reflects this common respect for one another. This measure contradicts our proclamations. In fact, by it, we are endorsing segregation based, not on ability, but on ethnic inferiority. Population Report No. 6 by the Department of Health, September 1976, reports that every other ethnic group, except the Caucasians, have a significantly higher illiteracy rate than the Hawaiians.

I question whether we, as a body, would be willing to establish special contingencies to supplement the Department of Education's budget to reinforce their education? Or are we saying that by stereotype, the Hawaiian inferiority is so prominent that they, the Hawaiians, must be singled out for special assistance and special favors. I do not believe that this is the justification; rather, I suspect we are capitulating to the pressures of special interest programs and groups of the homesteaders who want their own pork barrel in education by manipulation of the Department of Hawaiian Home Land's budget without the need to justify their existence to the Department of Education. I refuse to concede that the Department of Education ignores the needs of other groups who have no privileged contingency fund.

Common learning exposure must transcend ethnic identification, else we, in the Legislature, must justify our special treatment for one group of people. Consistency must prevail in our deliberations.

We have funded this program for now going on twelve years. \$3 million

has been expended and we have no studies to measure the success or failure of our experiment. The program has no common curriculum. Each homestead area proposes their own curriculum which ranges from preschool, language, music to counseling for intermediate school age children.

Only ten percent of the native Hawaiian children reside on homestead land. If our concern is genuine, what are we doing for the other 90 percent? Where are these special programs for the children in Hana, Kona, Hanalei, Kalihi, Kaaawa, Hauula and the new homestead subdivisions being developed?

This body approved a budget for the Administration for 1976, 1977 and 1978 that incorporated the use of the cane and water receipts in the State's General Fund. By this bill, we are now proposing that these funds be withdrawn from use by the Administration of the State and be appropriated instead to the Department of Education as a pass through item in the Department of Hawaiian Home Lands budget.

I ask if we are prepared to find replacement funds for the programs from which we will now be withdrawing support? If not, I caution you that we are jeopardizing passage and approval of the entire bill. It was for this reason that the bill was vetoed by the Governor last year.

I consider the other provisions of the bill far more important to the beneficiaries of the Act than the education portion. To sacrifice the opportunity to consolidate and standardize the disjointed funds by use, purpose and terms; to sacrifice the \$10 million increase for loan guarantees which will allow at least 375 additional home loans and housing for 1,500 children providing security and instilling pride of ownership; to sacrifice the creation of an interest fund projected to collect taxes in excess of a million dollars annually which will enable acceleration of the Awards Program established to date and which, if sustained at the present established rate, can deplete the waiting list within five years; to sacrifice this and more for the purpose of supplementing a service already charged to a State Department would be unforgivable and shortsighted. No other State Department can place the people on the land. The Department of Hawaiian Home Lands needs all of its resources possible to accomplish this task. What is required is the sacrifice of a short term gain for the long term gain.

In concluding, I ask that we take the leadership to dispel and disfranchise the perpetuating myth that our people react as ethnic groups - economic and social status is a more valid indicator of needs and requirements. I reaffirm that I do not speak against the present education programs. They must have merit if the Department of Education wishes to sustain them.

I speak against the funding of these programs through the agency of the Department of Hawaiian Home Lands. The concession cannot be compromised by appropriating more funds to the Department of Hawaiian Home Lands for all, without favoritism, must be promulgated. Our laws and decisions must always compliment those inalienable rights of every citizen to equal and just treatment, whatever their heritage and wherever they are from.

Thank you."

At 11:06 o'clock a.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:12 o'clock a.m., the Chair recognized Representative Kawakami and he stated:

"Mr. Speaker, I rise to speak in favor of this bill and make a few comments on some of the statements that were made by the previous speaker from Nuuanu.

Members of the House, this bill was passed last year, but due to technicalities, it was vetoed by the Governor. But this year, we added an additional provision, whereby the Department is given the authority to receive gifts - monetary, land, and so forth - because the Department has received many offers of gifts and they had to turn it down because there's no legal provisions in the law presently that gives the Department that privilege.

Now, as far as the consolidation and/or the elimination of accounts, presently, the Department is straddled with 26 special and revolving funds, and this has become an accountant's nightmare. In the past three years, the Director has been working with these 26 special accounts and revolving accounts, and she has finally sat down with her staff to streamline the operation of the Hawaiian Homes department, and this bill addresses the general overhaul of all of the accounts within the department. So, with this bill,

instead of 26 accounts, we will end up with seven revolving funds and seven special funds. I think eventually we'll be able to cut it down to a more manageable level, but I think this is the first big step that we all have to take.

One clarification that I wish to make at this point is that in the Act of 1920, as far as the blood requirement, Prince Kuhio, in the drafting of this legislation, stated that 1/32nd Hawaiian will be eligible for the provisions of the Hawaiian Homes Act. In 1932, this basic requirement was raised to 50 percent, so all through the years, I think amendments have been made to this Act to live within the time.

Thank you, Mr. Speaker."

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

"Mr. Speaker, I think that the comments of the previous speaker are well in order in reference to the Hawaiian Homes Commission Act. I would like to make reference to a previous remark. I do not think it is unusual for people to have more than one account in the bank. I, myself, have three accounts in the same bank. They may be paupery in terms of the amount of money that's in, but they are there for a good reason. One is my campaign account and has a specific purpose. One is my office account and has a specific purpose, and one is my personal account which I can't really figure out why it's there, inasmuch as it is used so little. But it is not unusual to do that and it's all for good reasons and I think this is the reasoning that's involved here.

Also, Mr. Speaker, I regret that there may be any implication that by passage of the bill, with the good functions and purposes that are attached to this, that there may be some implication intended or otherwise in respect of the Hawaiian people. My vote for it most certainly does not reflect anything of that nature. On the contrary, my vote will be on the basis that this has been recommended to us as an advantage, not only to the Hawaiian people, but to all of us in the furtherance of the desires to see, not only equal opportunity, but the opportunity for people to become as they would desire, no matter what their economic and social circumstance.

Thank you."

Representative Kunimura then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill and take particular exceptions to the statement made by the gentleman from Nuuanu; like the Congress of the United States reserving all rights to the amendment of the Hawaiian Homes Commission Act of 1920. This is the greatest shibai, or trying to scare us.

The wisdom of the Congress of the United States reserved unto itself only certain portions of the Hawaiian Homes Commission Act that we cannot amend without the concurrence of Congress. This area that we are trying to amend is strictly left up to the State. It's a day to day operation and, therefore, I regret that the gentleman from Nuuanu, in his attempt to speak against the bill, caused the color in our action, when actually it is not a colored action."

Representative Peters then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure, perhaps more by way of pointing out ill conceived choice of words, I suspect, on the part of my brother here from Waialua, in terms of moneys being earmarked, especially for native Hawaiian children - native Hawaiians that expect to utilize whatever resources are generated by the cane and water receipts with the implementation of Act 4.

Brother Ollie has indicated these moneys will be used for educational purposes. He also pointed out the mechanism by which priorities in this particular area of education for native Hawaiians would be established. I consider that a very democratic process in which most of our homesteaders - native Hawaiians - target in on the educational needs of our children residing in those areas and establishing services to be given and rendered.

I don't consider the passage of this measure having any kind of ethnic inferiority implications in it, and just for the record, I know where brother Ollie's head is at. I know he has a deep love for our people and I'm sure that he's more than willing to strike out that comment that he made on the floor regarding ethnic inferiority."

The motion was put by the Chair

and carried, and the report of the Committee was adopted and H.B. No. 2170-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 478 on H.B. No. 3059-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 3059-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND FIRE PROTECTION", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 479 on H.B. No. 1783-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Stanley, seconded by Representative Uwayne and carried, the report of the Committee was adopted and H.B. No. 1783-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUEEN LILIUOKALANI DAY", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 480 on H.B. No. 1815-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Stanley, seconded by Representative Uwayne and carried, the report of the Committee was adopted and H.B. No. 1815-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 481-78 on H.B. No. 2091-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Suwa, seconded by Representative Lunasco and carried, Stand. Com. Rep. No. 481-78 and H.B. No. 2091-78, HD 1, were recommitted to the Committee

on Finance.

Stand. Com. Rep. No. 482-78 on H.B. No. 2727-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Stanley, seconded by Representative Uwayne and carried, the report of the Committee was adopted and H.B. No. 2727-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES PAID FROM CERTAIN FEDERAL FUNDS AND AMENDING CHAPTER 88, HAWAII REVISED STATUTES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 483-78 on H.B. No. 2680-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Stanley, seconded by Representative Uwayne and carried, the report of the Committee was adopted and H.B. No. 2680-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE AND AMENDING CHAPTER 392, HAWAII REVISED STATUTES", having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Ajifu voting no, and Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 484-78 on H.B. No. 2164-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Ushijima, seconded by Representative Aki and carried, the report of the Committee was adopted and H.B. No. 2164-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A STATE MEDICAID FRAUD UNIT AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 485-78 on H.B. No. 2097-78 (Deferred from March 6, 1978):

On motion by Representative Stanley, seconded by Representative Uwayne and carried, the report of the Committee was adopted and H.B. No. 2097-78, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES

HEALTH FUND", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

At 11:25 o'clock a.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:26 o'clock a.m.

Stand. Com. Rep. No. 486-78 on H.B. No. 3033-78, HD 1 (Deferred from March 6, 1978):

Representative Kawakami moved that the report of the Committee be adopted and H.B. No. 3033-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Toguchi.

Upon being recognized by the Chair to speak in favor of the bill with reservations, Representative Sutton stated:

"Mr. Speaker, here was a wonderful opportunity - A Bill for an Act Relating to the Reservation and Disposition of Government Mineral Rights.

I recognize that they were addressing their attention to geothermal resources but, Mr. Speaker, why didn't they go into the entire subject of mineral rights - water? Geothermal is nothing but hot water, Mr. Speaker. You're getting a little of that from here. But. . .

The Chair interrupted and remarked:

"It's known as hot air, Representative Sutton."

Representative Sutton continued his remarks, stating:

"Mr. Speaker, we had a decision called the 'McBryde Decision' which completely and absolutely changed the historic rights of water, hot water, or any type of water you want to speak about, and then we had Judge Pence completely make a Federal ruling that the McBryde case was inoperative.

Here was an opportunity for this Legislature to define mineral rights and here is the appropriate vehicle, but what did they do? They focused in on an ant, and we could have had the entire subject of minerals completely defined.

I am sorry that it was not done,

but I shall still ask my colleagues to vote for this bill."

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

"Mr. Speaker, no member of this House may insult another member of the House, including himself."

Representative Kawakami then rose and stated:

"Mr. Speaker, I rise to speak for this bill, but primarily to make one correction to the speaker from Nuuanu. It is not criticizing the previous speaker, but he has a knack of turning things around and confusing the issue. I think last year, or the year before, we took care of the matter by declaring that geothermal is a mineral right."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3033-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESERVATION AND DISPOSITION OF GOVERNMENT MINERAL RIGHTS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 487-78 on H.B. No. 2570-78 (Deferred from March 6, 1978):

Representative Kawakami moved that the report of the Committee be adopted and H.B. No. 2570-78, having been read throughout, pass Third Reading, seconded by Representative Caldito.

Representative Abercrombie rose on a point of information and asked:

"Could you ask the Majority Leader if he owns a plot on Lanai?"

Representative Kondo replied: "I don't."

The Chair remarked:

"He may have in the future."

Representative Abercrombie then thanked the Chair.

Representative Cobb then rose and asked for a conflict ruling, stating:

"I'm a veteran and by then Punchbowl's going to be full."

The Chair replied:

"Then you'll be out of luck. No conflict."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2570-78, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF VETERANS CEMETERIES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 488-78 on H.B. No. 1922-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1922-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS", having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no, and Representatives Baker and Nakamura being excused.

Stand. Com. Rep. No. 489-78 on H.B. No. 1778-78 (Deferred from March 6, 1978):

On motion by Representative Kawakami, seconded by Representative Caldito and carried, the report of the Committee was adopted and H.B. No. 1778-78, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT BONDS", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

At 11:37 o'clock a.m., on request by Representative Abercrombie, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:40 o'clock a.m.

Stand. Com. Rep. No. 490-78 on H.B. No. 3042-78, HD 1 (Deferred from March 6, 1978):

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

Stand. Com. Rep. No. 491-78 on H.B. No. 2912-78 (Deferred from March 6, 1978):

Representative Garcia moved that

the report of the Committee be adopted and H.B. No. 2912-78, having been read throughout, pass Third Reading.

Prior to seconding the motion, Representative K. Yamada asked for a conflict ruling as he is a Notary Public.

The Chair ruled that there was no conflict and Representative Yamada seconded the motion.

Representatives Cayetano, Mina and Sutton then asked for a conflict ruling as they are Notaries.

The Chair ruled that there was no conflict.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2912-78, entitled: "A BILL FOR AN ACT RELATING TO NOTARY PUBLIC FEES", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Nakamura being excused.

The Chair, at this time, directed the Clerk to note the presence of Representative Nakamura.

Stand. Com. Rep. No. 492-78 on H.B. No. 2746-78, HD 1 (Deferred from March 6, 1978):

Representative Say moved that the report of the Committee be adopted and H.B. No. 2746-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Stanley.

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

"Mr. Speaker, I draw the members' attention to the title of this bill - 'A Bill for an Act Relating to the Damien Memorial Chapel.'

The purpose of this bill is to amend Section 326-33 of the Hawaii Revised Statutes to insure proper maintenance of the Damien Memorial Chapel. It further states, in the second paragraph, that it 'designates the Father Damien Memorial Chapel and its premises and graveyard located in Kalawao County as a public memorial to Father Damien. Enacted in 1935, responsibility for maintaining the public memorial was not spelled out in the statutes.' This bill refixes that responsibility in the Department of Health.

Mr. Speaker, this bill may fix the particular instance of the maintenance of the Damien Memorial Chapel in the Department of Health; however, it's quite clear that the Department of Health has been operating in Kalaupapa for some number of years. Why is it necessary to amend Section 326-33 with the following words: 'And it shall be properly maintained by the Department of Health.' Why is it necessary to state the Department of Health that it must maintain the Damien Memorial Chapel when the section itself - the section itself - to be amended states the Father Damien Memorial Chapel at Kalawao, Molokai, and the premises and graveyard thereof are hereby declared to be a public memorial to Father Damien - a public memorial.

I have seen that public memorial myself. I have been there myself to that public memorial. I have seen how the Department of Health regards that public memorial. I understand exactly why it is necessary to add an amendment to a law to ask a department to maintain what is public property. What is a public memorial? Just think of it. When's the last time you ever heard of an instance in which the department of this government had to have an amendment to a law to ask you to maintain the property - amendment to a law - not appropriation in a budget bill to take care of maintenance, but actually amend in law that it take care of what is its responsibility.

The Department of Health has operated so negligently in the area of leprosy, both here and Kalaupapa, as to shame this State before the eyes of the world. Anyone who has seen the Damien Chapel has watched the cows walking over the gravestones; has moved the feces away; has seen the broken stones - the complete lack of attention. Anyone who was able to read the ADVERTISER two weeks ago, when they showed the pictures of the various chapels and so on, where the administrator of the leprosy program saying, 'Well, there's so many things that we have to do and we don't have money for all of it.'

If I remember correctly from the sheets that we received yesterday - the summary digest - I believe there is no money appropriation attached to this because the expectation is that the Department of Health will do it. Presumably, they were going to do it before. Now, we're amending a law so that we make sure that they do it. This will give the public some

brief indication as to how the Department of Health has regarded the leprosy program in Kalaupapa and here, its extension, throughout the years.

Leprosy has been utilized by politicians in this State. When I say politicians, I don't mean elected politicians; most importantly, appointed politicians, because let's not kid ourselves that appointed department heads are not politicians. . . has been utilized as an opportunity for people to make appointments, to make a great deal of money. We have seen over and over again that the people involved in leprosy programs, whether in Kalaupapa or here, have been utilized as pawns, again and again, in power games to the shame of this State.

It is necessary for us to recognize in the record of this house that we are passing a bill that requires a department to do what it ordinarily should do without even having to be asked. This gives the public some measure of how the Department of Health has conducted itself in respect of leprosy.

The leprosy program began in this State in 1865 with the Monarchy - 1865, and they begged. They begged for the opportunity - Father Damien did. That's why we have this Memorial Chapel here. A public memorial to Father Damien. Why did we pass that? Why do we have a public memorial? Why is KHET showing Damien by Terrence Knapp? Why is this play being recognized the world over - not just in Hawaii. Why is it being picked up by National Public Television and International Public Television? Is anyone aware? Are we all aware of the fact that while we have a lot of publications - a lot of publications - like 'I, Claudius' and others from Great Britain coming here, that from Hawaii - from Hawaii - Damien is going to the rest of the world. A production made here is thought to be sufficiently important. Memorial. Father Damien - sufficiently important for the Roman Catholic Church to comment upon it nationally as one of the most significant documentaries ever made in respect of Christianity - not just Roman Catholicism.

This person - the statue is right out here in the front of our Capitol. This person is on his way to becoming a Saint in the Roman Catholic Church - a Saint, and it is necessary for us to amend the law to require the department that has control and administrative authority and responsibility in the area in which this man lived and worked and over the people who are there.

The charges, in terms of the prosecution of the Department of Health, as being guilty and neglecting its duties and its responsibilities are embodied in this amendment.

I shall vote for this amendment and I shall vote for this amendment in sadness. I shall vote for this amendment with grief in my heart that these people have been taken advantage of by the people who entrust it to take the authority and responsibility and thus represent us to them. I hope that we shall never again have to amend any law with respect of any department of this State to require them to maintain a public memorial in good order so that the people of this State can be proud of our public memorial. That it has to be done in this instance, I hope will be the beacon call that will never ever let it happen again.

Thank you."

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

"The bill that came to the Committee on Culture and the Arts did address this problem and at the present time, is under the Department of Health's jurisdiction. I know that the previous speaker is very in tune about this issue here this morning, and I feel for his concern. But I'm also happy that we are giving the Chapel the needed attention it hasn't been getting these past fifty years.

This is the beginning, Representative Abercrombie. Maybe, a couple of years down the road, he may be on the National Historic Registry. At that point in time, it'd be taken over by the Department of Land and Natural Resources, so let's hope for the very best, and I ask all of you for your favorable support.

Thank you."

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

"I rise to speak in favor of the bill in reference to some of the remarks made by the learned Representative from Manoa, in the regard that we have taken advantage of the patients at Kalaupapa, or the patients affected by leprosy.

I do not think that we should need to pass a bill to give emphasis to the responsibility which has already been given to the Department of Health. I believe that some of the problems we face in the areas of health lies

here in the Legislature - in our funding and appropriation measures. For instance, the speaker from Manoa referred to the leprosy patients and Kalaupapa, but in previous years, we have also had this problem at Waimano Home and Training Center, at Kaneohe State Hospital, and to some degree, on the neighbor island hospitals.

The funding of these institutions has been made on a reactionary basis and moneys have been going where people have asked and cried the loudest. And so it is my feeling that it has been no exception for the patient afflicted by leprosy. We need to pay attention to the needs of the afflicted everywhere. And so I wanted to address my talk in this particular area that we are not making exceptions of leprosy patients, and I ask all persons to vote for this bill.

Thank you."

Representative Kondo then rose and stated:

"Mr. Speaker, I just wanted to make clear, in this instance, the reasons why the bill was introduced was to make clear whose responsibility the maintenance of the Chapel is. Up until now, we've been taking care of the health area and we've even funded a new dispensary. However, we've not talked about the end where we had to take care of maintenance of the Chapel, and I think this is one way to clarify to the Department of Health that that's their responsibility."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2746-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DAMIEN MEMORIAL CHAPEL", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 493-78 on H.B. No. 2581-78 (Deferred from March 6, 1978):

Representative Mizuguchi moved that the report of the Committee be adopted and H.B. No. 2581-78, having been read throughout, pass Third Reading, seconded by Representative Campbell.

Representative Evans then rose to speak in favor of the bill, with reservations, stating:

"Mr. Speaker, I fully support the

concept of decentralizing our education budget to give teachers, students, and parents a greater input into funding at the school level. My concern is that we, as a legislative body, insure that they do have adequate input and that this funding is used in the best interest of all school children.

I quote from the 1978 ILWU Legislative Program, which reflects my concerns: "We do not object to a mandate that a certain proportion of these funds be allocated directly to schools for special needs. . ."

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

"My apologies to the speaker, but I don't believe any other business of the House should be transacted while a member of this House is speaking."

The Chair replied:

"The Chair will ask the messengers to kindly do your delivery in the back of the speaker", and directed Representative Evans to "proceed".

Representative Evans thanked the Chair and Representative Cobb and continued her remarks, stating:

"I will start over with my quote: 'We do not object to a mandate that a certain proportion of these funds be allocated directly to schools for special needs, as determined by the schools; provided that (1) this is done by formula to ensure against 'pork barrelling' legislation or 'end-running' at the school level which by-passes DOE procedures; (2) such funds should be used exclusively for materials, texts, equipment and non-personnel expenses.'

I am pleased that we now have before us legislation that will regularize the special needs program. I was concerned last year because school-by-school funding was added as a budget proviso with no accompanying legislation which would adequately define this funding and its use. I was concerned because there were no adequate public hearings related to this program. I was also concerned because, though the funding was supposed to meet the pressing special needs of each school, the entire population of special education students was left out of the special needs funds enrollment calculations. The funds were confined to EDN 105, Regular Education.

Many of my concerns about the problems with having special needs funding before we had special needs legislation have come to fruition this year. In the absence of guidelines and clear definitions of the program, there were inconsistencies in the use of the funds and there were instances of lack of real input by teachers, students, and parents.

I believe that the legislation before us will improve this situation. If this bill is passed, the program will be defined by statute, and there will be clearer guidelines for the use of the funds. The input from teachers, students, and parents will be better assured, and the funding will apply to all of the most prominent education needs on the school level.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2581-78, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL NEEDS FUNDS FOR THE PUBLIC SCHOOLS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

At 11:58 o'clock a.m., on request by Representative Kondo, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:02 o'clock p.m.

Stand. Com. Rep. No. 494-78 on H.B. No. 2385-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2385-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EXAMINERS IN NATUROPATHY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 495-78 on H.B. No. 2293-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative Blair, seconded by Representative Yuen and carried, the report of the Committee was adopted and H.B. No. 2293-78, HD 2, entitled: "A BILL FOR AN ACT

RELATING TO THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 2352-78 had passed Third Reading at 10:46 o'clock a.m.; H.B. No. 2249-78 at 10:47 o'clock a.m.; H.B. Nos. 610, 1870-78 and 2942-78 at 10:49 o'clock a.m.; 2170-78 at 11:20 o'clock a.m.; 3059-78 and 1783-78 at 11:21 o'clock a.m.; 1815-78 at 11:22 o'clock a.m.; 2727-78 and 2680-78 at 11:23 o'clock a.m.; 2164-78 and 2097-78 at 11:24 o'clock a.m.; 3033-78 at 11:35 o'clock a.m.; 2570-78, 1922-78 and 1778-78 at 11:36 o'clock a.m.; 2912-78 at 11:41 o'clock a.m.; 2746-78 at 11:55 o'clock a.m.; 2581-78 and 11:58 o'clock a.m.; and 2385-78 and 2293-78 at 12:03 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 616-78) recommending that H.B. No. 2307-78, as amended in HD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 616-78 on H.B. No. 2307-78, HD 1, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2307-78, HD 1, were made available to the members of the House at 12:00 o'clock noon.

Representative Garcia, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 617-78) recommending that H.B. No. 1857-78, as amended in HD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 617-78 on H.B. No. 1857-78, HD 2, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1857-78, HD 2, were made available to the members of the House at 12:00 o'clock noon.

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 618-78) recommending that H.B. No. 2845-78 pass Second Reading and be placed on the calendar for

Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2845-78, entitled: "A BILL FOR AN ACT RELATING TO STATE LAW ENFORCEMENT", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 2845-78 were made available to the members of the House at 12:00 o'clock noon.

At 12:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 496-78 on H.B. No. 1880-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1880-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF CREDIT CARDS", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Ajifu voting no, and Representative Baker being excused.

Stand. Com. Rep. No. 497-78 on H.B. No. 1885-78, HD 2 (Deferred from March 6, 1978):

Representative Garcia moved that the report of the Committee be adopted and H.B. No. 1885-78, HD 2, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, I believe that the Constitutional Convention will be addressing the situation in respect to the Judiciary - flexibility or not. I think we've had sufficient indication the last few days of how flexible the Judiciary can be.

I most especially oppose the point that the bill will authorize an additional district court judgeship in the Third Circuit because the district court judges are not now subject to any scrutiny other than by that of the Judiciary through the Chief Justice. And lest it be said that that is the only situation, or that there is now a public interest in the decision of a judge and that is the only reason that I am rising, I am not. That may be part of the whole context, but it is only part of the whole context.

When you have a headline such as in today's paper - 'Judge blocks transcripts release' - now, this is not a grand jury situation, or that the judge is indicating that he won't allow the release of the transcript until he has had a chance to clear the release with all interested parties. Well, I'm an interested party and no one's clearing it with me.

Part of the whole thrust of the public's distrust of government is the increasing police power. When I say the police power, I don't mean the policeman on the beat necessarily, although should something like the conceived wiretap plan or something come up, why, then, we may deal with that, but that's not what I'm referring to. What I'm talking about when I say 'police power' is that is what is generally known as a police power of the State; that is to say, who has the authority within the State to coerce, either by threat of violence, or by the threat of imprisonment, or any other such means as may be officially designated by law in the State and embodied in a particular agency or personage.

More and more, in the United States, it seems to me, we find people's lives being intruded upon by government in a way that does not give them ready access for redress of a grievance. That's the reason I'm against this bill. I think that all these bills, in respect to these judgeships and so on, should be deferred to the Constitutional Convention so that this question may be addressed; especially the creation of an additional District Court judgeship at this time, I think, is a highly questionable activity for us to engage in at this moment. We really have to address the idea of whether or not the increasing capacity for agencies that we don't know anything about, under circumstances we don't know anything about, totally within their own provinces, can affect the daily lives of the citizens of the United States, and in particular, in this instance, the citizens of the State of Hawaii. I do not want to have the

First Circuit having greater flexibility now until such questions are decided. It may be that on an individual basis; for example, the landlord-tenant in small claims matters, rather than requiring the twelve judges to handle such matters, as is presently required, may be a good thing to do. But the context under which it is offered also includes the addition of a District Court judgeship. Now, if we are going to combine them and under the circumstances that I'm just referring the members' attention to, I think that it is ill-conceived. . . I should not say ill-conceived; it is ill-timed. It may be well conceived in the abstract. But we are not passing abstractions. We are passing laws, given the fact that I think the judges, and I say the fact, because I will be referring later today to these facts. I'm not going to refer to them now; you'll have that pleasure later.

This is what I have going for a circuit judge. I am disinclined, one year after trying to have my rights in court, to give greater flexibility to any judge until I, as a citizen, have greater flexibility; that is to say, to get my constitutional rights in court."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1885-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT AND DISTRICT JUDGES", having been read throughout, passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Abercrombie, Evans and Kamalii voting no, and Representative Baker being excused.

Stand. Com. Rep. No. 498-78 on H.B. No. 2764-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2764-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SALE AND DISTRIBUTION OF SESSION LAWS, SUPPLEMENTS AND REPLACEMENT VOLUMES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 499-78 on H.B. No. 2319-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2319-78,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 500-78 on H.B. No. 2306-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2306-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COSTS OF COURT ORDERS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 501-78 on H.B. No. 1822-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative Machida, seconded by Representative Dods and carried, the report of the Committee was adopted and H.B. No. 1822-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Abercrombie voting no, and Representative Baker being excused.

Stand. Com. Rep. No. 502-78 on H.B. No. 2318-78 (Deferred from March 6, 1978):

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the report of the Committee was adopted and H.B. No. 2318-78, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE LOANS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 503-78 on H.B. No. 3045-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Blair, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 3045-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID TO COUNTY OR STATE AGENCIES FOR ELIGIBLE WATER POLLUTION CONTROL FACILITIES AND PLANS, CONCEPTS AND PROJECTS RELATED TO SUCH ELIGIBLE FACILITIES", having been

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

Stand. Com. Rep. No. 504-78 on H.B. No. 2860-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2860-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 505-78 on H.B. No. 2239-78, HD 2 (Deferred from March 6, 1978):

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

Stand. Com. Rep. No. 506-78 on H.B. No. 1769-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1769-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

Stand. Com. Rep. No. 511-78 on H.B. No. 2303-78, HD 1 (Deferred from March 6, 1978):

Representative Garcia moved that the report of the Committee be adopted and H.B. No. 2303-78, HD 1, having been read throughout, pass Third Reading.

Prior to seconding the motion, Representative K. Yamada rose and asked for a conflict ruling "for myself and all the other notaries."

The Chair ruled that there was no conflict, and Representative K. Yamada seconded the motion.

At 12:19 o'clock p.m., the Chair declared a recess, subject to the call

of the Chair.

Upon reconvening at 12:20 o'clock p.m., the motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2303-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 512-78 on H.B. No. 2462-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2462-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF EMPLOYMENT AGENCIES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 513-78 on H.B. No. 3034-78, HD 2 (Deferred from March 6, 1978):

Representative Garcia moved that the report of the Committee be adopted and H.B. No. 3034-78, HD 2, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Abercrombie then rose and asked:

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

The Chair replied:

"Will you state the question and I'll quote the question to the Chairman."

Representative Abercrombie asked:

"Mr. Speaker, I want to make sure on this, having dealt with this kind of thing before about privacy. How, in fact, will the privacy of the individual be maintained and yet public access be maintained as opposed to the privacy of police officers being maintained, as opposed to public access of the public. Just who gets the information that would be gathered in such data and centralized as the bill requires?"

Representative Garcia replied in the affirmative and answered:

"One of the major concerns that we had was the privacy of the record, but we also felt that because of the Federal Freedom of Information Act, access by individuals who want to check their own records should be made available to them.

Another concern that we had was the jurisdiction of these records. It was the understanding of the Judiciary that once the program was set up that the actual administration of this particular data center will go to the Attorney General's office. The Committee, in its discussion, felt that that shouldn't be the case and we said in the Committee Report in House Draft 1, that the jurisdiction should remain within the Judiciary. We felt that they were a lot more impartial in the dissemination of information. The kind of information that is going to be stored in the data bank, in terms of the criminal history, will only be made available to law enforcement agencies who request particular information.

When it comes to whether or not an individual wants to know what is in those records for himself, he will be able to have access to it."

Representative Abercrombie then thanked the Chair.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3034-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 514-78 on H.B. No. 2545-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative Mizuguchi, seconded by Representative Campbell and carried, the report of the Committee was adopted and H.B. No. 2545-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", having been read throughout, passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Carroll, Evans and Ikeda voting no, and Representative Baker being excused.

Stand. Com. Rep. No. 524-78 on H.B. No. 2793-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2793-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REGULATION OF THE SALE OF NONCHEMICAL PEST CONTROL DEVICES IN THE STATE OF HAWAII", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 528-78 on H.B. No. 2641-78 (Deferred from March 6, 1978):

On motion by Representative Ushijima, seconded by Representative Abercrombie and carried, the report of the Committee was adopted and H.B. No. 2641-78, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 529-78 on H.B. No. 1910-78 (Deferred from March 6, 1978):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 1910-78, entitled: "A BILL FOR AN ACT RELATING TO TAX INCENTIVES FOR ENERGY CONSERVATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 530-78 on H.B. No. 2229-78, HD 1 (Deferred from March 6, 1978):

Representative Ushijima moved that the report of the Committee be adopted and H.B. No. 2229-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Abercrombie.

Representative Cobb then rose and asked for a conflict ruling inasmuch as he is a Major in the U.S. Army Reserves.

The Chair ruled that there was no conflict.

Representative Kiyabu then rose and asked for a conflict ruling inasmuch as he is a member of the Hawaii Air National Guard.

The Chair ruled that there was no conflict.

Representative Shito then rose and asked for a conflict ruling inasmuch as he is a member of the Army National Guard.

The Chair ruled that there was no conflict.

Representative Carroll then rose and asked for a conflict ruling inasmuch as he is an officer in the Air National Guard.

The Chair ruled that there was no conflict.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2229-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR NATIONAL GUARDSMEN AND MILITARY RESERVISTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

At 12:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:35 o'clock p.m.

Stand. Com. Rep. No. 531-78 on H.B. No. 158, HD 2 (Deferred from March 6, 1978):

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 532-78 on H.B. No. 2460-78, HD 2 (Deferred from March 6, 1978):

Representative Mizuguchi moved that the report of the Committee be adopted and H.B. No. 2460-78, HD 2, having been read throughout, pass Third Reading, seconded by Representative Campbell.

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

"Mr. Speaker, the purpose of this bill is to provide that all teaching experience accrued as a full-time teacher with the Department of Education shall be counted toward tenure.

It has been a long standing, but

undesirable practice of the Department of Education to preclude the granting of probationary credit to non-tenured personnel hired as temporary teaching assignment appointment. These teachers do not gain probationary credit toward their tenure, although many of them do the same work as other teachers.

I strongly support this bill, Mr. Speaker, because it will correct this inequity and give the proper probationary credit for all full-time teaching experience to both new and existing teachers, and I urge all of my colleagues to vote in favor of this measure.

Thank you."

Representative Say then rose and asked for a conflict ruling inasmuch as he is a probationary teacher.

The Chair ruled that there was no conflict.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2460-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TENURE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 533-78 on H.B. No. 2936-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2936-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 534-78 on H.B. No. 2123-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative Segawa, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2123-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PHYSICIAN PROGRAM", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representative Ikeda voting no, and Representative Baker being excused.

Stand. Com. Rep. No. 535-78 on

H.B. No. 2107-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2107-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MASS TRANSIT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 536-78 on H.B. No. 2937-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2937-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OAHU METROPOLITAN PLANNING ORGANIZATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 537-78 on H.B. No. 2827-78, HD 2 (Deferred from March 6, 1978):

Representative Segawa moved that the report of the Committee be adopted and H.B. No. 2827-78, HD 2, having been read throughout, pass Third Reading, seconded by Representative Mizuguchi.

Representative Segawa then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 2827-78, HD 2. I would like to point out certain amendments made to HD 2 by the Committee on Finance.

First of all, the original bill and House Draft 1, provided for the intergration of the pilot vision and hearing screening program into the Act 130 pilot school health project. The intent of this intergration was to provide a more efficient and coordinated school health program in the school health room setting for our public school children. The intergration of these services would have provided a school health aide in every public school as this bill provides and would have also provided initial vision and hearing screening by health aides to be completed by Christmas vacation. Substitute

health aides would have assisted the regular health aides to accomplish this screening. Presently, screening is done in some schools in April or May. The intergration would have also meant a cost savings of \$59,145.

House Draft 2 does not provide for this intergration. The Finance Committee agrees to the intent of this intergration, but is apprehensive of future cost concerns at this time, and feels the need for further study on an intergrated program. The Committees on Health and Education accept this amendment with reservations.

The other substantial amendment pertains to the section which refers to the qualifications of school nurses who are assigned to the different school health complexes. Your joint Committees on Health and Education feel that this school health program is meant to place emphasis in the school health room setting and the services of the school health aides. With this emphasis in mind, the joint Committees on Health and Education recommended that registered professional nurses with six months experience as public health, school health, clinical, or hospital nursing experience could qualify as school nurses. House Draft 2 deletes any reference to allowing nurses with clinical and hospital experience to qualify for this position. Your Committees on Health and Education are not in agreement with this provision; however, we have received assurance from the Chairman of the Finance Committee that the proviso relating to this matter which is found in House Draft 1 will be included as a proviso in the supplemental budget appropriation.

In spite of these two changes, one of the main considerations is to make the health aide program a permanent program. As the records show, this school health aide program has proven itself as a very effective program, cost wise, as well as services wise, and merits the status of a permanent program.

On this basis, I urge all members to vote in favor of this bill."

Representative Campbell then rose and made the following request:

"Mr. Speaker, I concur with the comments of the Chairman of the Committee and may I request that his remarks be recorded in the Journal as my own remarks."

The Chair replied:

"With the consent of Representative Segawa, so ordered."

Representative Suwa then rose and stated:

"Mr. Speaker, in rising to speak on behalf of the bill, I do not quite agree with the Chairman who spoke now in this area relating to cost savings. Your Committee on Finance feels that instead of having to be confusing with an additional cost implication, the Finance Committee feels that, at the present time, the school aides are doing a good job, so let it be at that.

Thank you."

Representative Evans then rose to speak in favor of House Bill No. 2827-78, HD 2, stating:

"Mr. Speaker, this bill will finally establish a permanent statewide health services program in our public schools. Since 1970, we have had a pilot project - possibly one of the longest pilot projects on record. During the past seven years, the pilot project has proven to be very effective in providing health care in pilot project schools. Nurses and school health aides have worked with real dedication, and this bill will at long last provide the health aides with the same status as other State employees. They have been without those benefits and that protection for seven years.

It has been demonstrated that students in pilot project schools lose less school time due to illness and injury than students in non-project schools. Health record keeping is better, and pilot project schools have demonstrated more efficient compliance with the immunization laws of Hawaii. There is also better communication between schools and physicians.

The statewide health services program has improved important record keeping in all our schools. It has insured that all students have the required immunizations; that it has emergency treatment and first aid; it has helped to prevent epidemics. School health nurses played an important part in containing the rubella epidemic last year. The State of Hawaii still has the highest incidence of active tuberculosis in the nation. We often have strep epidemics, and school health nurses and aides have done strep surveys.

Prompt detection and treatment can often prevent complications such as rheumatic fever.

There is much more that can and should be done in a comprehensive program - early identification of handicapping conditions in children such as scoliosis can prevent crippling or major surgery.

A uniform child abuse reporting system needs to be established. Nurses and health aides are able to spot child abuse, and it is not confined to the very young children.

Teaching good health habits; teaching good nutrition - gearing the information program to the growth of the child from Kindergarten to 12th grade will contribute greatly to the health of our children.

While primary responsibility for a child's health rests with the parents, the school program is in a strategic position to make significant contributions to better health for every student. It is in the best interests of the State to protect and improve the physical and mental health of Hawaii's children.

The Committee has amended House Bill 2827-78, HD 2, to postpone intergration of the speech and hearing program into the Comprehensive School Health Program. As the original bill read, it would have prevented private and parochial school children from receiving these services that they have received since the early mid 1970's.

I am also concerned at the level acceptable for school health nurses within this bill. I do not believe that they should be downgraded to a Level III nurse, but rather, left at a Level IV. This bill would allow this.

But realizing that the major intent of this bill is to give permanency to school health aides, I urge passage of the bill.

Thank you."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure, but with one very grave reservation.

Mr. Speaker, if you will look at line 5 through 10 of House Bill No. 2827-78, you will see that it reads as follows: 'It is in the general welfare of the State to protect, preserve, care

for, and improve the physical and mental health of Hawaii's children by making available at the public schools first-aid and emergency care, preventive care, health appraisals and follow-ups. . .'

This word 'public' bothers me. Why not just make it at the schools and then, we would do what? We are trying, for the general welfare of the State, to protect, preserve, care, and improve the physical and mental health of Hawaii's children.

Mr. Speaker, in the parochial schools of this State, we have one-third of the child population. The Supreme Court of the United States of America has had two dissents by classmates of mine. You can see they must be very well qualified and these gentlemen have said in their dissent that the extension of bus services to children is already provided.

The next thing is health aides to parochial schools. This will be a decision that will come, as you know, that as we have more and more dissents in the Supreme Court decision, then all of a sudden that minority becomes the majority - there are those that hope some of us here in this minority.

Mr. Speaker, this is an important concept - health and welfare of the children of this State - put right in the bill. Were we to delete the word 'public' and just say schools, we would achieve a great benefit for this entire State, and then we could have a constitutional case that could go up to the Supreme Court and, certainly, you would have a better chance of winning than some of these residency laws which we put in last time and so, Mr. Speaker, I feel that we should consider the parochial school system, and we should try, next time, to put in something which will allow the parochial school child to have the benefit of this type of a program.

I thank you, Mr. Speaker."

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

"Mr. Speaker, everyone knows the importance of this program, and I don't think it is fair to raise church and state questions at this time, in respect of the health services and related to the passage of this bill. I don't think it is possible to do so when it is stated quite clearly in the second paragraph that 'the purpose

of this bill is to establish the current pilot school health services program as a permanent statewide school health services program within the Department of Health.'

They probably know they have enough to say about the Department of Health, but we will try to pull, as one of the other Representatives has said, 'one of the longest pilot programs in history' here, and to raise a question as to church and state, I think, should not detract from the efforts that are being made here, and I do not believe that the passage of this bill, in any way, shape, or form, states a reluctance to deal with schools, as such, whether it is in terms of health problems or any other problem. Rather, it addresses a specific instance which is now well within our purview as a Legislature, as opposed to moving into the abstractions of church and state in related financial matters."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2827-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 538-78 on H.B. No. 3051-78 (Deferred from March 6, 1978):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 3051-78, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT AND HARBOR REVENUE BONDS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 539-78 on H.B. No. 2868-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2868-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AMENDMENT OF CHAPTER 237", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 540-78 on H.B. No. 2539-78, HD 2 (Deferred from March 6, 1978):

Representative Segawa moved that the report of the Committee be adopted and H.B. No. 2539-78, HD 2, having been read throughout, pass Third Reading, seconded by Representative Shito.

Representative Evans then rose and asked for a conflict ruling inasmuch as she is a registered nurse.

The Chair ruled that there was no conflict.

Representative Evans then spoke in favor of the bill, stating:

"Mr. Speaker, I would like to make one clarification for my colleagues today. Perhaps you, as I, have received many calls from nurses opposing the Continuing Education Fund - continuing education for nurses. I would like to say that, this morning, we cleared it with the Hawaii Nurses' Association and discovered that this is part of their convention legislative platform last year and it passed overwhelmingly by those who were present there.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2539-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF A NURSING CONTINUING EDUCATION FUND", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

At 12:55 o'clock p.m., on request by Representative Kamalii, the Chair declared a recess, subject to the call of the Chair.

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

H.B. No. 1889-78, HD 2 (Deferred from March 6, 1978):

Representative Garcia moved that H.B. No. 1889-78, HD 2, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Abercrombie then rose and inquired whether the Chairman

of the Committee would yield to a question to which Representative Garcia replied in the affirmative.

Representative Abercrombie asked:

"In the second paragraph, Mr. Speaker: 'The purpose of this bill is to provide that oral argument before the supreme court is a procedural matter. . .'. My emphasis, as I finish the rest of the sentence, being on the two words, 'procedural matter' which is within the discretion of the supreme court.'

Do I take that to mean that the court may dispense with oral arguments now as a procedural matter?"

Representative Garcia replied:

"Mr. Speaker, the purpose clause of the second paragraph dealt with House Draft 1. We are not changing. . . House Draft 2 does not include any changes relating to oral arguments by itself. The House Draft 2 relates only to what happens when a vacancy occurs."

Representative Abercrombie further asked:

"So I take it then that that has been eliminated entirely?"

Representative Garcia answered:

"That is correct."

Representative Abercrombie thanked the Chair.

Representative Garcia then said:

"As a matter of information, Mr. Speaker, we called the members of the Judiciary and was informed by them that, as a matter of practice, the Supreme Court does hear all or most all oral arguments that are presented, in addition to the briefs that are presented to them for decisions. So, as a matter of practice, the supreme court is now listening to oral arguments, and the purpose of this bill is not to change that particular practice."

The motion was put by the Chair and carried, and H.B. No. 1889-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SUPREME COURT CONCERNING A FULL COURT, ORAL ARGUMENTS, AND SUBSTITUTE JUSTICES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 1880-78 had passed Third Reading at 12:08 o'clock p.m.; H.B. Nos. 1885-78 and 2764-78 at 12:14 o'clock p.m.; 2319-78, 2306-78 and 1822-78 at 12:15 o'clock p.m.; 2318-78 and 3045-78 at 12:16 o'clock p.m.; 2860-78 and 1769-78 at 12:17 o'clock p.m.; 2303-78 at 12:20 o'clock p.m.; 2462-78 at 12:21 o'clock p.m.; 3034-78 at 12:23 o'clock p.m.; 2545-78, 2793-78 and 2641-78 at 12:24 o'clock p.m.; 1910-78 at 12:25 o'clock p.m.; 2229-78 at 12:36 o'clock p.m.; 2460-78 at 12:38 o'clock p.m.; 2936-78 at 12:39 o'clock p.m.; 2123-78, 2107-78 and 2937-78 at 12:40 o'clock p.m., 2827-78 at 12:52 o'clock p.m.; 3051-78 and 2868-78 at 12:53 o'clock p.m.; 2539-78 at 12:55 o'clock p.m.; and 1889-78 at 1:00 o'clock p.m.

At 1:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:11 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 422 to 431) and concurrent resolutions (H.C.R. Nos. 85 and 86) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 8, 1978:

A resolution (H.R. No. 422) requesting the Department of Land and Natural Resources to conduct a public hearing to determine the need for regulations limiting the types of fishing in Kahaluu Bay, Kona, Hawaii was jointly offered by Representatives Inaba, Segawa, Suwa, Takamine, Toguchi and K. Yamada.

A resolution (H.R. No. 423) requesting the Department of Land and Natural Resources to submit a report on the historic preservation program was jointly offered by Representatives Caldito, Inaba, Kawakami, Lunasco, Morioka, Toguchi and K. Yamada.

A resolution (H.R. No. 424) requesting cessation of televising of programs featuring violence, especially towards women was jointly offered by Representatives Kiyabu, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Ikeda, Inaba, Kihano, Kondo, Kunimura, Larsen, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Stanley, Takamine,

Takamura, Toguchi, Uechi, Ushijima, Uwaine, K. Yamada and Yuen.

A resolution (H.R. No. 425) encouraging development of a hospice system in Hawaii was jointly offered by Representatives Carroll and Kamalii.

A resolution (H.R. No. 426) requesting uniformity of agreements between the Department of Social Services and Housing and the police on matters relating to child abuse and neglect was jointly offered by Representatives Takamura, Aki, Blair, Caldito, Campbell, Cayetano, Dods, Garcia, Inaba, Kiyabu, Kunimura, Larsen, Lunasco, Machida, Medeiros, Mina, Mizuguchi, Morioka, Narvaes, Say, Segawa, Stanley, Suwa, Takamine, Takamura, Toguchi, Ueoka, Ushijima, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 427) requesting an investigation and review of the Barbers Point land exchange agreement between the State of Hawaii and the James Campbell Estate was jointly offered by Representatives Cayetano, Takamura, Abercrombie, Blair, Caldito, Campbell, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kunimura, Morioka, Naito, Nakamura, Segawa, Sutton, Takamine, Toguchi, Uechi, Uwaine and D. Yamada.

A resolution (H.R. No. 428) requesting an investigation and report on the State's plans to relocate businesses which lease lands from the State at Sand Island was jointly offered by Representatives Cayetano, Takamura, Abercrombie, Ajifu, Aki, Blair, Caldito, Campbell, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kiyabu, Kunimura, Larsen, Morioka, Naito, Nakamura, Narvaes, Say, Segawa, Takamine, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 429) requesting the State Department of Transportation to submit a status report on the Second Oahu Deep Draft Harbor, at Barbers Point was jointly offered by Representatives Cayetano, Takamura, Abercrombie, Blair, Caldito, Campbell, Dods, Evans, Garcia, Ikeda, Inaba, Kawakami, Kiyabu, Kunimura, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Say, Segawa, Takamine, Toguchi, Uechi, Ueoka, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 430) relating to personnel selection procedures in the University of Hawaii system was offered by Representative Kunimura.

A resolution (H.R. No. 431) relating to the care of inmates was offered

by Representative Evans.

A concurrent resolution (H.C.R. No. 85) requesting cessation of televising of programs featuring violence, especially towards women was jointly offered by Representatives Kiyabu, Ajifu, Aki, Blair, Caldito, Campbell, Carroll, Cayetano, Cobb, Dods, Evans, Ikeda, Inaba, Kihano, Kondo, Kunimura, Larsen, Machida, Mina, Mizuguchi, Morioka, Naito, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Stanley, Takamine, Takamura, Toguchi, Uechi, Ushijima, Uwaine, K. Yamada and Yuen.

A concurrent resolution (H.C.R. No. 86) requesting the Legislative Auditor to conduct a study on having the State act as a "self-insurer" for public assistance drivers under the No-Fault Law was jointly offered by Representatives Cayetano and D. Yamada.

THIRD READING

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

H.B. No. 939, HD 1

Representative Shito moved that H.B. No. 939, HD 1, having been read throughout, pass Third Reading, seconded by Representative Nakamura.

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

"Mr. Speaker, if you will address your attention to the second paragraph of the Committee Report, you will find that the purpose of this bill, as amended, is to make improvements in several aspects of the housing development program conducted by the Hawaii Housing Authority. . ."

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

"The Committee Report is not before the House at this time."

The Chair asked, "Representative Sutton, will you use those statements into your argument. . . incorporate it into your argument against the bill."

Representative Sutton continued, stating:

"Yes, indeed, Mr. Speaker, I shall start again. I'm sorry that the Representative from Kauai did not have the

advantage of being on this Committee and, therefore, I was trying to clarify it, and the purpose of this bill, Mr. Speaker, is to make improvements in several aspects of the Hawaiian housing development program conducted by the Hawaii Housing Authority, pursuant to Chapters 359 and 359G, Hawaii Revised Statutes.

Now, why would there be these needs for improvements and what are the improvements that we have done? What we would try to do is provide housing for people that don't have housing. My statistics indicate there are 50,000 people in this State that don't have proper housing. Act 105, which was originally put forward to give housing, was put forth by Governor John Anthony Burns, with the initial statement that he hoped that we would come into this tremendous deficiency in housing.

We were a group that was ill-fed, ill-housed, and the housing was not a particularly difficult thing in a tropical state. We did not have the necessity to prevent cold coming in. We did not have the necessity of preventing extreme winds from coming into a home. Single wall homes were feasible. We had a much more simple proposition in winter that did not require heating, and yet, we did not seem to achieve and have not achieved, and have not found the mechanism, Mr. Speaker, to achieve the housing needs of these 50,000 people who are presently ill-housed.

Mr. Speaker, we should have attacked this thing from the point of view of a real task force and made it a real emergency because there is an emergency of housing in this State. It's a very severe emergency, and we have not approached it that way. We've done it with a status quo.

Very frankly, one of the finest minds I have ever come across in housing is now on board. He is David Slipher, former advisor of the late Henry Kaiser, former officer of the Kaiser-Burns, former officer of the Kaiser-Aetna. But, Mr. Speaker, he does not have the opportunity to present the basic concept of a crash program.

Lying out towards Waianae are thousands of acres that they have land banked and not developed. Now, I do not feel that that's the most appropriate place. . .if Mr.

Peters will forgive me, I do feel that we should have housing closer to town. I do think that someday, we're going to have another energy crisis; that the Arabs will cut off the oil; that we should have housing on lands which the State itself. . ."

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

"I don't think it is appropriate to cast dispersions on people as such, rather than government. Arabs are a sematic group. They are not necessarily a government, and I don't think that we should cast dispersions on this floor on people. I don't think that's our purpose here. I mean it."

The Chair responded, stating:

"The Chair believes that Representative Sutton was using the word 'Arabs' in the context of government. . ."

Representative Abercrombie interrupted on a point of personal privilege and stated:

"I most strenuously object to the utilization of pejorative terms in respect of people on this floor. I think it is a disservice to the legislative process to utilize. . ."

Representative Ajifu interrupted on a point of order and stated:

"Mr. Speaker, I think the speaker from Nuuanu has the floor. You have ruled on a point of order that was raised and I don't think it is proper for the legislator from Manoa to debate the issue of why he is stating a point of privilege."

The Chair answered:

"You are correct, Representative Ajifu, technically. The Chair is giving the liberty to Representative Abercrombie to further raise another point of order."

Representative Abercrombie, on a point of order, stated:

"Mr. Speaker, I was not doing that. I am now speaking on a point of personal privilege. If the Minority Leader would listen, he would find that I was not raising a point of order. I was speaking on a point of personal privilege."

At 1:18 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:25 o'clock

p.m., the Chair recognized Representative Sutton as he had the floor and he continued his remarks, stating:

"Now, Mr. Speaker, let me clarify my remarks. We are in an archipelago, 2500 miles out in the middle of the Pacific, and we have no fossil fuel of our own. We have many sources of energy that can be developed with great ingenuity, and we've worked on them this morning, but I will retract anything that I said concerning a certain crisis when we all lined up at the gas stations at four in the morning to get our gas and we came very close to rationing. We all remember rationing during World War II, and we know that we're an area that is highly dependent because of the recent attempts by our own Cecil Heftel to have included something in the way of a reserve force in the way of fuel.

But I bring this out because we're talking about housing, and housing should be located near the points of work - Pearl Harbor, Honolulu - and the individual's location should be such that he can have his children get to school by two or three miles of walking, or maybe a short term bus. Housing is something that should be located in such a way that we have a minimum use and dependence upon energy.

Now, Mr. Speaker, we should be engaged today in a crash program. This Committee recognize that we have a gap group - not just the elderly, not just those of low income -but those who cannot afford the down payment on the tremendous inflation that has now hit our housing here in Hawaii. The inflation is so bad that a single family residence is not available to anybody for less than \$100,000 on fee simple land.

We have an immensely complicated subject. We have a subject which should be addressed to by every good mind in this body to find a solution. Our job is not to say why we can't do it, but to show how we do it, and we should address ourselves immediately to this task.

That is why I would urge my colleagues to vote 'no' against this bill because this is a poor effort of the very fine minds that exist in this body.

Thank you."

Representative Narvaes then rose and stated:

"Mr. Speaker, with grave reservations, I would like to speak in favor of the passage of House Bill 939, HD 1, entitled: 'A Bill for an Act Relating to Housing.'

Mr. Speaker, this bill has been introduced to make improvements to the housing development program conducted by the Hawaii Housing Authority. Mr. Speaker and my fellow colleagues, I've stated my reasons in committees and on the floor in the past few weeks regarding my concerns about further legislation regarding the Hawaii Housing Authority.

Now, Mr. Speaker, this bill before us expands the powers and scope of the Hawaii Housing Authority. The statutes, at present, that give the Hawaii Housing Authority its existence, are too broad. . . are too big, and they are inadequate. Yet, this bill before us starts to clean up part of the many problems and poor policies of the Hawaii Housing Authority. It may work as an effective tool as long as we bird-dog it properly, bringing us one step closer to bringing housing to the people of this State faster, and where it is needed. Mr. Speaker, this bill will allow the Hawaii Housing Authority to sell by small lots some of the land which has cost the Hawaii Housing Authority some \$23 million, land that Hawaii Housing Authority is presently stuck with.

Mr. Speaker, I'd like to point to and bring out a statement which was mentioned in the management letter of the Hawaii Housing Authority by some CPA's and it says this: 'On June 30, 1977, the Authority had \$22 million in land held for future development which is not generating income.' The negative cash flow relating to this land is about \$1.3 million per year, due to bond interest payments.

Mr. Speaker, the auditors recommended one thing dealing with the land bank, and that recommendation was that the Authority continue its efforts to utilize the existing land inventory and that additional land be purchased from the private sector only after carefully considering the economic feasibility in cash put in back of the acquisition. Mr. Speaker, as long as this recommendation is followed by the Hawaii Housing Authority, I can, and I will still support them.

Mr. Speaker, we are all quite aware that the Hawaii Housing Authority has had difficulties in the past with poor management practices, poor accounting practices, and immense

and large political favors. The Authority is still burdened with previous decisions which has tied up funds, left them with excessive property, empty housing and two bankruptcies, and the law has regretfully permitted this. Mr. Speaker, I find it pitiful that our laws have allowed Hawaii Housing Authority to lose over \$16 million. I feel strongly. . . I strongly feel and I urge the rest of you as Representatives of Hawaii to stop and consider the impact of the Authority, its effectiveness, or its non-effectiveness, its credibility, its planning and its future before you vote on this bill.

Mr. Speaker, before the Hawaii Housing Authority gets further burdened down and possibly misled, or before HHA compounds its problems, I'd prefer to see a total evaluation in the form of an investigation into the past policies, problems, and planning of the Authority. This must be done to assure that the Legislature will wisely amend the statutes and allow the Authority to meet its purpose of providing low cost housing where it is needed as was stated as the legislative intent in the creation of the Hawaii Housing Authority.

Mr. Speaker, I sincerely hope all of you will consider the past of the Hawaii Housing Authority when planning for a secure, productive future. HHA's clouded and questionable past gives us a lesson that we cannot forget when considering every agency, its policies, and its future.

Every session, we strip through dozens of bills written to make HHA more efficient. Yet, there is never enough done. If we decide that the re-evaluation of the Constitution is necessary, we make every effort to involve the State in a convention to amend and change the Constitution, but, Mr. Speaker, don't we owe it to our constituents to re-evaluate portions of the statute in its entirety and not piecemeal like we seem to always be doing? And, Mr. Speaker, I point particularly to the HHA, and in this case, the statutes which give HHA the existence.

I'm voting 'yes' on this bill today, and I urge all my colleagues to vote 'yes' because this bill starts to clean up the mess that HHA is in; the mess that was created in the past. Yes, changes are necessary. And this bill will help. And I'd like to commend the Chairman of the Housing Committee for moving us in the right direction. But what is actually needed is that

we really need more - we need an evaluation. We really need an investigation and we need stricter policies and plannings. We need less political exploitations of the Hawaii Housing Authority. Mr. Speaker, I wanted an investigation to determine why the HHA is still burdened by previous decisions which has tied up funds and left HHA with over \$22 million of land, excessive property, empty housing, two multi-million dollar bankruptcies. Finally, I wanted an investigation to determine why the HHA has lost over \$16 million.

Mr. Speaker, this bill before us will allow HHA to clean up and white wash its unethical past. Mr. Speaker, not until the blatant, unethical actions of the past are exposed, cleaned up and legislated against, will HHA be able to operate properly. Mr. Speaker, this bill will allow HHA to operate a little better, not much better, but at least we're going in the right direction.

Therefore, I urge you and my colleagues to vote in favor of this measure."

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

"During the past several years, housing prices have increased tremendously. In fact, prices have risen to such an extent that most gap group families can no longer afford to purchase homes for their own. Unless we, as legislators, take action to assist these families, they will perhaps never be able to purchase homes of their own in our fair State. This bothers me, particularly when I think of the number of young local residents who are forced to move to the mainland or elsewhere because of lack of affordable housing.

House Bill No. 939, HD 1, seeks to rectify this problem. This bill sets forth two innovative means of providing housing at a considerably lower cost. The first means will be to the development of a basic or a minimum house. These substantially completed shell homes will be designed to provide only the basic components of a home, and thus have a much longer and lower price tag than a fully completed home. These shell homes would be affordable for the gap group families and would permit them to make various improvements as their income increases.

The second means would be through the sale of partially or poorly developed house lots. There are numerous residents in the State who, given the option, would prefer to purchase the unimproved

land. This way, they would be able to design and construct their own home to donate labor or by hiring subcontractors and the proceedings as their resources permit. As an alternative, these residents also will be afforded the opportunity to purchase pre-fabricated or modular homes and add to them as their income increases.

I strongly feel that this Legislature should take positive steps in providing housing for our gap group families, and this bill provides the positive step. Therefore, Mr. Speaker, I urge all of my colleagues to vote 'aye' on this bill."

The motion was put by the Chair and carried, and H.B. No. 939, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 2756-78

On motion by Representative Caldito, seconded by Representative Lunasco and carried, H.B. No. 2756-78, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Abercrombie, Evans, Ikeda and Sutton voting no, and Representative Baker being excused.

H.B. No. 2837-78

On motion by Representative Kawakami, seconded by Representative Caldito and carried, H.B. No. 2837-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2192-78, HD 1

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2192-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE NO-FAULT INSURANCE", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 2929-78, HD 1

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2929-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Evans voting no, and Representative Baker being excused.

H.B. No. 1935-78, HD 1

Representative D. Yamada moved that H.B. No. 1935-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

Representative Abercrombie then rose and asked whether or not the Chairman would yield to a question, to which Representative D. Yamada replied in the affirmative.

Representative Abercrombie asked:

"I want to find out in the justification. . . excuse me, in the report on the bill, in the second paragraph, 'to allow authorized representatives of the Public Utilities Commission ready access to information and data relating to all activities of a public utility', and this is the emphasis - 'all activities of a public utility.'"

Would that include access to private companies that the public utility has to deal with in terms of their records?"

Representative D. Yamada replied:

"Mr. Speaker, I assume that when the audit is done on any public utility, whatever's in their records will be reflected."

Representative Cobb then rose and asked for an adverse conflict ruling as "I work for a utility that would be affected by this although I'm in favor of the bill."

The Chair ruled that there was no conflict.

Representative Cobb thanked the Chair.

Representative Morioka then asked for the same conflict ruling and the Chair ruled that there was no conflict.

The motion was put by the Chair and carried, and H.B. No. 1935-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", having been read throughout, passed

Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 2499-78, HD 1

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2499-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL-LANDLORD TENANT CODE", passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Ajifu, Evans and Narvaes voting no, and Representative Baker being excused.

H.B. No. 2396-78, HD 2

Representative Takamine moved that H.B. No. 2396-78, HD 2, having been read throughout, pass Third Reading, seconded by Representative Yuen.

Representatives Dods, Kihano, Mina and Segawa then asked for conflict ruling inasmuch as they are insurance agents.

The Chair ruled that there were no conflicts.

The motion was put by the Chair and carried, and H.B. No. 2396-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GROUP INSURANCE", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Segawa and Sutton voting no, and Representative Baker being excused.

H.B. No. 1987-78, HD 1

On motion by Representative Shito, seconded by Representative Nakamura and carried, H.B. No. 1987-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 1946-78

On motion by Representative Segawa, seconded by Representative Shito and carried, H.B. No. 1946-78, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN BIRTH CERTIFICATES", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 1948-78

On motion by Representative Segawa, seconded by Representative Shito and carried, H.B. No. 1948-78, entitled: "A BILL FOR AN ACT RELATING TO VITAL RECORDS", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 3011-78, HD 1

On motion by Representative Segawa, seconded by Representative Shito and carried, H.B. No. 3011-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH PLANNING", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

At 1:44 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

H.B. No. 2879-78, HD 1

On motion by Representative Kawakami, seconded by Representative Caldito and carried, H.B. No. 2879-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2390-78, HD 1

Representative D. Yamada moved that H.B. No. 2390-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

Representative Inaba then rose and asked for a conflict ruling inasmuch as he is affiliated with an industrial loan company.

The Chair ruled that there was no conflict.

The motion was put by the Chair and carried, and H.B. No. 2390-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 2612-78

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2612-78, entitled: "A BILL FOR AN ACT RELATING TO BANKING", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2432-78

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2432-78, entitled: "A BILL FOR AN ACT RELATING TO THE GARNISHMENT OF PROPERTY AND CHOSIN IN ACTION", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2114-78, HD 1

On motion by Representative Kiyabu, seconded by Representative Mina and carried, H.B. No. 2114-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Abercrombie, Evans and Sutton voting no, and Representative Baker being excused.

H.B. No. 1858-78

On motion by Representative Kiyabu, seconded by Representative Mina and carried, H.B. No. 1858-78, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF A PLAN FOR STATE LANDS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. Nos. 939 and 2756-78 had passed Third Reading at 1:36 o'clock p.m.; 2837-78, 2192-78 and 2929-78 at 1:37 o'clock p.m.; 1935-78 and 2499-78 at 1:40 o'clock p.m.; 2396-78 at 1:41 o'clock p.m.; 1987-78 at 1:42 o'clock p.m.; 1946-78, 1948-78 and 3011-78 at 1:43 o'clock p.m.; 2879-78 at 1:46 o'clock p.m.; 2390-78, 2612-78 and 2432-78 at 1:47 o'clock p.m.; and 2114-78 and 1858-78 at 1:48 o'clock p.m.

At 1:50 o'clock p.m., on motion by Representative Yuen, seconded by Representative Kamalii and carried,

the House of Representatives stood in recess until 4:00 o'clock p.m. this afternoon.

AFTERNOON SESSION

The House of Representatives reconvened at 4:50 o'clock p.m.

THIRD READING

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

H.B. No. 1994-78

On motion by Representative Stanley, seconded by Representative Uwaine and carried, H.B. No. 1994-78, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 1997-78, HD 1

On motion by Representative Stanley, seconded by Representative Uwaine and carried, H.B. No. 1997-78, HD 1, was recommitted to the Committee on Public Employment and Government Operations, inasmuch as a companion Senate Bill had come over.

H.B. No. 1996-78

On motion by Representative Stanley, seconded by Representative Uwaine and carried, H.B. No. 1996-78, entitled: "A BILL FOR AN ACT RELATING TO PROVISIONAL APPOINTMENTS OF PUBLIC EMPLOYEES", passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Evans, Ikeda and Sutton voting no, and Representative Baker being excused.

H.B. No. 1993-78

On motion by Representative Stanley, seconded by Representative Uwaine and carried, H.B. No. 1993-78 was recommitted to the Committee on Public Employment and Government Operations, inasmuch as a companion Senate Bill had come over.

H.B. No. 2165-78, HD 1

On motion by Representative Cayetano, seconded by Representative Takamura and carried, H.B. No. 2165-78, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO THE PURCHASE BY A PUBLIC UTILITY OF GEOTHERMAL ENERGY", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 1932-78, HD 2

On motion by Representative Cayetano, seconded by Representative Takamura and carried, H.B. No. 1932-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR CARRIER LAW", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 145, HD 1

On motion by Representative Machida, seconded by Representative Dods and carried, H.B. No. 145, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 139, HD 1

On motion by Representative Machida, seconded by Representative Dods and carried, H.B. No. 139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2388-78, HD 1

Representative D. Yamada moved that H.B. No. 2388-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

At this time, Representative Abercrombie requested a recess, and at 4:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:56 o'clock p.m.

The motion was put by the Chair and carried, and H.B. No. 2388-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF PODIATRY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 1823-78, HD 1

Representative Machida moved that

H.B. No. 1823-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Dods.

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

"Now, I think that it's a very especially important bill and everyone is quite aware that I've had my differences. Everywhere. . . everyone in the House I'm sure, is quite aware that I've had my differences over how the tourism industry should be approached, I guess is the way to put it best, but as it states here, we are trying to put in DPED responsibility for the promotion of tourism training and public awareness. Now, that is froth with danger, obviously, as to how it shall occur, and so I must end my. . . asking for support of this measure by asking for a conflict ruling."

Directed by the Chair to "state your potential conflict", Representative Abercrombie replied:

"I would like it very much to be on whatever council or board that is going to put this public awareness together."

The Chair answered:

"If you relinquish the Chair, you might be considered."

Representative Abercrombie thanked the Chair and continued his remarks, stating:

"Nonetheless, it's quite clear that this is the kind of thing that needs to be done in future sessions. I'm sure the fruits of this labor will come before us and we'll decide what's in the best interest, not only the industry, but everyone as a whole."

Representative Dods then rose and asked:

"Mr. Speaker, may I be permitted to ask the previous gentleman a question?"

Asked by the Chair "to state your point of information or inquiry", Representative Dods asked:

"Is he trying to kill the bill now?"

The Chair asked Representative Abercrombie: "Will you yield to the question?"

Representative Abercrombie replied in the affirmative and said:

"No, I'm not, but I hadn't thought of it until just now."

Representative Machida then rose and asked:

"Mr. Speaker, I have some written statements in support of this bill. May it be entered into the Journal?"

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

Representative Machida's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 1823-78, House Draft 1.

This bill establishes a program to educate and inform Hawaii's residents on the visitor industry's role in our local economy. It also establishes another program to provide visitor industry employees with industry information and training. These are comprehensive statewide programs which will be developed jointly by both government and the visitor industry. To enact these programs is to recognize the most valuable aspect of our tourism industry - the 'Aloha Spirit.'

We believe that employees will take a genuine interest in what they are doing, if they feel that they are part of a larger effort and are provided with an understanding of the various aspects of the industry they work in. Likewise, an increased understanding of the role of tourism among Hawaii's residents will, I believe, go a long way in keeping the 'Aloha Spirit' alive. These programs should contribute to improvements in the quality of visitor industry services, enhance our world famous 'Aloha Spirit', and promote visitor satisfaction and a desire to return.

These programs can be the start of something beneficial for everyone associated with Hawaii's visitor industry - visitors, businesses, and residents alike. During our many and lengthy discussions on the question of what government can do to help improve the visitor industry and increase its viability for our economy, the most important single conclusion is that it rests with Hawaii's people. Our studies of what is happening in other tourist destination areas show that visitors do not return if attitudes, services, and general treatment is bad. We found that where a visitor feels welcome, and is made to feel at home, this is where visitors will

return. Quality tourism is something we can attain. It's something we can be proud of and something which, if absent, will send visitors elsewhere.

Furthermore, Mr. Speaker, these two programs will not cost us additional monies. Since a joint public/private effort is behind it, the Department of Planning and Economic Development, along with management and labor representatives from the visitor industry, should be able to implement these programs within available resources. Mr. Speaker, I believe that we are taking a reasonable and orderly approach in starting up these programs. There are no large capital requirements and the employees being served will have a voice in developing the content of both programs.

Mr. Speaker, this bill embodies what we feel are steps toward continuing our given heritage - the 'Aloha Spirit', the idea of appreciating visitors to our beautiful State, a sense of pride in our home. This is a 'people' program that we need to get moving while Hawaii is still the place of 'Aloha Spirit.'

I, therefore, urge all of my colleagues to help in providing for these programs by voting for this measure today.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 1823-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2337-78, HD 1

Representative Blair moved that H.B. No. 2337-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

Representative Larsen then rose and stated:

"I rise to speak against this bill in its present form and also to offer an amendment after I have delivered a few statements here."

The Chair then said:

"The Chair will recognize you to offer the amendment first, or if you wish, to speak against the bill first."

Representative Larsen answered:

"I wish to speak against it first."

The Chair said:

"The Chair will recognize you for that purpose", and directed Representative Larsen to "proceed".

Representative Larsen proceeded, stating:

"Thank you, Mr. Speaker. I rise to speak in opposition to House Bill No. 2337-78. I must object to what I consider a significant step backwards in our first attempt to control litter in this State.

In 1977, this Legislature enacted into law, a prohibition on the sale of beverages in a plastic container. Now, in 1978, we are looking at an amendment that would reduce this prohibition. We are retreating when the battle has hardly begun. With the passage of this bill, plastic beverage containers could add variety and bulk to the trash that now decorates Hawaii's beaches and parks.

It is true that plastic containers don't have to wind up as litter: It can be recycled or converted into energy. It is true that metal containers and glass containers can be recycled. But the biggest truth of all is that the beverage containers in our State are not being reclaimed despite the well organized and determined campaigns of government agencies, citizen groups, politicians, and business communities. Containers are thrown away. We can find them everywhere. It's convenient, and the convenience of throw-aways is lowering our society into an acceptance of litter and waste that is truly appalling. Some of us here are old enough to recall that when it was a way of life to recycle, we didn't call it that; we didn't even think about it. We pay deposit. When we return the container, we got a refund. There's no reason we can't retrieve those habits; in fact, we can't afford not to.

Beverage companies tell us two things. Number one, stringent litter enforcement is the answer.

Number two, deposits on containers would force beverage prices up so that the consumer couldn't afford to buy.

Well, there are several things that we can't afford. We can't afford to have visitors to report to their friends that Hawaii's beaches and parks are covered with litter. The last Oahu cleanup amounted

to 933 pounds of litter collected in eight days. That was five months ago, and it looks like it's all back right now. We can't afford to waste already over-burdened police officers in apprehending everybody who throws an empty container out of a car onto a beach or a park. We can't afford to pack crowded court calendars with masses of littering citations. We can't afford the huge hidden expense of the taxpayer throw-aways, an expense that will exceed \$1 million in 1977 just for litter clean up.

The idea of requiring a deposit and giving a refund for a return container is not revolutionary. Beverage prices in states requiring refunds are approximately the same as in states not requiring refunds. A cash refund for a container is the most efficient incentive for getting containers off the landscape and into a recycle program. It relies on individual initiative and cash as a lure with a hope that we will soon see our way to enacting more extensive throw-away container control. I propose that we begin today with this amended bill.

Mr. Speaker, I have asked the Clerk. . . have left copies of the amendment with the Clerk, and I would request that, maybe, send around and let everybody take a look at them."

Representative Larsen then offered the following amendment to H.B. No. 2337-78, HD 1:

"SECTION 1 of H.B. 2337-78, H.D. 1, is amended in the following respects:

1. The subsection designation '(c)' appearing on line 13 on page 1 is redesignated to read '(d)'.

2. A new subsection designated '(c)' to appear between subsections (a) and (d) is added to read as follows:

'(c) Subsection (b) shall not apply to beverages which were sold or offered for retail sale in plastic containers for at least six months prior to January 1, 1978.' "

At 5:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:50 o'clock p.m.

Representative Larsen then rose and stated:

"Mr. Speaker, I believe I had the floor when we went into recess. I would like to offer now a motion to withdraw my amendment as I had on the floor here."

The Chair then said:

"I believe the motion for the adoption was not made. You merely offered an amendment."

Representative Larsen then said:

"Correct. I withdraw that amendment."

By unanimous consent, further action on H.B. No. 2337-78, HD 1, was deferred to the end of the calendar.

H.B. No. 2086-78, HD 1

On motion by Representative Garcia, seconded by Representative Cobb and carried, H.B. No. 2086-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDED RESEARCH PROJECTS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2334-78, HD 1

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2334-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EVENTS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 1934-78

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 1934-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2399-78

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2399-78, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Third Reading by a vote of 49 ayes, with Representatives Baker and Morioka being excused.

H.B. No. 2611-78, HD 1

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2611-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2394-78

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2394-78, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 3047-78, HD 1

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 3047-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 2465-78, HD 1

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2465-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2400-78

Representative D. Yamada moved that H.B. No. 2400-78, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"This is a bill for an act, Mr. Speaker, relating to the charges collectible by industrial loan companies, and they want to update.

Now, the thing that bothers me is that we've just done some surgery to try to get these industrial loans into position where we do not have another THC Financial. I have had

the very sad experience, Mr. Speaker, of dealing with the people who were hurt, and I say hurt - there were three suicides when THC Financial went under. \$48 million worth of deposits, and we're in session and, you know, in a way, we're sort of parties behind the fence and it's our job to make sure that the public, in its reliance and where it puts its deposits, does not have a false reliance.

I went to the Flamingo Chuckwagon and the waitress said to me, 'you know, I went down and made a deposit at THC Financial. . .'

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

"I don't see what the speaker's argument has anything to do with the bill at all."

The Chair then asked: "Representative Sutton, will you peruse the bill and proceed with the argument."

Representative Sutton continued, stating:

"Yes, well, if Mr. Yamada will read the bill, he would find out, Mr. Speaker, that the companies now would be allowed to charge the cost of title insurance; to charge ten dollars for in-house prepared documents such as release of mortgage, and to collect reasonable attorney fees which they had been formally absorbing. And, these all go on to the poor consumer.

I'd like to reach Mr. Yamada across the room if I could, sir, and answer his question. We've had an example. Would you tell him that it was an example - a terrible example - and we got to protect the public.

Now, the vast majority of loans, you can tell him, were real estate loans, and it is very important for us to recognize their lack of liquidity. And when we pass on these costs incurred in making loans, you're going to have the public paying for it - the consumer! And that's why I think it's important for him to understand the cost incurred making real estate loans that is passed on to the borrowers, or being an additional cost in our cost of living, and you've got to remember that people that go to get these loans are not aware of the fact that these costs are being passed on today. So, I would urge even him and all my colleagues to vote no.

Thank you."

Representative Kunimura then rose and stated:

"I rise to speak in favor of this bill after being so thoroughly confused by the previous speaker.

If THC Financial and the others that went down charged what was supposed to be chargeable now, maybe they wouldn't have gone down. But I think that THC went down because there were some rascals, some scoundrels in there, that made loans. . . I'm replying to the gentleman from Nuuanu, if I may, Mr. Speaker, charges about THC in this particular bill.

This bill actually strengthens the positions of some of the industrial loan companies because they would have income where they never had before, maybe. But when reference is made to THC Financial, the downfall of THC and some of the others, where corporate officers are almost in collusion with borrowers making great sums of money available for loans that was never intended to be repaid, maybe. And one of them, I'm told, lives in California. He was a former candidate for the Governor of this State. So, it's altogether a different story we're talking about from what the gentleman alluded to in this bill for the reason for the dilemma and the plight of the industrial loan company.

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

Representative D. Yamada then rose and stated:

"Mr. Speaker, in speaking for the bill, just so all the members here don't get confused exactly what this bill is about, all this bill does is put industrial loan companies in parity with banks and savings and loan in passing out these costs."

The motion was put by the Chair and carried, and H.B. No. 2400-78, entitled: "A BILL FOR AN ACT RELATING TO THE CHARGES COLLECTIBLE BY INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 1594

Representative D. Yamada moved that H.B. No. 1594, having been read

throughout, pass Third Reading, seconded by Representative Cobb.

Representative D. Yamada then rose and stated:

"Mr. Speaker, it's been pointed out that there is a typographical error in this bill on page 4, line 3, that there are brackets around the word 'comply' and that the brackets should not be around the word 'comply'. The brackets are there; the sentence reads funny."

Representative Dods then rose and asked for a conflict ruling.

The Chair ruled: "No conflict for all insurance agents sitting in the chambers."

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

"I would like to know whether when he conjugates a sentence, he conjugates it by the use of a verb. By eliminating the word 'comply', there is no verb, and whether he feels the verb should be in the sentence."

Representative D. Yamada answered:

"No, I don't."

The motion was put by the Chair and carried, and H.B. No. 1594, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2895-78, HD 1

Representative D. Yamada moved that H.B. No. 2895-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

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

"Mr. Speaker, am I correct that the title of this bill is, 'A Bill for an Act Relating to Attachment and Execution'?"

The Chair replied:

"You're reading it correctly, but you're not interpreting it correctly."

Representative Abercrombie said:

"I see, thank you."

The motion was put by the Chair and carried, and H.B. No. 2895-78, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2305-78

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 2305-78, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR CREDIT CARD OFFENSES", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 2478-78, HD 1

Representative Suwa moved that H.B. No. 2478-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Peters.

Representative Abercrombie then spoke in favor of the bill, stating:

"Mr. Speaker, H.B. No. 2478-78, a bill which the Finance Committee has incorporated several areas includes, and I draw the members attention to paragraph 3, the University of Hawaii and the Department of Health, and you'll notice the title is, 'A Bill for an Act Authorizing Apparent Maintenance of Public Facilities and Making Appropriations Therefore.'

Mr. Speaker, as I say, I rise to speak for this bill. I draw the members attention to Item 4 in Section 1: 'The following sums or so much thereof as may be necessary are hereby appropriated out of the general revenues of the State of Hawaii to the programs and agencies designated, for repair, maintenance, and renovation of public facilities.' Number 4 there, you'll notice in the Department of Health, is 'HTH 907, general administration, \$250,000.'

I speak for this bill, but very reluctantly, especially where the Department of Health is concerned. I find that the Department of Health is more concerned with \$250,000 for its general administration, in terms of repair and maintenance, than it is in repairing and maintenance over the program's facilities for which it has responsibility and authority with Hale Mohalu, with Kalaupapa, and most likely, Leahi.

The Department of Health has a

dismal record. I think it is a circumstance of rather bitter irony that the General Administration Health 907 budget of the Department of Health for \$250,000 for repair and maintenance is coming at just the time when the neglect, negligence of the Department of Health is all to apparent to anyone who has eyes, to anyone who has paid the slightest bit of attention to the scandalous condition that allowed Hale Mohalu to come into; when we find that this \$250,000, if utilized correctly, I do not know, because the repair and maintenance people at Hale Mohalu have been taken away from that building and put up at Leahi, and put on a project not even connected with the leprosy patients.

I guess I'm acting on faith here, and I guess the Finance Committee and everyone else in the House is going to have to act on faith that, perhaps this time, where the State did not have an interest in trying to use leprosy patients to get land, perhaps, they might use the money for the purpose for which it was intended.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 2478-78, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE REPAIR AND MAINTENANCE OF PUBLIC FACILITIES AND MAKING APPROPRIATIONS THEREFOR", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 1994-78 had passed Third Reading at 4:51 o'clock p.m.; H.B. No. 1996-78 at 4:53 o'clock p.m.; H.B. Nos. 2165-78 and 1932-78 at 4:54 o'clock p.m.; 145 and 139 at 4:55 o'clock p.m.; 2388-78 at 4:57 o'clock p.m.; 1823-78 at 4:59 o'clock p.m.; 2086-78 at 5:01 o'clock p.m.; 2334-78 at 5:02 o'clock p.m.; 1934-78 and 2399-78 at 5:03 o'clock p.m.; 2611-78, 2394-78 and 3047-78 at 5:04 o'clock p.m.; 2465-78 at 5:05 o'clock p.m.; 2400-78 at 6:00 o'clock p.m.; 1594 at 6:04 o'clock p.m.; 2895-78 and 2305-78 at 6:05 o'clock p.m.; and 2478-78 at 6:08 o'clock p.m.

At 6:08 o'clock p.m., on request by Representative Larsen, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 6:25 o'clock p.m., the Chair stated:

"The Chair would like to request the members to turn to page 17 of the Order of the Day. Under Ecology and Environmental Protection, House Bill No. 2337-78, House Draft 1, the Chair erred when the Chair deferred this matter to the end of the calendar. The request of Representative Larsen was to be deferred to the end of the calendar of the Order of the Day. May we take this matter up at this time? I believe the motion before this House on this bill has been made.

The Chair recognizes Representative Larsen for the purpose of offering an amendment."

Representative Larsen then offered the following amendment to House Bill No. 2337-78, HD 1:

"SECTION 1 of H.B. 2337-78, H.D. 1, is amended in the following respects:

1. The subsection designation '(c)' appearing on line 13 on page 1 is redesignated to read '(d)'.

2. A new subsection designated '(c)' to appear between subsections (a) and (d) is added to read as follows:

'(c) Subsection (b) shall not apply to beverages which were sold or offered for retail sale in plastic containers for at least six months prior to January 1, 1978.' "

Representative Larsen moved that the amendment be adopted, seconded by Representative Lunasco.

At 6:27 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., Representative Kunimura stated:

"Are we really going to start the session this evening?"

The Chair replied:

"We have already started. We are continuing in pretty good form, I must admit."

Representative Kunimura remarked:

"I have seen only recesses. I haven't seen anything pass yet."

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

"Is this amendment before us on promoting sexual abuse of minors?"

Does it relate to plastic bottles under 32 ounces?"

Representative Larsen then rose and stated:

"Mr. Speaker, after long consultation with various members of the majority caucus, many lawyers and expectant lawyers, I am forced to say that the amendment is not exactly what was intended and, therefore, I move to withdraw the amendment."

Representative Lunasco then "reluctantly" withdrew his second.

The Chair then said:

"The motion before the House is for the passage of House Bill No. 2337-78, HD 1, on Third Reading. Any discussion?"

Representative Larsen then rose and stated:

"Mr. Speaker, I would like to reiterate again that I made a statement sometime ago that was read into the record. I don't want to go through the whole thing, but my point here was trying to satisfy the need of present, certain manufacturers of the State, to continue to operate with the use of plastic bottles

This did not come to pass; therefore, because we cannot satisfy the few little guys that are operating here with plastic bottles, I think the thrust would be to have them change their container to a glass bottle and to eliminate the use of plastic bottles in this State for all beverages. Therefore, by defeating House Bill No. 2337-78, we can accomplish the same fact of eliminating the use of plastic bottles in this State, and we could clean up the mess that's now about to descend upon us if we open this up and have all these plastic bottles cascading in here, which will be the result of passing the bill that's before us.

So, I'm saying that by voting 'no' on this bill, we will close the door to plastic bottles for beverages in this State. This does not change the use of plastic containers for margarine, or hair tonic, or anything else. It only involves beverages. So I ask the members of this House to please vote this bill down.

Thank you."

Representative Blair then requested a roll call vote on this measure.

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

"Mr. Speaker, I was prepared to vote for the amendment. I was prepared to accommodate the circumstances, but it ends up that nobody wants to, or some people don't want to, so the sum total of what we're going to do, in respect of this litter business, is to open this whole thing up and invite people to take these big plastic numbers that I got in my office, which my secretary had encased with a big white piece of paper with 'no, no, no, no, no. . .' written all over it, which is a pretty good indication of what the people of this State are going to feel.

Our sum total of our contribution to the litter problem in this particular respect would be to invite a pyramid of it, and every manufacturer wants to take advantage of it and come into this State and encourage it.

Now, we just got through passing a bunch of tourism bills on the assumption that we're going to try and do something over the next ten years to try and pull some things together; even those of us who had some questions back and forth, sincere and forthright, I trust, questions as to the direction of tourism and all the rest - just passed it.

Now, I'm going to take one of the fundamental points that is involved vis-a-vis tourism - beaches, parks, etc. We're going to say, here, you take one of those big plastic Pepsi Cola bottles that I got in my office to remind me to vote for it. I'd forgotten the number. I was so happy to get the plastic thing because it reminded me which bill it was so I could vote against it. And we're going to say, you come in and do this - this is going to be the record of the 1978 Legislature. This is a contribution to the bills we just passed and the spirit of the bills we just passed. It's to throw these Pepsi bottles or whoever else it is that rolls in here all over the beaches. Encourage it - encourage more of them to come in. Now, that's not right. Now, I suppose this is a philosophical thing at the end. Now, we have conversations down here; that's what it comes down to, I suppose.

Let's not pass the bill just because it came out here. Hell, I signed Mr. Uechi's things and turned around and voted against it. He forgave me once, because when we got to the, you know, the caucus, in the, you know, the Third Reading caucus,

you know, some stuff came up and I had to change my mind. No shame in that. I don't know who introduced this bill, either. I'll tell you that I do not know. I have no idea - that's the truth. But I'm not trying to hurt anybody's feelings with that. We can change our minds. It's okay. Nobody will call us names, or say that we did anything bad. On the contrary, they'll say, not having been able to work it out, then they voted it down so that they could work on it later. How many times have I heard that on this floor? How many times have I heard that in committee? How many times have I heard that, just today, about things that I'm interested in; other people are interested in, but take it up in resolutions and do these things right. And I said, 'That's a good idea.'

Why, Representative Kunimura has suggested to me many times, and we have followed that advice. Even when I didn't want to follow it, that advice got followed. Why? Because we didn't have anything down cold. No shame, take it up on a resolution. Get it squared away, but let's vote the thing down. Do the right thing and everybody will give us credit for having done the right thing, and then we'll take it up in a resolution form and get the thing settled correctly so that we don't hurt anybody's business, as such, and that we can accommodate such businesses as is compatible with our tourism plan.

Thank you."

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

"I'm very disappointed also that the Representative chose to withdraw his particular amendment. This was one amendment which I think was very relevant and a very good one. In Committee, Mr. Speaker, we had a number of long discussions about why such a bill should be implemented. Obviously, right now, I think as of 1979, we will no longer allow plastic bottles in this State. There are certain companies - young companies, statewide companies - which are now going into and which have been going into a fresh fruit business, whereas they take fresh oranges of the fruit and bottle them. They bottle them for sale; they've been bottled in, I think, six, eight ounces, fourteen ounces, a variety of sizes, including 32, 64 ounces, and so on.

The testimony that was presented made it very clear that this company

and other companies such as this would go out of business if they had to go into glass bottles. What the amendment, and I know we're not speaking of the amendment now, but what the amendment would have done was to grandfather these local companies in to allow them to continue this operation which would otherwise put them totally out of business. Perhaps, Mr. Speaker, I have a conflict of interest, because I happen to be a great fan of this particular fresh fruit product, as are my children and my family.

What the bill before us does is limit these new companies who are trying and, incidentally, one of them has 45 employees at this point and they expect things to expand, what it does is limit them to not. . .to disallowing them the eight and the sixteen ounce bottles. They would only be allowed to go on the 32 ounce bottles or over, which would be a great limitation but, at least, would not put them out of business. Thirty-two ounce plastic bottles, Mr. Speaker, I can assure you, are less of a litter problem than the thousands and thousands of cans that we see all over the beaches, and I'm sure that if other members of this House visit the beaches as much as I do, they can appreciate the fact that cans are a much greater litter problem than these plastic bottles.

In Committee, when we decided upon this agreement, upon this decision, where do we draw the line? At what line do we do it - at 16 ounces, at 8 ounces, at 32 ounces, at 40 ounces? Thirty-two ounces seemed like the most logical way of going.

It's not my particular pleasure. I would have liked to see all plastic bottles eliminated completely except for grandfathering those companies, those local companies, who are making these products and allow them to continue doing it, because they are not the cause of the major litter problems in Hawaii, but since we don't have those amendments and all we've got left right now are the 32 ounce plastic bottles, I certainly think that that's the least that we could do for our local industries, and I don't consider that they would be a major problem in the sense of litter in the State."

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

"I won't really go that much into the argument for or against it. I would, however, like to clarify the genesis of the bill that was mentioned by a prior speaker.

Last year, when we passed the administration litter bill, the provision prohibiting the sale of plastic beverage containers after January 1st, 1979, was included. Subsequently, early in the session, the representative of the industry came to see me and said that they felt they could make a good case for deleting that and I said, 'fine, we'll give you a chance to make that case.' They were able to persuade the majority of the Committee, though not the Chairman and introducer.

But I think that it's important that every one gets their day in court. And I think that's why we're here, and I'm available for questions if anyone hasn't had an opportunity to speak to me about particular provisions, but if that may already been covered, I won't go into it anymore.

Thank you."

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

"Mr. Speaker, here again, we're authorizing the sale of 32 ounce and above beverage containers. Mr. Speaker, time and time again, we've talked about our litter problem throughout our State and more so on cans relating to beverages. But if you think about it, most of the beverage cans are presently canned in aluminum and they have a recovery. . . a company today that is buying back the aluminum cans.

Presently, we have no recovery sources for plastics. Originally, I introduced several bills banning the entire use of plastics in the State of Hawaii. But if each and everyone of us thinks about it, and everybody talking about recovering energy from plastics, recycling and so on, but so far, that's just talk. If all of us would sit down and think about it - ten, twenty, thirty years from now, if we don't have a recycling plan, we're going to have a big problem with plastics. There's no way we can get rid of it. The only way we can get rid of it is either burning it, or maybe, if a company can develop a recycling plant.

So, for those reasons, Mr. Speaker, until we get those plants situated in the State of Hawaii, or maybe somebody wherever would buy the plastics, I would strongly urge my colleagues to not allow the use of plastics in the State of Hawaii."

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

"Much has been said about litter and its occurrence and so forth, and in my own experience, I've had an opportunity to examine the different types of litter that occur, and a 32 ounce bottle happens to be a particular type of device that I have yet to see or come across, either in jogging or going through stream beds and so forth. I think that, philosophically, all of us are opposed to the idea of the plastic container, and I think many of us fear the impact of the plastic container because of the fact that they will not disintegrate and so forth. But I think the testimony that we had, with respect to this particular measure, indicates that, number one, the plastic container that's contemplated here is susceptible without producing any kind of obnoxious fume in use, in recycling, in recapture, if we should go to the wet or the water wall type of recycling device.

The plastic container that I would like to see banned is the one that contains Clorox and these types of things, because these are all over the place. But this particular type of container just does not seem to occur, and so, while I do not really enjoy the idea of. . ."

Representative Larsen interrupted on a point of order and stated:

"I think we're talking about beverage containers only and not the discussion of all other containers that have been used in the State. And I think the speaker should stick with beverages in plastic containers.

Thank you."

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

"Now, Mr. Speaker, I'm talking about plastic containers, and I'm talking about permitting the sale of beverages in plastic containers, but we're also talking about litter and that's what we're really talking about, and I'm saying that I acknowledge the fact that this may potentially be a problem and at this point, this type of container is not a problem. And so, on that basis, I urge that we vote 'aye'.

I would like to amend or at least dilute that comment with a proviso that if they should become a problem and we could tell that probably within

a year's time, it would not take much effort on the part of this body and our learned Senators across the way to remove this proviso. On that basis, I urge all to vote 'aye'."

Roll call having been requested, the motion was put by the Chair and carried, and H.B. No. 2337-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL AND LITTER CONTROL", having been read throughout, passed Third Reading by a vote of 33 ayes to 14 noes, with Representatives Abercrombie, Aki, Blair, Campbell, Cobb, Dods, Garcia, Larsen, Lunasco, Narvaes, Sutton, Takamura, Ueoka and Uwaine voting no, and Representatives Baker, Nakamura and Ushijima being excused.

The Chair directed the Clerk to note that H.B. No. 2337-78 had passed Third Reading at 7:10 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Garcia, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 619-78) recommending that H.B. No. 1879-78, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 1879-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE CONCERNING PENALTIES", passed Second Reading and was placed on the calendar for Third Reading tomorrow, March 8, 1978.

The Chair directed the Clerk to note that printed copies of H.B. No. 1879-78, HD 1, were made available to the members of the House at 6:45 o'clock p.m.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 620-78) informing the House that House Resolution Nos. 408 to 415, Standing Committee Report Nos. 443-78 to 540-78 and 542-78 to 588-78, have been printed and distributed.

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

At 7:16 o'clock p.m., the Chair

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

The House of Representatives reconvened at 7:17 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative Garcia moved that the House reconsider its action taken on Stand. Com. Rep. No. 592-78 on H.B. No. 1838-78, HD 1, seconded by Representative K. Yamada and carried.

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, notwithstanding the report of the Committee that H.B. No. 1838-78, HD 1, be placed on 24-hour notice, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, H.B. No. 1838-78, HD 1, passed Third Reading, for the purpose of entertaining an amendment.

Representative Abercrombie then offered the following amendment to H.B. No. 1838-78, HD 1:

"House Bill No. 1838-78, H.D. 1 is amended to read as follows:

SECTION 1. Part V of chapter 707, Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read:

'Sec. 707-Promoting sexual abuse of minors. (a) A person commits the offense of promoting sexual abuse of a minor if, knowing its character and content, the person produces, directs, or participates in the preparation of material or engages in a performance which employs, uses, or otherwise contains a minor engaging in or assisting others to engage in sexual conduct. For the purpose of this section a minor means any person less than eighteen years old.

(b) Promoting sexual abuse of a minor is a class A felony.'

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the Revisor of Statutes need not include the bracketed material, or the underscoring.

SECTION 3. This Act shall take effect upon its approval and shall not apply to any conduct which takes place prior to the effective date."

By unanimous consent, further action was deferred until a new amendment is prepared.

At 7:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:45 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 545-78 on H.B. No. 2729-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 2729-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 546-78 on H.B. No. 2934-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Cayetano, seconded by Representative Takamura and carried, the report of the Committee was adopted and H.B. No. 2934-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMITS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 547-78 on H.B. No. 2168-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, the report of the Committee was adopted and H.B. No. 2168-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

At 7:48 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:50 o'clock p.m.

Stand. Com. Rep. No. 553-78 on H.B. No. 2728-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative Stanley, seconded by Representative Uwaine and carried, the report of the Committee was adopted and H.B. No. 2728-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 554-78 on H.B. No. 1803-78, HD 2 (Deferred from March 6, 1978):

Representative Takamine moved that the report of the Committee be adopted and H.B. No. 1803-78, HD 2, pass Third Reading, seconded by Representative Stanley.

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

Representative Takamine's statement is as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 1803-78, HD 2.

House Bill No. 1803-78, HD 2, proposes to extend the State Program for the Unemployed to June 30, 1979, with an appropriation of \$6,420,000 to carry out this purpose.

Mr. Speaker, Act 151, SLH 1975, established the State Program for the Unemployed which was designed as a one year program to alleviate the effects of the State's high unemployment rate through public service jobs and other employment programs. In 1976, the Legislature extended and funded SPU for an additional year through Act 134. Act 3, Special Session Laws of Hawaii 1977, extended and funded SPU for an additional year through June 30, 1978.

The unemployment in the State is still at a high level. The annual average of individuals out of work in 1977 was 30,925. Although the labor situation during the past year marked a slight improvement over the previous year, the recovery is still slow. The State Program for the Unemployed should be continued with appropriate funds as a measure to minimize a negative impact on labor force at a time of high unemployment.

House Bill No. 1803-78, HD 2, contains an appropriation of \$5,420,000 for the State Comprehensive Employment

and Training (SCET) Program. \$5,420,000 in addition to \$2,500,000 in PWEA, Title II funds is the amount required to sustain the current level of approximately 1,000 SCET participants on board through FY 1979. The Department of Labor and Industrial Relations proposes to continue the general freeze on SCET vacancies. These appropriations are made to continue the momentum of the program rather than to force a phase down. This program is making a positive contribution toward the alleviation of high unemployment.

Mr. Speaker, as of September 1977, there were 21,367 unemployment insurance recipients, 1,942 general assistance recipients, and 17,410 economically disadvantaged persons in the State who may qualify for the State Program for the Unemployed.

House Bill No. 1803-78, HD 2, further specifies an appropriation of \$1,000,000 for Parts III (State On-the-Job Training) and IV (State Loans) programs. Greater emphasis must be made to coordinate and establish training programs between the public and private sectors. The Department of Labor and Industrial Relations has made plans to develop and seek new or additional employment opportunities with private employers that will provide upgraded training or retraining for SCET participants. Such upgraded training is to be offered to the SCET participants with the expectation of permanent employment not supported by the program.

The Department of Labor and Industrial Relations should stress the need to identify manpower shortage areas. Recently, the Pearl Harbor Naval Shipyard announced recruitment for approximately 700 hires throughout this year. Proper training must be given to Hawaii's residents so that they can successfully compete in the labor market.

Mr. Speaker, the \$6,420,000 appropriated in this bill is to help the unemployed persons in this State, not only by giving them some form of employment, but also to train them for jobs that are available in the community. This then is one solution to the high unemployment problem.

I urge you to vote in favor of House Bill No. 1803-78, HD 2."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1803-78, HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", having been read throughout, passed

Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 555-78 on H.B. No. 2618-78, HD 1 (Deferred from March 6, 1978):

Representative Shito moved that the report of the Committee be adopted and H.B. No. 2618-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Nakamura.

Representative Sutton then rose and stated:

"Mr. Speaker, I would ask that you would incorporate my address given on Second Reading if you would be that kind and urging my colleagues to vote 'no'."

The Chair "so ordered." (See 28th Day, February 28, 1978)

Representative Narvaes then rose and asked for the same request, and the Chair "so ordered". (See 28th Day, February 28, 1978)

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2618-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Narvaes and Sutton being excused.

Stand. Com. Rep. No. 584-78 on H.B. No. 2592-78, HD 1 (Deferred from March 6, 1978):

Representative Takamura moved that the report of the Committee be adopted and H.B. No. 2592-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

At this time, Representative Abercrombie asked for a recess and at 7:52 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:53 o'clock p.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2592-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLES", having been read throughout, passed Third Reading by a vote of 50 ayes,

with Representative Baker being excused.

Stand. Com. Rep. No. 585-78 on H.B. No. 2593-78, HD 1 (Deferred from March 6, 1978):

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2593-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE RULES OF THE ROAD", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Stand. Com. Rep. No. 587-78 on H.B. No. 2066-78, HD 1 (Deferred from March 6, 1978):

Representative Cayetano moved that the report of the Committee be adopted and H.B. No. 2066-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Takamura.

Representative Cayetano then rose and stated:

"Mr. Speaker, I have some remarks I'd like to insert into the Journal please. They are in favor of the bill."

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

Representative Cayetano's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 2066-78, HD 1.

House Bill No. 2066-78, HD 1, attempts to place the problem of adequate facilities for general aviation in proper perspective. We cannot simply view the problem as limited only to selecting a site for a new airport or as the supporters propose, several new facilities. The problem is much broader than that. There are interests other than those of general aviation which we must consider although the general aviation lobbyists would have us believe that the only interests to consider are theirs.

Unfortunately, these other interests are directly conflicting with that of providing additional facilities.

These other interests are: (1) the interests of existing communities to be protected from the undesirable environmental impacts, including

noise pollution and air safety of air facilities located in close proximity to populated areas; (2) the need to conserve existing agricultural lands; for example, a facility at Kunia would mean taking 200 acres of prime agricultural land, a situation that the Oahu Sugar Company says would imperil its operation; (3) the inconsistency of the State almost fanatically attempting to conserve energy resources by a variety of programs, i.e., vanpool, mass transit, solar energy, etc., and yet encouraging through providing free facilities - recreational and pleasure flying.

In addition, H.B. No. 2066-78, HD 1, reflects an examination of the nature and extent of the G.A. problem on Oahu. A careful review has disclosed several myths that have been tossed around as truths.

Myth No. 1: One scare tactic that has been utilized is that HIA is so crowded that there is a safety problem. The truth is that HIA is well under its capacity of 525,000 operations per year - in 1975, it had 320,000 operations.

If there is a safety problem, the FAA assures me that they would take immediate action.

The safety problem really lies in the fact that much of the G.A. activity of HIA is accounted for by students and relatively inexperienced pilots.

Myth No. 2: The total capacity of the three airports - HIA, Ford Island and Dillingham - is nearly exceeded and will soon be.

Fact: The total capacity of 1,075,000 operations per year is sufficient to last beyond 1985 even if G.A. grows at the highest rate projected.

Myth No. 3: The Navy will retract its permission for civilians to use Ford Island and thus, capacity will be exceeded.

Fact: While it is true that the Navy is capable of doing almost anything whether reasonable or not, it would be highly unreasonable for them to do so. As pointed out in the Kentron Report, the military has almost no military flights out of Ford Island. In an average month, there are only ten military flights using Ford Island.

Myth No. 4: Unless the State provides a new facility for G.A. pilots that meets their approval in terms of convenience and facilities, the G.A. pilots will not move.

Fact: The G.A. pilots are under the mistaken impression that just because they are not being charged landing fees now (the present fee of 50¢ per landing is so low that it is not being collected because it would cost more to collect than the revenues generated), no landing fees can or will be charged in the future. Thus, the State can levy a more realistic minimum landing fee at HIA and a lower fee at other facilities which will encourage G.A. pilots to move to the other facilities.

The present privileged status of G.A. pilots, i.e. convenient location and free use of the facility, should not be interpreted to mean that the State is permanently committed to this type of treatment. For example, even though there are many more motorcycle riders than pilots, the motorcyclists must drive out to Waialeale - near Sunset Beach to use moto-cross facilities. Similarly, auto racers go to Campbell Industrial Parks, polo players to Mokuleia, and glider pilots to Dillingham.

Myth No. 5: The commercial airlines are in great need of more trained pilots and the G.A. instructional flying activity help to meet this need.

Fact: There is a huge over-supply of trained jet pilots. For example, recently American Airlines had about 10,000 applicants for 130 open positions. Moreover, it is a big step from saying one trained in a Piper Cub will soon be a jet pilot.

Although there are other myths that need to be dispelled, an examination indicates that the basic nature of the problem is that many students and inexperienced pilots are presently utilizing HIA and that because of the convenience and the free use of HIA, G.A. pilots wish to either remain at HIA or want the State to provide them with a convenient airport at the right price, i.e. free.

However, the desires of the relatively few pilots who can afford this expensive hobby must be viewed in the context of other competing interests which may have higher priorities.

House Bill No. 2066-78, HD 1, attempts to set policy and priorities in accordance with the public interest. In this bill, we emphasize that utilization of the airports system is a right, not a privilege, and that the system is to be operated for the general public's interest rather than for a small minority.

We have also recognized the need for commercial G.A. operators to be at HIA. We have also attempted in H.B. No. 2066-78, HD 1, to encourage the student and inexperienced pilots, and those who have no commercial need to remain at HIA, to utilize other facilities.

In recognition of the scarcity of land on this island and the fact that the military has several existing, under-utilized airports, every effort should be expended to obtain joint use of those facilities.

Finally, we have recognized in House Bill No. 2066-78 that G.A. pay its fair share of the costs of providing facilities for their use.

I believe that House Bill No. 2066-78, HD 1, provides the framework for a more equitable and efficient utilization of existing air facilities and one that protects the public interest as well as allowing the general aviation industry to continue to function effectively."

Representative Sutton then rose and stated:

"Mr. Speaker, I have some remarks that I'd like to just very briefly state before you without incorporating it in the Journal."

The Chair remarked:

"Very briefly, proceed."

Representative Sutton asked:

"First, may I ask the Chairman a question? My point of information is, would he please decipher for me what his report means? Where is he going to put his airport? He tells me that he's going to work with the military and he's going to have an existing field but, Mr. Speaker, when we pass legislation in this nature, I think we ought to be a little more pin pointed. I was with him. . ."

Representative Cayetano then asked:

"Mr. Speaker, is there a specific question?"

Representative Sutton answered:

"It's very difficult to make a specific question till he gives us something specific in report. That's the whole point."

The Chair remarked:

"Coming from Representative Sutton, it is very difficult."

Representative Cayetano then said:

"I'm trying to understand his question, Mr. Speaker. Would he repeat the question?"

Representative Sutton asked:

"Where is he going to put the general aviation airport?"

Representative Cayetano answered:

"Mr. Speaker, the bill speaks for itself. The bill states that it shall be the policy of the State to place the general aviation airport at one of the existing military sites. To my knowledge, there are five which are existing and Representative Sutton can choose any one of those."

Representative Sutton answered:

"Mr. Speaker, that is exactly the point. We are talking about military airfields. We have a choice of five. We have not solved the question. We have had a cop-out. We have had a series of various. . ."

The Chair asked:

"Representative Sutton, are you speaking for or against the motion?"

Representative Sutton answered:

"I am speaking against, sir."

The Chair then said:

"Proceed, very briefly, as you had promised."

Representative Sutton continued his remarks, stating:

"Mr. Speaker, you know, we've just gone around the clock. We started at about eight yesterday morning and it wasn't yesterday morning. . . this morning, excuse me, and this is what we call a legislative day, so I will be very brief.

Now, Mr. Speaker, we have about 400 people that fly airplanes and we have a very strange concept that we have to have thousands of people disturbed by having these airplanes fly over them. People at Waimanalo - they don't want it at Bellows Field. The people at Kunia and Mililani - we had a big hearing there and they don't want it there. International Airport has lost all of its safety because those

small planes are there. The Governor attempted to get Barber's Point. The Secretary of Defense, under James Carter, came out here and he says, we don't want them at Barber's Point, and we find ourselves in a very strange situation that we feel that we must accommodate 400 or 350 people that have the hobby of flying small airplanes.

I think, Mr. Speaker, that we could have made a report in so many words that let them find some other spot - maybe another island. Maybe get planes that land in the sea and don't. . . maybe they can have all their flights out of the sea. They wouldn't bother anybody. But I fail to see why we have to contaminate and pollute with noise, with danger, the various areas of this island. We have a small island, Mr. Speaker, as you well know, and we're not in the position to take care of this type of particular aviation. The most important thing is that we be able to land our tourists at Honolulu International Airport without any accidents. One of these days, we're going to have a terrible crash. That has been predicted. We just heard last week of Continental having a plane crash in L.A. because the tires were bad and then the tires were bad here. Well, now just imagine, that was two people that were killed. Just imagine if one of these planes coming in hit a small plane.

We have not found a solution as just indicated. You said there are five spots that are military general aviation. Take your pick. We have found no solution to this problem, and yet, we feel that it's a very compelling thing to take care of these 400 people that have planes.

Mr. Speaker, if I were Chairman of that Committee, I would write a report, 'No solution. Fly your plane someplace else.'

So, please everybody, vote against this."

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

"May I do so by directing the previous speaker's attention to, and by virtue of the answer to his remarks, for the rest of the House, to the purpose of this bill - utilization of the State airport system is a privilege and not a right. I believe that that answers every point that he made."

Representative Carroll then rose to speak against the measure, stating:

"Mr. Speaker, the subject matter here draws some laughter, but I think the subject is very, very serious, and as has been indicated by the senior Representative from the 15th District, this thing won't really come home to roost until, apparently, there's a tragic crash.

I had hoped in the past seven or eight years that we would really have seriously addressed the question of general aviation airport. This bill indicates to me that it is still a political football and a question that will not be addressed seriously by this body, and I'm very disappointed. I wish we could vote against it."

At 8:00 o'clock p.m., on request by Representative Cayetano, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:01 o'clock p.m.

Representative Cayetano, in rebuttal, stated:

"Mr. Speaker, the Representative from the Waikiki district made a statement that this bill does not solve the problem. Perhaps that statement is correct, Mr. Speaker, but it brings us a long way to solving the problem. What we have done in this bill is to enunciate a policy, a statement of policy that it is the policy of this State that the growth of general aviation shall be limited. We've done this for several reasons. In the three-four years that I've been Chairman of this Committee, it is true that this issue of the general aviation airport has been treated like a political football. No one wants it in their own backyard.

The Kentron study, Mr. Speaker, came out with a recommendation of some 30 odd alternative sites. Many of those sites, in fact, the primary sites, involved taking valuable agricultural land. I refer specifically to the Kunia site and the Waipio site. In weighing the interest involved, Mr. Speaker, I find that the concerns of the general aviation pilots are far out-weighed by the legitimate concerns and interests of this State in preserving agricultural land for the agricultural industry, or preserving jobs in that industry, of the interest of residents who are afraid and concerned about pollution, environmental problems which would surely be caused by a location of a general aviation airport in residential areas, and in the broader

sense, supported by the Kentron study again. It was time that we legislated a policy to limit the growth of general aviation because if general aviation is allowed to continue at its present growth, the mere fact that we choose which... we chose to build another airport, will not solve the problem. By 1995, we will be facing the same problem. We'll have to go through this thing again, select another site and build another airport.

The fact of the matter, Mr. Speaker, is that the safety problem which the Representative alludes to at the Honolulu International Airport must be taken in its proper perspective. My communications and discussions with the air controllers and people who are in a position to know, leaves me to the conclusion that Honolulu International Airport, at the present time, is safe. Otherwise, the FAA would close it down. It is that simple.

Moreover, it leads me to the conclusion that building another airport will not alleviate the safety problem at HIA and this goes specifically to the question of the cause of the problem which is one of mix. By mix, I mean the intermingling of general aviation aircraft with the larger commercial aircraft. I am led to understand and to believe by the information which has been presented, not only to me, but to members of my Committee, that that problem can be better addressed by a rearranging of take-off and landing pattern. In addition, we should also consider building another second general aviation airport.

What we have done in this bill, besides enunciate a policy - we have eliminated all of the civilian sites, and we have narrowed down the choice of sites to five. The Administration is presently negotiating with the Navy for joint use of Barber's Point. Whether that will become a reality or not remains to be seen. The information I have is that the Department of Transportation, the State Department of Transportation, is in the process of completing negotiations for a twenty-five year lease of Dillingham Airfield. So, we expect that that airfield will be improved and open to general aviation pilots for use.

My assessment of this problem - this problem with general aviation pilots - is a situation where we have a small group of articulate, outspoken people who are presently using State facilities practically for free, wanting the State to build them an airport on a site that is convenient for them. Well, I personally cannot buy that. If the question boils down to whether the State should take 200 acres of agricultural land, impose

on residents air pollution, environmental problems, as opposed to having the pilots drive to Dillingham or to other areas and cause them a little bit of inconvenience, and as far as I am concerned, there's no question; there's no contest.

Earlier, Mr. Speaker, I inserted the remarks into the Journal. I suppose I was hoping that this wouldn't come up. I was hoping that the Representative from Waikiki would understand that we have been trying to reach a solution to this problem. But if he has a better solution, then he should suggest it because we have been wrestling with this problem for many, many years now, and if he can sell the members of the Committee and the members of this Legislature on this solution, then maybe, he should take over the Chairmanship of this Committee.

Thank you."

Representative Carroll then rose and stated:

"Mr. Speaker, I just would like to make some remarks in rebuttal.

First of all, Mr. Speaker, I have, over the years, introduced numbers of varying types of proposed legislation, and I must say that they have not met with very much success, to say the least. As far as the problem that we're talking about, I agree very much with the Representative from east of the airport, or rather, west of the airport, as far as the question of the use of prime agricultural land.

I think it is well known that I've never been in favor of either Waipio or Kunia. I do very much favor the joint use concept. I believe that Wheeler can be used. There are various solutions which I've suggested to members of the Committee and in legislation. I think that Dillingham must be kept for that type of use. I've suggested that Kaneohe Marine Corps Air Station have their jets transferred over and fly out of Barber's Point where the mix will be the same, and where they'll relieve Kaneohe of the jet noise and they're suffering now - those J-75's running around in tandem and causing horrendous noise and then using that as a joint operation for fixed wings. . . small fixed wing helicopter aircraft belonging to the Marines and Civil Aviation. I also believe that the Honolulu Interna-

tional Airport can have some revisions done, but nobody has come to me and asked me my opinion and, generally, there are not considered with too high esteem.

So, I would just like to say that I do not want to be the Chairman of that Committee and, frankly, I really would not want to replace the Representative from Pearl City there, and I do not mean my remarks by way of personal attack. But I think it's clear that the remarks that I had made have hit a sensitive point, and on that same subject matter, he has taken it upon himself to attack the pilots involved and not the problem, and it's pointed out that the general aviation pilots who have been critical, and I must say that they are not that large of a group, and they certainly are articulate, but that group is not simply the general aviation pilots. That group is made up of airline pilots; it's made up of military pilots, or at least National Guard pilots; it's made up of Federal aviation radar controllers; it's made up of general aviation pilots whose experience is not only in general aviation, but also in military.

I think that, at least if I read the remarks that were just made that this is being considered a serious problem, I think that's most hopeful. I don't disagree with everything in the study. My disappointment was that it was not. . . excuse me, my only real disappointment is that it's not more definitive and that it doesn't have more meat in it, and I would still urge that we vote 'no' on it."

Representative Cayetano, in rebuttal, stated:

"First of all, my remarks regarding the general aviation pilots, for the Representative from Waikiki's information, I was attacking the problems; that they have been the problems over the years."

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

"Mr. Speaker, it was one of the air traffic controllers, in fact, several of them, who brought it to my attention. Some of the problems of the mix use at HIA could be resolved by the lengthening of one of the runways and diverting the traffic so that it would not be the case as it is now of either the crossing of patterns, or a landing on the same runway of heavy planes and lighter planes. And it is my understanding that the DOT will be coming in next

year with a recommendation for this based on the analysis of the Chairman and others of us on the Committee had asked for.

Along that same line, I think this then provides a buffer in terms of time to achieve the second general aviation airport so that we can have two types of planes landing at Honolulu International, but not having mixed use in terms of the same runway or a crossing of patterns, thus increasing the safety factor while a new control tower is to be built, which will provide even greater disabilities for the air traffic controllers, and giving us the three to five year period necessary to acquire the joint use in other airports as a second general aviation airport for Oahu. I think that's the thrust that this bill is directed at, and all we're doing here is setting a State policy in regards to that although I recognize this problem goes to the use of both areas."

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

"I'd like to point out, however, that the policy initiated by the Transportation Committee is a very admirable one. It should have been done a number of years ago. That, to me, is where the problem is. The Transportation Department has failed to seriously look at this problem in terms of its long range impact on the State. They have nurtured the mixed use that now occurs at HIA. They have nurtured and crystallized the problems - critical problems - that HIA currently faces.

Just by way of setting the record straight, Mr. Speaker, by them allowing to have general aviation activities, as well as your commercial activities existing there, they have created the problem. We talked about joint use. I see nothing wrong with that. I think the military should be requested to provide a joint use policy regarding many other activities as well. Some of their golf courses, the commissary - some of the things over there, other amenities that many of our common laymen - citizens in this State - do not have direct access to. If the bill provided for that kind of participation, maybe I'd be in favor it.

I know the Governor has recently taken a position on utilizing Barber's Point as a possible joint use venture to alleviate this problem. I've indicated to him publicly that I disagree with that arrangement. I stand before you, my colleagues disseminating

basically the same stance. Barber's Point is located very closely, and is abutting approximately three communities out there in the 21st District which I represent - Makakilo, Honokai-Hale, and of course, Ewa Beach. These people are constantly being inconvenienced by many of the aviation activities occurring there already. By allowing for a joint use policy existing there, you're simply magnifying the problem.

I have no choice, and I urge each and every one of you. . . maybe I should have. . . get all for an amendment by now, by the way. As a two-way, huh? Keep the policy and the other options open. Anyway, I'm against the bill."

Representative Larsen, on a point of inquiry, asked:

"I heard mentioned on the floor, just shortly ago, by one of the speakers, that we're limited, and as I read this bill, we're limited to consideration of military airports. The bill limits us to consideration of only military airports, but then one of the previous speakers and the Chairman has asked me, mentioned to me already, that there was a plan or proposal to extend and broaden the runway at Honolulu Airport. Now, is that possibility excluded from this bill?"

Representative Cayetano replied:

"That is correct, Mr. Speaker. It is not part of this bill and the reason for that is that the proposal is a brand new one which was made just recently by an air controller who works at the HIA, and at the last hearing we had, the DOT was instructed to study the matter and they promised to come to us next session with an estimate of costs and a plan of construction."

Representative Larsen asked:

"So then I take it the bill does not have money for that study, but the DOT will do it within their own budget. Is that correct?"

Representative Cayetano replied:

"That is correct."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2066-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL AVIATION", having been read throughout, passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Abercrombie, Aki, Carroll, Lunasco,

Peters and Sutton voting no, and Representative Baker being excused.

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

"Mr. Speaker, I may have been misled by the House when I rose to speak before. I cast a 'no' vote and I rose speaking for the bill, in rebuttal of the Representative from Nuuanu, and I now realize that I did that. I'm not quite sure how to handle that situation."

The Chair remarked:

"The way to handle that is to chalk it up as an experience."

Representative Abercrombie asked:

"My point of order. . . my point of order is the vote, is it not?"

The Chair replied:

"That is correct."

Representative Abercrombie then asked:

"Okay, so regardless of what went on before that, I'll just have to answer for that in my own way, right?"

The Chair replied:

"That is correct."

Representative Abercrombie thanked the Chair and asked:

"I expect that the Chairman can see me if he wants to about that - is that correct?"

The Chair replied:

"That is correct."

At 8:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:26 o'clock p.m.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

Adoption of amendment to H.B. No. 1838-78, HD 1:

Representative Abercrombie rose and stated:

"Mr. Speaker, upon. . . in considering

the amendment, I would like to withdraw it with the idea of perhaps entering. . . not perhaps, with giving another amendment subsequent to the withdrawal."

Representative Abercrombie then withdrew his amendment that was offered earlier.

The motion was seconded by Representative Garcia.

Representative Abercrombie then offered the following amendment to H.B. No. 1838-78, HD 1:

"House Bill No. 1838-78, H.D. 1 is amended to read as follows:

SECTION 1. Part V of chapter 707, Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read:

'Sec. 707- Promoting sexual abuse of minors. (a) A person commits the offense of promoting sexual abuse of a minor if, knowing its character and content, the person produces, directs, or participates in the preparation of material or engages in a performance which employs, uses, or otherwise contains a minor engaging in or assisting others to engage in sexual conduct. For the purpose of this section a minor means any person less than eighteen years old.

(b) Promoting sexual abuse of a minor is a class A felony.'"

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the Revisor of Statutes need not include the bracketed material, or the underscoring.

SECTION 3. This Act shall take effect upon its approval and shall not apply to any conduct which takes place prior to the effective date.'

Representative Abercrombie moved that the amendment be adopted, seconded by Representative Garcia and carried.

By unanimous consent, further action on H.B. No. 1838-78, HD 2, was deferred until tomorrow, March 8, 1978, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1838-78, HD 2, were made available to the members of the House at 8:20 o'clock p.m.

Representative Dods then rose and remarked:

"I think this is a new day in the House of Representatives when I think we finally adopted one amendment from our brother from Manoa."

Representative Ajifu then rose and said:

"Mr. Speaker, I think that calls for a recess, and at 8:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair."

Upon reconvening at 8:31 o'clock p.m., Representative Abercrombie was recognized and he stated:

"The Representative from Kauai generally instructs me as to what motion I should make. I'm not quite sure that the motion at this time. . . If you want to indicate, though, when he came over to see me that he was glad; he stated that this would be 24 hours because that gives him an opportunity to get into action before the bill passes."

The Chair, at this time, stated:

"The Chair would like to remind all members that we have many, many more bills to tackle, and we will continue to proceed until all of the bills are acted upon."

UNFINISHED BUSINESS

Stand. Com. Rep. No. 588-78 on H.B. No. 1893-78 (Deferred from March 6, 1978):

Representative Takamine moved that the report of the Committee be adopted and H.B. No. 1893-78, having been read throughout, pass Third Reading, seconded by Representative Stanley.

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

"This bill amends Act 151 by further defining an 'unemployed individual' to mean 'one who is a resident of the State of Hawaii.' Further, it leaves the determination of residency status of applicants to the State Department of Labor. The Committee Report further states that the Department, through its regulations, should establish clear criteria designed to resolve residency and also withstand any challenge based on constitutionality.

What this bill amounts to is an attempt to legislate by rules and regulations instead of laws duly considered and

passed into existence by representatives of the people. This is an attempt to shortcut the legislative process and circumvent the Constitution.

Although I am concerned about the increasing cost associated with continuing unemployment, I cannot endorse this measure. I am deeply concerned when I see a bill like this which addresses a controversial issue, yet leaves the meat and substance of the bill to the discretion of an agency of the Administration. This is not my idea of dealing with an issue, especially one that is questionable and potentially troublesome as this.

Mr. Speaker, I'd like the members of this body to also think about this. What if legislation of this nature became common practice across the land? Ultimately, it could develop the potential of turning on us, depriving our children of jobs, simply because we have become newcomers.

Mr. Speaker, I urge every member of this body to vote against this measure.

Thank you."

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

"Thank you, Mr. Speaker. This bill would limit your eligibility requirements of all those that would be in our State Programs for the Unemployed to residents of the State, and it would be by definition, those who fell under the rules and regulations under the Department of Labor and Industrial Relations.

You and I, Mr. Speaker, are delegating our power to determine who are residents. We have given them certain criteria and that criteria is something that would require the basic intent to reside. But, Mr. Speaker, that is a very nebulous way of trying to find out who has the intent in the back of their mind. There are no crystal globes.

Basically speaking, the Constitution of the United States of America has been interpreted by the U.S. Supreme Court and by our own court. Our own State Supreme Court upheld that we cannot inhibit travel between states. The learned gentleman from Hilo, Vice Chairman of the Judiciary Committee, has told us that the State of Alaska has had a similar statute, that the Supreme Court of the State of Alaska has ruled that constitutional. That's still. . ."

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

"Mr. Speaker, I said no such thing."

The Chair asked, "Representative Sutton, will you correct the statement?"

Representative Sutton replied:

"Mr. Speaker, just wherever it appears, 'the learned gentleman from Hilo' stricken.

The State of Alaska has had similar legislation and their State Supreme Court has upheld it but, Mr. Speaker, it has not had a Federal challenge similar to what a comparable bill that we passed in the last session received in the way of an inhibition from the Federal court right here, from our own Judge Sam King.

We are, therefore, putting on the books legislation which can easily be ruled unconstitutional and then we have made the second error two years in a row. Now, Mr. Speaker, when you play golf, if you slice, the next time you don't slice, you probably hook, but you don't slice twice. We all correct ourselves, but here, we're making a double slice.

Mr. Speaker, I would say to you that it is certain. . . (microphone trouble)

Mr. Speaker, that was what we call a third force that spoiled my. . . and I'm having an encounter with the fourth force here."

The Chair remarked:

"Your microphone is giving you a hint and you. . ."

Representative Sutton continued, stating:

"Mr. Speaker, Columbia Pictures made that 'Encounter With the Third Force' and they have all sorts of embezzlement and bankruptcy so, maybe, if we called it the 'fourth force', I won't have so much bad luck here.

But, Mr. Speaker, it is highly important that we learn to pass laws which have a burden where we know that there is constitutionality. For us to repeatedly put on the books a statute which, for all intents and purposes, has been adjudicated by the Federal courts as being inhibition of the due process, inhibition of equal protection, and inhibition against the travel between states - why should we proceed further to put on our books something that has a tremendous demagogic appeal?

The HONOLULU ADVERTISER has indicated that 75 percent of our population

would like to see something like this. But always, Mr. Speaker, you and I are constrained by the inhibitions of the Constitution of the State of Hawaii, inhibitions of the Constitution of the United States of America. We became a State knowingly. We tried as hard as we could and in 1959, we did become a State, on the basis of a fact that a Legislature could be elected and could make laws that were constitutional.

Therefore, I would urge my colleagues to vote 'no' against this bill because it is patently unconstitutional."

At 8:40 o'clock p.m., on request by Representative Uwaine, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:43 o'clock p.m., Representative Uwaine was recognized and he asked whether or not the Chairman of the Committee on Public Employment and Government Operations would yield to a question.

Representative Stanley replied in the negative.

Representative Uwaine then asked whether or not the Chairman of the Committee on Employment Opportunities and Labor Relations would yield to a question to which Representative Takamine answered: "I will."

Representative Uwaine asked:

"Mr. Chairman. . . Mr. Speaker, would you ask the Chairman that at a public hearing prior to passing this bill over to Finance Committee, if it was the understanding of the Committee that this bill before us today was pending on another bill that was before PEGO and the Judiciary Committee on the definition of residency, and that the outcome of that bill in the Judiciary and PEGO Committees was going to directly reflect on this bill?"

Representative Takamine replied:

"Mr. Speaker, that was not my understanding. My understanding was that the Finance Committee will decide."

Representative Uwaine then asked:

"Could you ask the Chairman if he could elaborate on 'decide' what?"

At 8:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 8:57 o'clock p.m., Representative Uwaine was recognized and he said:

"Mr. Speaker, my question has been answered. Thank you."

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

"As I understand, House Bill No. 1893-78 defines 'unemployed individual' as 'an individual who is a resident of the State of Hawaii and who will become eligible for employment. It seems to me that the term 'residence' has two elements: one is intent, and the other is to actually be present here in Hawaii.

It is my understanding that this bill will allow anyone from California, Nebraska, or any other place, who will be qualified from the first day as long as he has the intent and is actually here in Hawaii.

Thank you."

Representative Abercrombie then rose and stated:

"Mr. Speaker, I am speaking against the bill precisely because all through Committee, we were not able to get that simple, direct, fundamental constitutional principal, addressed in the affirmative that the principal speaker has just mentioned.

Is it proper, Mr. Speaker, to address a question to the Chairman of the PEGO Committee in the course of making my remarks so that I may be able to amplify my remarks in a way that will elucidate the issue for the body?"

The Chair replied:

"You have been recognized to speak for or against the bill. At the proper time, the Chair will recognize you for point of information."

Representative Abercrombie thanked the Chair and asked:

"Would you ask the Chairman of the PEGO Committee. . ."

The Chair interrupted:

"The Chair recognized you. . . as I understand, you were recognized for the purpose of speaking against the bill. Will you proceed on that?"

Representative Abercrombie continued, stating:

"In order for me to speak against the bill, I need a point of information from the Chairman of the PEGO Committee."

The Chair asked Representative Abercrombie to "state your point of inquiry."

Representative Abercrombie asked:

"Is it the understanding of the Chairman of the PEGO Committee that the previous speaker's remarks are the sense of the bill?"

Representative Stanley declined to yield to the question.

Representative Abercrombie then said:

"Mr. Speaker, I am speaking against the bill because the previous speaker has made it quite clear, and the refusal to answer by the PEGO Chairman has made it quite clear that it is in the sense of the bill that intent be utilized; that someone, an American citizen, or anyone, can come to the State of Hawaii and state what their intentions are and be believed. I think it is an utterly incredible circumstance that we can sit here in the State of Hawaii and find ourselves saying to other people that we do not believe you, that what you state is not true. The way this bill has been handled, and the other bill which died right from the very beginning, has been made clear that it was not to be taken up on a merit basis at all, that the emotional circumstances involved are going to be played to, and that the simple, direct, fundamental - I reiterate, the simple, direct, fundamental statement of purpose in supporting the bill of the previous speaker was not the purpose when the bill was considered, and that every effort of the Committee members to delineate that statement, that phrase, as regards intent. . ."

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

"Mr. Speaker, the fact that the Chairman refused to answer does not mean that it is what the previous speaker has said."

The Chair stated:

"I believe, Representative Abercrombie, you are arguing against the motion and making the connection as to what you interpreted as the Committee action was regarding this particular bill", and directed Representative Abercrombie to "proceed".

Representative Abercrombie continued his remarks, stating:

"That is quite true, and apparently very well indeed, or the Majority Leader would not have been on his feet.

I will reiterate that the way the bill was handled in Committee, it was obvious from the beginning that a decision had been made. Whether or not the votes were there, I do not know. Apparently they are or it wouldn't be on the floor. I do know that the way this bill was handled and one other bill was different from the way other bills were handled in PEGO and Labor.

On other bills with great difficulty, intricate detail, much controversy, in a spirit of openness, spirit of camaraderie, a spirit of trying to work through the problem, prevails. I think one need only look at the outcome, the output, for both committees in this session and last, to see if that is the case. It is unfortunate - extremely unfortunate - that I find myself rising to speak against this bill and similar measures last year and this year in Committee, because we have done so much good work. We have accomplished so much in this very difficult field, especially in public employment collective bargaining area, under the chairmanship of the two individuals who have been asked questions tonight. You know, I have stated on the floor before that the very appearance of these bills before we even pass them, divides us, puts us in the position of antagonists when we don't mean to be with one another. When we came up with a Second Reading situation, that's what occurred. That's the problem. I'm not sure that this is a good thing to do, but I believe it so I'm going to say it. I believe it, as I said this morning, I think, in connection with something else. The State General Plan was handled in a much more open, expeditious manner, if you will. Decision making in that area, I think, will cover this kind of thing. I think that we can deal with that if we follow the State General Plan; if we're able to pass that through. That's why I hope we'll all back it up in the Senate and try and get it through.

These residency bills, you know, and they're called that. . . when people talk to me, they don't talk about unemployed - they talk about

residency. Seek. . . excuse me, I'm not sure they seek, but maybe, they're ill-conceived. They can only divide all the good work that we're doing in here, and we've had long, long talks - members of this body, personally I've had - I know that. I'm sure others have had long, long discussions - heart-felt discussions - over this. I suppose that's corny in these days of Watergate and so on, and so forth, that everything's cut and dried and all that. That hasn't been my experience in here. I have found that as a result of my opposition to these bills, I have come to know members in this House more intimately than I might otherwise have ever expected because we have had to get down to the basics of our philosophical root, if you will, and I've stated to them, and I suppose the votes will, maybe, come a different way tonight. I don't know. I understand that this speaking just probably can't change it a lot, but I do think that it's important for us to consider that the point raised by the gentleman from Maui was not what was understood in Committee and that's why you have the opposition from some members of this Committee to the bill.

We are not against the unemployed people of this State. We are not against the circumstances of the State funding for unemployed individuals. Quite the opposite. We are very concerned. Our problem was, is, now, it was, it has been, and is now, that there is a clear unwritten understanding as to how this is going to be dealt with, and that's why we've shifted and, I think, over to the Department of Labor and Industrial Relations.

I can't conceive of Mr. Gilkey making these kinds of decisions. He'll try to. Maybe it's good it went there. It's a hell of a lot better than being at the Department of Health. I can tell you that. He's a fair and decent-minded person who'll do the very best he can to try and implement the law, and so will Mr. Aagsalud, for that matter, if it's given to him.

But I think it's unfair. If we want to define residency, then let's fight it out here. We did it last year - right? First you win, then you lose. I thought I won once; then I found out I didn't, you know, so then, you know, that comes down. If we're going to do it, let's do it down here. We should defeat this bill for a very simple reason.

Last year, at least we had the guts to fight it out; come to a conclusion - devil take the high moon, shake hands, get on with our work, and we did.

We did a lot of good work. Yoshito's over there thinking, gee, god, he's really making a good talk. I wonder. . . you know. . . and I'm defending. . . he really has defended me, especially against Ike Sutton. How can I turn him down on this, and Kate's sitting there thinking, you know, he's praising all this work we've done in the Committee and it's true. Nobody can deny it. At least, last year, when we fought it out, as I say, we came to a conclusion. That did not prevent us in either labor or PEGO from getting our work done this year so why are we shifting it then, this year, to Labor and Industrial Relations? Why haven't we fought it out down here? That's what we're here for.

The program is wholly State funded. These are excuses - wholly State funded. Nothing in this State is wholly State funded. We have Federal money rolling in from everywhere, including the Department of Labor, whether or not this particular program is State funded or not. Federal taxes, all kinds of things, roll in here.

This bill will not withstand the first instance of test, and why should it? We don't need it and we didn't fight it out here. We ran away from it and shifted it over to Joshua Agsalud and Bob Gilkey. That's what we did. And, in conclusion, you know what we ask them to do? We said they should establish clear criteria and I know that's rules and regulations. Okay, I buy that. We shouldn't be setting rules and regulations up. We should be setting the policy, but shouldn't tell them to do; that they should set them up so that it can resolve residency and also withstand any challenge based on constitutionality. Now, I submit that as one of the most incredible phrases that ever appeared in any Committee Report in the entire history of the Territory or the State of Hawaii; that Mr. Agsalud and Mr. Gilkey are supposed to put together criteria based on this law that will withstand any challenge based on constitutionality. I submit that we are telling Mr. Agsalud and Mr. Gilkey that we could not do it here - would you please do it for us?

Now, I understand they are very well paid. However, I should say probably that, at least with these two individuals concerned, they most certainly earn their pay check. I believe that. But, I do not believe that they are paid to do our jobs

for us. They are not legislators; we are. We are supposed to establish the law, whether it is constitutional or not. Don't work the rules and regulations out of it afterwards. I think that it's clear to all of us that we should not let these kinds of bills divide us when we've done so many good things together. I would like to see this bill recommitted, not on the grounds that it is a victory or a loss, or defeat, or anything else, but on the grounds that we have not accomplished, in this particular instance, the same good things that we have accomplished in so many other areas, and so that the relations and the respect that I have for both chairmen for all the work we have done can be carried through and not dashed by having the focus of all our work come down on these bills.

Thank you."

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

"If you add words into the Committee Report or the bill, it becomes a very difficult bill. But, if your heart is in the right place and when you read it correctly, all it does is to create select jobs for our residents. The residents are already defined in a different section of the law. It's as simple as that, Mr. Speaker. Jobs for our residents; not for some jokers in the State calling by telephone and telling someone to apply for. . . there's a job in my department, and using that rationale to get people hired. I just want to say, look at our present civil service list or some application list that's already filed in the State of Hawaii. That is all, Mr. Speaker.

Residents is defined in a different section of the law as stated by the good Maui Representative. So, let's not make this a political fumbling bill that's, as we say, the passing of this bill will damage the product of our other committees. This bill is a good bill - jobs for our residents, Mr. Speaker. Let's remember that.

Thank you."

Representative Abercrombie then rose and stated:

"I'm a member of the Committee so I think I know the work that it has done. But jobs for residents and that we are talking about people who are not just being called in - I agree. We passed the bill, if I'm not mistaken, just today, right out of our PEGO Committee to take care of exactly that situation

about the civil service. We passed a bill that addressed the previous remarks exactly. We have passed bills previously and on this floor, if I'm not mistaken, today, that addressed exactly that situation without having to have a residency bill. Jobs for residents - that's quite true. Can anybody stop. . . am I correct. . . would anybody care to stand up and point out to me that that bill did not pass today; that we did not have it out of PEGO; to have the people within our civil service system move right up where the qualifications are there; to move them up? Would anyone care to stand up and tell me we didn't pass it; that we did not address this question; that we have not, in the Labor Committee and PEGO Committee, tried to take care of exactly these kinds of concerns where residents are already defined and where we have people already working or eligible within the State; that we have not tried to encourage them to come in so that everything short of this residency bill, including passing that today? We passed it today - today! Memories are short. I'll say it again; I'm a member of that Committee. I have the right. I have the right to say what will or will not be remembered, in my judgment, as to what we have done out of that Committee.

I'll say again - these kinds of bills in which residency is utilized, as opposed to the ways in which residency is already defined and which qualifications are already being utilized in our State department, as will be utilized, and bills that we have passed as recently as today in this House; that bills of this kind will continue to divide us; will continue to define for us, not residency, but rancor. I don't seek it. I don't want it, but I can't sit and keep silent for fear that if I stand and say something about it, that I'll be put into the position of being against the people of the State. I can't do that, and I know people honestly disagree in here, and that's why I think we should avoid this, and if we're not going to avoid it, then let's define it ourselves. That's all I said. That's all I ask.

Thank you."

Representative Stanley then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill and request that my remarks made on Second Reading be inserted into the Journal." (See 26th Day)

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

Representative Stanley thanked the Chair.

Representative K. Yamada then rose and stated:

"Mr. Speaker, last year, I very vigorously argued against the durational residency requirement, and I would like to stress that last year's bill dealt with a durational residency requirement. The gentlemen from Nuuanu who prides himself as a constitutional attorney but, in fact, is not, and it shows by his statement, Mr. Speaker. They also recognize the difference.

This bill does not establish any kind of durational residency requirement. All it says is that it is. . . the individual has to be a resident of the State of Hawaii, and there is a significant difference from what we have here before us and what occurred last year. You cannot buy both of those together.

As far as the problem with definition, Mr. Speaker, I think you are well aware, as an attorney, as I am, as the gentleman from Maui, that a determination of residency is a very broad and fluid one, and it is almost impossible to establish perimeters within the statute which will define residency. That's why we can only give examples and that's what we're asking the Department of Labor to do within the rules and regulations - to set up criterias which will establish points of residency or items which will determine residency.

As the gentleman from Maui indicated, the determination of residency is largely one of intent and that's why you cannot sit down and think of every possible item which can show the individual's intent to reside here in the State of Hawaii. And appropriately, Mr. Speaker, if we were to include all those different specific criteria, the statutes would be too cumbersome, and that's why we leave it up to the rules and regulations.

I stress again that this bill is constitutional and we should pass it.

Thank you."

Representative Carroll then rose and stated:

"Mr. Speaker, I spoke on Second Reading on House Bill No. 1893-78, and I'd like to ask that my remarks be incorporated by reference and inserted in the Journal as if given

tonight." (See 26th Day)

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

Representative Cobb then rose and stated:

"A brief observation in favor of the bill would be that there are many parts of the Hawaii Revised Statutes that already outline or define the concept of residency. Since the bill has gone through unamended, it would seem appropriate that the rules and regulations to be promulgated from that would also have a derivative base from the Hawaii Revised Statutes, as well as the bill that we passed earlier today."

Representative Peters then rose and stated:

"Mr. Speaker, I remember the last time that I stood here and had quite a few things to say regarding the disposition of this measure. I think sometimes, you know, in the process of producing the law, as brother Neil indicated, you know, perhaps, we never look at entanglements and perhaps some of the ramifications that people would have to be faced with in terms of being properly serviced. However, I think this bill. . . I think I know this bill, addressed as I'd like to see, is a very practical problem from a very practical point of view.

You know, as well as I, that the resources in this State are relatively limited. The Federal government has passed their temporary unemployment program and they call it the CETA program. We, in this State, after looking at the unemployment problems faced. . . that many of our residents faced, we decided to produce our own CETA program which we call SCET. And as the Chairman of Finance has indicated, it is definitely for those who are here and pay for the taxes, generate the revenues, that we can now earmark for this program in hopes that they, the residents who pay the taxes, is first consideration for the services that this program would provide.

You know, Mr. Speaker, I remember the last time; we got, perhaps, a little emotional. You know, we were talking about constitutional. . . I mean the Constitution of the United States and how it serves as the life blood of this country; how it, perhaps, has set the tone to what our Constitution now provides, and how we, perhaps, go through this process negotiating and deliberating over the problems that face this State. I don't believe that

the Constitution of the United States is without shortcomings. One area in particular, Mr. Speaker, I don't know what the founding fathers of this country were thinking about when they put in the proviso of the Constitution, specific language which stated that you had to be a natural born citizen, born in this country, not a naturalized citizen, in order to become the President of the United States. Everyone of our ancestors - right - is good enough to take the menial jobs. The top job in this country, many of my ancestors wouldn't have qualified for. No, because they weren't born and raised in this country.

It talks about a fourteen-year residency requirement to become the President of the United States as well. It says very clearly here: 'No person, except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to bid for the office of the Presidency. Neither shall any person be eligible for that office who shall not have obtained the age of 35 years and being fourteen years a resident within the United States.'

Life blood of our country - the United States Constitution.

Thank you."

Representative Say then rose to say a few words in support of the measure, stating:

"There has been a lot of criticism in the manner in which the passage of this bill has come before this floor this evening, and I would like to say to the honorable body here this evening that this measure has gone through two public hearings - in the Public Employment and Government Operations Committee and in the Employment Opportunities and Labor Relations Committee.

At the first public hearing, there was a communication breakdown, I would say, between the Chairmen and the Committee members and so the Chairmen of both committees rescheduled another hearing which I thought was very good for the overall members so that they could attend if there were any problems they foresaw in this measure.

Another issue I would like to bring up this evening which is in relation to this measure here is that during the joint hearing with the Judiciary and the Public Employment and Government Operations Committee, we did discuss the meaning or the definition of residency.

I believe my fellow colleague from

Pearl City, who is an attorney, knew that what I said in the Committee hearing that evening is that all we were doing is just arguing between two case histories of what's in the court proceedings about the definition of what is a resident.

Another issue that I would like to bring up which may be addressed to the fellow colleague from Manoa which deals with the State Program for the Unemployed and that we, ourselves, this afternoon, voted for the measure of \$9 million for the State Program for the Unemployed which is State money. I can see no way that it is going to be tied in with Federal funds at the present time if we are all voting for this \$9 million.

I am sorry that I have aggrieved some of my fellow colleagues here this evening about my position on this measure, but I feel that it has gone through a thorough examination with these two hearings, plus the hearing with the Judiciary Committee. I believe the Finance Committee, with their knowledgeable and experienced Chairman, would have made amendments to this measure if the Committee members felt that there should have been some amendments.

I would like to urge all of my fellow colleagues to vote on this measure this evening.

Thank you."

At 9:28 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 9:47 o'clock p.m.

At this time, Representative K. Yamada rose on a point of personal privilege and stated:

"Mr. Speaker, yourself and the Majority Leader have conspired to keep me out of all three of the Vulcan games. . ."

The Chair interrupted:

"And the score?"

Representative K. Yamada replied:

"I think the gentleman from the 27th district already announced that it was the Vulcans, 80 to 79."

Representative Kunimura then rose

on a point of information and asked:

"Do you feel alright tonight? Are you in a very good mood? Do you feel charitable?"

The Chair asked:

"What are you leading up to, Representative Kunimura?"

Representative Kunimura answered:

"Well, before I ask you, you know, before I go any further, I would like to find out if you are feeling alright and charitable."

The Chair replied:

"I see a twinkle of deviousness in your eyes. Yes, I do."

Representative Kunimura continued his inquiry:

"Then, will you have a little charity and call a recess after we vote on this House Bill 1893-78? Send us to have a little bite and come back and we all can work again and reconvene at 12:01, if necessary, to finish up the calendar. You see, all work and no play makes some Jack a dull boy, but all work and no food makes me a very angry man."

The Chair answered:

"The Chair will consider that request. The Chair, at this time, is waiting for an amendment to be proposed by one of the members here and if we get it, we shall take that up for decking purposes, if it passes."

Representative Ajifu, at this time, moved to recall House Bill No. 1895-78 from Committee, seconded by Representative Kamalii.

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

The House of Representatives reconvened at 10:10 o'clock p.m.

Representative Kondo was recognized and he stated:

"Mr. Speaker, for the record, Senate Bill No. 1787-78, which is the companion bill of House Bill No. 1895-78, the bill on recall, is on deck in the Senate for Third Reading tomorrow."

Representative Ajifu then rose and

stated:

"Mr. Speaker, before I move to withdraw my motion, the reason why I had proposed that motion is because House Bill No. 1895-78 is very definitive in defining 'residence', where residence is clearly defined, and I think the questions that were raised. . . the issues that were discussed earlier, we felt that House Bill No. 1895-78 should have preceded House Bill No. 1893-78 in action, or possibly, H.B. No. 1895-78 should have been consolidated with House Bill No. 1893-78 to show our intent here. We thought that House Bill No. 1893-78 really. . . we, as the legislative body here, and the policy making body, would have been abdicating some of our responsibilities by just passing on House Bill No. 1893-78 without a definite guideline and, whereas House Bill No. 1895-78, as I said, is very definitive in that area and so that was the intent, Mr. Speaker, and the motion to recall.

Mr. Speaker, since Senate Bill No. 1787-78 is on deck in the Senate, I would be happy to withdraw the motion."

Representative Kamalii then withdrew her second.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1893-78, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", having been read throughout, passed Third Reading by a vote of 38 ayes to 12 noes, with Representatives Abercrombie, Ajifu, Carroll, Cayetano, Evans, Garcia, Ikeda, Kamalii, Medeiros, Sutton, Toguchi and Uwayne voting no, and Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 2729-78 had passed Third Reading at 7:46 o'clock p.m.; H.B. Nos. 2934-78 and 2168-78 at 7:47 o'clock p.m.; 2728-78 at 7:50 o'clock p.m.; 1803-78 and 2618-78 at 7:51 o'clock p.m.; 2592-78 and 2593-78 at 7:53 o'clock p.m.; 2066-78 at 8:20 o'clock p.m.; and 1893-78 at 10:14 o'clock p.m.

THIRD READING

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

H.B. No. 617, HD 1

On motion by Representative D. Yamada, seconded by Representative Cobb and carried, H.B. No. 617, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2816-78, HD 1

Representative D. Yamada moved that H.B. No. 2816-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Cobb.

Representative Campbell then requested that his remarks in favor of the bill be inserted into the Journal, and the Chair, noting that there were no objections, so ordered.

Representative Campbell's remarks are as follows:

"House Bill No. 2816-78, HD 1, strengthens the enforcement provisions of the compulsory insurance requirements of the Hawaii Automobile No-Fault Law.

Here are some of the salient provisions of this bill: (1) It provides for issuing of insurance identification cards by each insurance company; (2) In all cases where a motor vehicle is found to be not insured in conformity with the No-Fault Law, suspension or revocation of the vehicle registration plates or suspension or revocation of the driver's license of the driver and registered owner of the automobile shall be mandatory; (3) A law enforcement officer is required to issue a citation when he finds a motor vehicle in operation by a driver not in possession of an insurance identification card; (4) It requires the owner of a motor vehicle to maintain a no-fault policy at all times for the entire motor vehicle registration period; (5) It deletes the cancellation notification requirements by the insurance companies to the Chief of Police and Director of Finance as required under present law; and (6) It establishes a minimum fine of \$100 which cannot be suspended for any violation of the compulsory provisions of the no-fault law.

The Committee concludes its report by saying: 'Your Committee is in agreement that this bill provides the necessary teeth to the no-fault enforcement provision and will reduce the uninsured motorist population.'

The report is correct. This bill will reduce the uninsured motorist population,

and that is the goal of all of us.

Mr. Speaker, this is a good bill, but it can be improved. It can be improved by adding a provision that mandates the elimination of the open rating period which allows insurance companies to set their own auto insurance rates. At the end of August of this year, the open rating period was scheduled to expire, thereby, giving the State Insurance Commissioner the responsibility of setting reasonable auto insurance rates. But last year, this Legislature extended the open rating period for insurance companies five additional years, thereby making it possible for auto insurance rates to continue to skyrocket.

It is wrong for the State, in effect, to herd motorists into the corral, close the gate, and then tell the auto insurance companies, in effect, now the rate is up to you. In other words, Mr. Speaker, our State should not be involved in making auto insurance mandatory - giving insurance companies a captive clientele and, at the same time, giving these companies the right to set their own insurance rates.

Mr. Speaker, I introduced a bill which would have corrected this problem, but it lies peacefully in Committee. Nevertheless, it is my hope that a House-Senate Conference Committee will amend this bill to provide for the setting of insurance rates by the State Insurance Commissioner, thereby giving protection to the Hawaii motorists - a protection which they so richly deserve."

The motion was put by the Chair and carried, and H.B. No. 2816-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2307-78

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 2307-78 was recommitted to the Committee on Judiciary.

H.B. No. 2147-78

By unanimous consent, action was deferred one day.

H.B. No. 2248-78

By unanimous consent, action was deferred one day.

H.B. No. 2087-78, HD 1

Representative Garcia moved that H.B. No. 2087-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, when I was a law clerk for Judge Delbert Metzger, a bail was put on six defendants on a very famous Smith Act case of \$50,000; that the type of bail which the courts have held is not appropriate for a case of that nature. Very high bail is appropriate for a case of murder or something of that nature of extreme crime.

This particular bill talks about conditions that are imposed when a defendant is on bail. If those conditions have the same effect as a high bail, I submit that they would be unconstitutional and, therefore, I would urge my fellow colleagues to vote 'no'."

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

"Mr. Speaker, I guess we are dealing with lots of problems here tonight and the Judiciary Committee has to deal with a lot of these problems, but this is an absolutely stunning bill. It runs against every consideration of modern application of jurisprudence.

It says: 'A Bill for an Act Relating to Release on Bail', and if you go in and read the circumstances, what is imposed, concerning release on bail, I dare say, Mr. Speaker, that you would probably have to go to Moscow and consider the laws that are on the books in Moscow, in respect of political prisoners, to find anything remotely comparable to what this says in respect of bail.

A bail is a promise to appear. That's all it is - a promise to appear. It is not a punishment; it is not a crime. It is a promise to appear. Nothing more than that.

You will have to read the whole page. It starts on Page 2: '. . .intoxicating liquors or in certain drugs; . . .' What drugs? Are they going to start naming the drugs you can take - Excedrin rather than aspirin? Certain drugs! This whole thing runs against what every

jurisdiction, to the best of my knowledge, and I keep up in this area and more than just reading 'Law Review'. People are going on their own recognition. This is the way we are working it. More often, we have people now that are interviewing people, especially in probation departments, so that the judges can make a determination as to whether or not individuals may be released on bail. I had this brought up to me before. I hope everybody is paying close attention. Bail is merely a promise to appear. Nobody has been convicted of a crime yet.

It stuns me. It reads: 'Your Committee finds, however, that re-examination and review of the release decision is a responsibility of the defendant's counsel and the responsibility should not be placed on the court to review its own decision.' Why shouldn't it? When has it been any other way? Why should it be any other way? Defendant's counsel. Now, this is a chilling effect when taking a case. I am supposed to be a counsel now; to be an advocate for someone.

You know, it was said to me at one point during the day, in connection with something else about death; murder being committed, for example, and perhaps, the murder of one's own family. That is precisely the time when you have to be the coolest; when you most likely want to violate the assumptions of the law, in respect of bail, or any other portion of the law. That is precisely the time when you want to make sure you obey the law.

Now, bail, as it states here: 'Your Committee also finds that removal of the bail schedules from the police departments will impose a great deal of hardship on the Intake Service Center since they would be required to provide someone at the police department twenty-four hours a day, seven days a week, to interview the suspects and set the amount of bail on an individual basis and a further inconvenience on individuals who would be required to remain in jail if the bail schedules could not be utilized.' That is precisely what it is supposed to do.

Now, I voted for this Intake Center. I voted for the Intake Center on the basis that it was going to do what it said it was going to do. The Intake Center is supposed to be available twenty-four hours a

day, seven days a week. Can someone show me that we can commit crimes only between 10:20 and 10:30, and if you commit them after that, will that be an additional law that we will violate? How can we possibly fund the Intake Center and then say to it, we really don't mean for you to do the work that we set out for you to do.

Judges should be available. The Judiciary should be available. They are well paid. They know what they are doing. They request the confirmation of the Senate of this State to take those jobs. The last time I looked, nobody was dragged, kicking and screaming into being a judge. As I understand it, there are candidates waiting in line.

Representative Peters has just gotten up. I don't know if he is going to get in line or not.

To remain in jail if bail schedules cannot be utilized - '. . . to interview the suspects and set the amount of bail on an individual basis and a further inconvenience on individuals who would be required to remain in jail if the bail schedules could not be utilized.' I don't understand this whole paragraph. It's schizophrenic."

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

"Mr. Speaker, I don't mind disagreements of the issues. The only point I want to bring out is that if you have disagreements on the issues, I would appreciate it if it is brought out in caucus. Then, I would have an opportunity to review the criticisms that are made, discuss these changes with the attorneys and see if these changes are warranted. To come out on the floor at this point in time, when we have very little time to consider any amendments, I think really puts us at a disadvantage."

The Chair then asked Representative Abercrombie to "proceed".

Representative Abercrombie continued, stating:

"Mr. Speaker, I think you ought to answer that. I don't know what this thing talks about."

At 10:24 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:29 o'clock p.m., the Chair said:

"I believe Representative Abercrombie had the floor."

Representative Garcia then rose and asked:

"Mr. Speaker, will you please give me an answer on my point of order?"

The Chair responded, stating:

"Representative Garcia, I believe that any member on this floor has the right to pursue his arguments on the bill - for or against."

Representative Garcia then said:

"I don't contest that particular point of order, but. . ."

The Chair interrupted and said: "State your point of order."

Representative Garcia replied:

"I stated it earlier. If that is the ruling of the Chair, so be it."

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

"By way of an observation, perhaps the Judiciary Chairman would have been correct to have entered a point of parliamentary privilege under the effect of the conduct of the operations of the House. That would not have been sufficient to interrupt the speaker who had the floor and, therefore, it could have been made at the end of the Representative from the 13th District's remarks."

The Chair then asked Representative Abercrombie to "proceed with your arguments against the bill."

Representative Abercrombie proceeded, stating:

"Mr. Speaker, I will proceed with my arguments, but I believe it is in order for the benefit of those who may not have been privileged for it so that they don't think that I tried to do something, I apologize to the Judiciary Chairman if he feels I was not available in caucus. We argued. . .discussed in open caucus this afternoon, numerous bills to do with the Judiciary, all of them which were difficult. I had expressed my opposition to numerous bills that have to do with fundamental changes as I see them, and I was available in caucus.

I continue to speak against this bill on bail and if anyone thinks that it is a waste of time to discuss the

bills, why, we can just have them all come down and we need not have a vote. We can do it by acclamation. The Judiciary, as traditionally, have good reasons - separation of powers - had this discretionary aspect on bail.

If the Legislature wishes to set the conditions upon bail as it does in this instance, it can do so, I expect. I don't know whether it will stand up. Perhaps it will, and if it does, what we will be doing is changing what has been a conception of bail in this country since its founding.

Now, I understand this apparently is not an argument any more for some people here; that the idea in this instance - bail - which has a long tradition, a well understood tradition in the Judiciary which has been modified, which has been subject to various kinds of changes as I mentioned already; for example, putting people out on their own recognizance, as opposed to posting bond, holding other people for high bond when there was considered a danger to the community. These things are all available to the Judiciary. There have been innovations, but what we are doing is stepping backwards. What we are doing is making sure that anybody who is arrested can be punished for being arrested, can be punished for being arrested, not for being convicted - for being arrested.

We are setting in here terms that a judicial officer - a judge - must follow, and not only that, but can utilize, by reference to the statutes, if that judge wishes to impose bail in a manner which would punish the person who has been arrested. That may not be the intent of this bill, but I can guarantee you that can be the effect in the hands of the wrong judge. Minus this, a judge has to answer for himself or herself in the Judiciary. This will be bail.

Here, there are numerous phrases upon which the terms of conditions of bail a judge who desires to suppress the minority, to suppress a viewpoint, to teach a lesson to people as to what will happen to them before they are convicted of a crime, by utilizing the bail-statutes. All these things are here. Over and over again, it has been said that we shouldn't pass it for the individual; we have to pass it for the institution. It has happened in this country before - bail has been used to punish people already. We have seen instances in which judges, et cetera, prosecutors, have acted in a way that violates the rights of people. We have seen where defense

attorneys have deliberately not acted in the best interest of the people who might have been charged.

This is another instance. We are changing the concept of bail. We are attacking, in this election year, with this crime business going on, and there will be another bill coming up that is actually going to work the opposite of the whole trend where these bills are going, and I wonder how that is going to be explained - about weapons. I can't wait for the explanation on that one if we pass this one and the ones like it.

So I say again, if I did not specifically mention this bill, or have the opportunity, or for some reason missed it, in respect of this bill, be it a discussion in caucus, or any other time, I am sorry about that, but I most certainly have stated this afternoon, and if it is not clear now, I will state here that these bills shall come under scrutiny and they must come under scrutiny. If they don't come under scrutiny down here, where the hell are they going to come under scrutiny?

I ask you to consider again whether or not you want to change what I consider to be clearly the Judiciary's function in respect of the imposition of bail."

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

"Mr. Speaker, we talked about tradition or change in concept. We talked about the provisions for release to a person's own recognizance and these statements are, in effect, true. But when we talk about bail, we are not talking about an absolute right or a constitutional guarantee. We are talking about a limited right and it is certainly within the purview of the courts to exercise that right as they see fit within their discretion. The problem that we have, Mr. Speaker, is that the courts, in some instances, do not feel that they really have that much discretion.

As far as I am concerned, this bill does not go far enough. There are certain types of crimes where a person is charged with a crime and is being bound over for indictment after a proper showing and a preliminary hearing where the statutes could constitutionally provide that there be a prohibition against the issuance of bail, and I am talking about a crime that involves a charge where there is a use of firearms.

The United States Senate is considering and wrestling with this very problem

at this time, and I think that there is no doubt where there is not a clear-cut violation of a constitutional provision that this Legislature, not only can, but absolutely must, interfere in this law and must give direction to the Judiciary for the protection of the community at large. We have only to think back to people like Val Kanui and persons of that ilk who were released on bail only to commit other grievous acts of harm; to say that there can be conditions imposed on bail is really not adding very much to the court's discretion.

I would also like to point out that this provision which has emerged from our House Judiciary is not mandatory in its wording. It says: 'The court may enter an order.' There is nothing here commanding the court to act one way or another. It is simply giving some basic provisos to the court which the court can enact at the present time if it sees fit.

So, I suggest, Mr. Speaker, that there is (1) no violation of constitutional rights here; and (2) that we should be considering even more stringent measures with respect to release on bail; and I would urge that we all vote in favor of this measure in the absence of something stronger."

Representative Takamura then rose and stated:

"Mr. Speaker, I would like to rise to speak against this bill and also in doing so, I would first like to apologize to the Chairman of the Judiciary Committee for not, I guess, looking at this earlier and bringing these concerns to him at an earlier time.

However, while I can support what might have been the basic intent of the bill because it provides some measure of protection for witnesses and, perhaps, other individuals from, perhaps, being threatened by individuals who might be out on bail, and I think I could support a measure that might be aimed at that.

However, I am concerned with some of the language on page 2 of the bill which talks about prohibitions in broad languages, such as, 'engaging in certain described activities, or indulging in intoxicating liquors or in certain drugs.' Particularly, I think what bothers me is this 'engaging in certain described activities.' It seems to me there is, you know. . . I can understand the need for, perhaps describing some conditions, but I think the language in this bill does go beyond what I think I can live with, so for those reasons, I will be voting against this bill."

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

"First, I would like to say that I agree with Representative Carroll's remarks on the constitutional problems relating to this bill. Frankly, I believe this bill will give the court greater flexibility.

This bill addresses itself to a problem with which the courts have wrestled for many years. For example, in certain cases when certain persons are charged with committing certain crimes, very often, the question of protection of witnesses and this sort of thing comes up, and in the past, the way the courts have treated this, they have either set a very high bail for the person, in which case, that defendant cannot. . . if he cannot make the bail, he will remain in prison. This bill will allow the court greater flexibility. A reasonable amount of bail can be set and certain conditions on that bail will allow that person to be set free from jail.

Now, as I see it, some of the provisions in here, I think Representative Takamura brought up a good point about page 2. Unfortunately, at the stage we are in, this is something I think I am going to have to swallow.

As a whole, I think the bill is okay, and I think the intent is good, and the purpose is good, and for those reasons, I ask my colleagues to vote for this bill."

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

"Some of the concerns have already been enumerated, such as the changing of the word 'shall' to 'may' on page 2, line 22, but having recalled some of the Committee discussions that went on on the bill, and the remarks made with respect to page 2, we talked about several situations that could involve a great deal of danger where the witness or the family of the victim, or a possible repeat of the offense if these conditions could not be imposed by a court specifically.

If a husband was charged with attempted murder of his wife, this bill would give the court the authority to say, you won't go within five miles of your wife because, otherwise, you might try to kill her again, and I think that is reasonable. By the same token, if the individual was charged with organized gambling activities at a sporting event, the court would then have the authority and the discretion to say that you shall not go to a similar

sporting event or at the same location. By the same token, if the individual has been accused of a crime at a discotheque, the court would likewise have the authority to prevent that individual from going within a specified distance of the discotheque.

In short, allowing, not only a reduction of bail, but a maintenance of the conditions of that bail, both for the safety of the individual to guarantee his or her appearance, as well as for the safety of any individual that might be involved, either as a victim or as an innocent by-stander, leaving it discretionary only means that the counsel would have a right to argue the conditions imposed on the bail. But according to an earlier bill that the Judiciary Committee of the House has acted upon, based on past cases that we have seen, if there is an unreasonable bail set, that could be a matter of appeal and so the amount of reasonability, if anything, is broadened. Perhaps some members of the Committee and certainly members of the House here felt that this doesn't go far enough, but I think it is a beginning. I think it is a compromise based on some of the sentiments that were expressed earlier in the Committee, as well as on the floor of this House. I think it is something we can live with - with the bail system - and recognizing the problems that the Judiciary has had in the absence of statutory authority in being able to set conditions on bail."

Representative Abercrombie was recognized and he stated:

"Mr. Speaker, I appreciate the comments that have just been made and the last couple of comments because it now appears that the argument is that it will be easier to get out of jail for people who commit crimes than it might otherwise be. To prove the comments, especially if they can broaden the grounds on which they might do, and so what you'll do is you'll order somebody not to do these things and I guess they won't do it and, yet, one of the arguments was brought up that somebody went out and committed a crime. Is bail being blamed? I never noticed that high bail which kept somebody in jail because the judge thought the person was dangerous; let him out to commit a crime. Yet, the arguments I hear now when somebody is considered dangerous, including murder, is that this bill gives the judge the opportunity to impose conditions that that person not go out and do it instead of imposing a bail on a dangerous person, and then later, the judge can recite the statutes and say, oh, the Legislature gave us the opportunity. I didn't know; I gave

him a condition. They shouldn't go and do what they do. The arguments that have just been raised that the broadening powers are involved in this is such that the judge will have an increased opportunity to let dangerous individuals out on the street. The heads are shaking, no, no, no, but that's the arguments that were just made, and that's what the language says.

Bail is bail - the promise to appear - and the imposition of bail is such that when I cited the Constitution, I am not talking about a specific constitutional provision, or I might. I am talking about the way in which this country has conducted its affairs - judicially, in respect of individuals in the society. You have a psychopathic person and we forget how we deal with these things. The judge may ask for reports, for decisions to be made, for investigations, as such, et cetera, depending on the crime, depending on the person involved, and what is involved in it. It is individualized justice. That's the point, and that is what the bail does and that is all it is supposed to do.

Now, if you want to put on these things down here, and then let the person out; for example, I don't know where every discotheque, for example, in Waikiki is named, so I suppose an officer could follow somebody, and if somebody came within a hundred feet of a discotheque and he didn't happen to notice that it was a discotheque, or it wasn't one a week before, but it is now, he could be arrested.

I suppose the husband might have the car indicator showing how many miles you are going; might be a little off and you come within four-and-a-half miles instead of five - you could be arrested again.

This is the kind of thing that I am talking about. It opens the way for abuse by the police powers in the State. That is the kind of thing that is involved here. It is as simple as that, and it is as difficult as that. I understand what is being addressed in here, but this is not the way to do it. In the wrong hands, at a time. . .for example, the Smith Act. . .you know, not so far back in this State. You don't have to go way back in ancient history - go back in this State when people were persecuted for their political beliefs with the Smith Act. We have two people in the State right now who are still persecuted; who lost their jobs as a result of it - of political persecution. There's all kinds of ways to persecute people, short of

putting them in prison, short of putting them on trial.

I suppose it can be done and has been done, and I've stated here in my arguments that it has been done with bail before. I understand that. The quality of judges and the Judiciary and how it operates is a key. We must address that. But putting in this - this doesn't address it; it obviates it - persecution. Persecution is involved in the passage of laws such as this - the possibility of it. Not the guarantee, never the guarantee, but the possibility of it is increased rather than decreased. An individual's freedom is under attack all over the place, all over the world, all over this country, more and more, in increasing amounts, especially where the government is involved.

People are scared witless of the government, and why shouldn't they be? Just try to get a tax assessment changed or anything else, and see where you end up - just on something like that. So, where bail is concerned, let's stick with what bail is supposed to do, and let's not give any judge any more of an opportunity to rely on statutes from the Legislature to do any more damage to the individual than they already might do."

Representative Peters was recognized and he stated:

"As you know, I am not a lawyer, nor am I a member of Judiciary, but I think I have the ability to read some of these things and comprehend it; perhaps, just as good as anybody else.

I think it is very clear, Mr. Speaker, that provides another option by way of determining, or by way of the judge determining, whether the person will be placed on bail or not.

One of the hang-ups that I have always had with the bail system is that it is intempered throughout with economic implications. In other words, if you are a 'fat cat', you got it made - right? \$100,000 bail or \$1 million bail - 'fat cats' can make it. How about the common layman? How about the lowly guy on the totem pole who can't afford it?"

Representative Kamalii rose on a point of order and asked:

"Is he speaking for or against the bill?"

Representative Peters replied:

"I am speaking for the bill. I am sorry. . .thanks eh!

Anyway, it seems very clear, as stated here in the bill: 'Upon a showing that there exists a danger that the defendant will commit a serious crime or will seek to intimidate witnesses' and blah, blah, blah, you know'. . .the judicial officer. . .may enter an order.' It doesn't say that he shall; it says 'may' - right? Provides him another option.

Thanks."

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

"Mr. Speaker, just a few remarks. The previous speaker referred to the 'fat cats.' I thought he was talking about me. Mr. Speaker, I thought I might have a conflict in this bill, but I do rise to speak in favor of the bill, Mr. Speaker.

I would like to make an observation first. If you notice, there are several attorneys who got up and spoke in behalf of this particular measure, but I think there is a great deal of significance in it. Significance is that we work with the law; we work with the courts; we are aware of the kind of conditions which exist - the problems which exist in it, and this is one area we felt that we do have a problem and, Mr. Speaker, if you noticed, all three attorneys got up and spoke in behalf of this measure.

In any case, I would like to adopt the comments of those who had risen earlier to speak in behalf of the measure, but I'd like to stress one point which was raised before, and that is, the jurisdictions of the various circuits throughout the State are unsure as to whether they can attach conditions when the individuals are released on bail.

This measure is an attempt to remedy that situation. There are certain courts in this State today which will attach conditions on individuals who are released on bail, but we are looking for uniform procedure. That is the purpose of this bill.

Thank you, Mr. Speaker."

Representative Cayetano then rose in rebuttal, stating:

"Mr. Speaker, some of the provisions contained in this bill - the prohibitions, I should say, really can be obtained through the civil courts. For example, if we are talking about Family Court - divorces, that sort of thing - most

people here, I think, are aware that there are problems between husband and wife, and when the wife is in danger of imminent harm from the husband, the attorney will go to court, get an order from the judge which would, in effect, enjoin the husband from bothering the wife. The provisions in this bill are very, very similar and so, all we are doing is putting in on the criminal side some of the things that are really available right now in the civil side."

Representative Cobb then rose and stated:

"Just one brief observation; perhaps two, Mr. Speaker.

First of all, my thanks to my brother my Waianae for stating so eloquently that this reduces the matter of economics in bail, and I appreciate him pointing that out because I think he is, of all the people in this House, aware of the implications.

Secondly, I don't think any judge, in his right mind and, hopefully, most of them are in their right mind, would let an obviously dangerous person out when there is a high degree of probability that another major offense may be committed.

The third, and perhaps most importantly, Mr. Speaker, is that when we look at the question of the abuse of the power of the police in this State - the potential of that - when we compare it with the safety of a victim, I think the bill has sufficient safeguards to come down on the side of safety for the victim."

The motion was put by the Chair and carried, and H.B. No. 2087-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE ON BAIL", having been read throughout, passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Abercrombie, Evans, Narvaes, Sutton, Takamura and Ueoka voting no, and Representative Baker being excused.

H.B. No. 2152-78, HD 1

By unanimous consent, action was deferred one day.

H.B. No. 2100-78

Representative Toguchi moved that H.B. No. 2100-78, having been read throughout, pass Third Reading, seconded by Representative Morioka.

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

"Mr. Speaker, this bill will open up the remote Hawaiian islands to commercial fishing, and I very much favor the concept of enhancing our fishing industry, but not in this protected area.

The recorded history of our State shows that opening up this area to fishing fleets can and probably will bring devastating effects to the fragile ecosystems there. While I am concerned about the direct effects of man's intrusion in this area, the indirect effects can be devastating. This is recognized at the Federal level and there are several Federal proposals that are in the offing with respect to these islands.

One of them is the Marine Mammal's Commission which has proposed that this be considered a critical habitat for the Monk Seal and to extend the three mile limit from the emerged lands in the Leeward Islands. The Fish and Wildlife Service of the Department of Interior has proposed a redefinition of the Northwest Hawaiian Islands wildlife refuge boundaries from over the emerged lands to the inclusion of all inner atoll lagoons and fringing lands up to the ten fathom, or 60 feet depth lines, and finally, the United States House of Representatives is considering designating these islands as the wilderness area which would exclude all commercial activity in the Northwest Hawaiian Islands wildlife refuge by Congressional mandate. All of these efforts recognize the fragile nature of the island ecosystems.

Now, the bill itself states that those islands, reefs and shoals of the Hawaiian Island chain, beginning and including Nihoa Islands, through and including Kure Island, shall, for the purposes of Sections 188-37 through 188-39 be referred to as the Leeward Islands of the State and, potentially, the purpose of this is to allow a permit fishing system which will allow the taking of mullet and lobster when such species are prohibited from being taken in the main Hawaiian Islands, and it also allows the use of non-portable fish traps which are otherwise prohibited, and then it goes on to state in the Committee Report, on page 1, that 'this regulation, because of the definition of Leeward Islands, does not apply to Nihoa and Necker Islands.' The Committee Report then states that we want to include Nihoa and Necker in order to be able to capitalize on the 'great fishery potential as attested

to by the fish catches reported from commercial fishermen', and the Committee, of which I am a member, and which I did speak to this point in Committee at some length, the Committee finds that, in view of the tremendous fishing potential which Nihoa and Necker Islands possess, it behooves the State to develop the utilization of resources for the benefit of the people of Hawaii.

Now, I find this whole matter highly questionable. More vessels in the area will, no doubt, mean more encroachment on the island by men. The lure of beachcombing or collecting glass balls on secluded islands will have a powerful effect on even the most conscientious person. Landing on the islands will be extremely tempting and I have no doubt that it will occur. Apparently, innocent landings could mean disaster for the sheltered environment of these islands.

A single cigarette thrown into the underbrush on Nihoa, for instance, could mean a brush fire and the total destruction of the habitat for a number of protected birds, including the Lace and Honeycreeper which, I believe, now resides there, in the event that Laysan is over-run similarly.

A single wrecked vessel with rats on board could completely change the island ecosystem and, again, means the destruction of the entire bird population on those islands.

Anything introduced, such as plants, grass seeds and the like, would have a similar effect. In recent years, a helicopter landing on the Pearl and Hermes Reef had mustard seed on the tread, and since that time, the entire face of the island has changed.

Now, these are serious problems related to the bill such as this one, and I believe that we are moving much too quickly toward commercialization or commercial utilization of this area.

Even more disturbing is the potential for direct infringement on food resources of animals such as the Hawaiian Monk Seal, as well as the eggs clutches of the Green Sea Turtle. Such abuses as I am referring to above are not unheard of and more involvement by men will increase the incidence of abuse and, tragically, Mr. Speaker, we will not see these violations, but only the results, and the results which will be caused directly by legislation such as this.

Now, these and other violations of the protected area will occur beyond

the detection of society. Current enforcement capability consists of a single agent and three inspectors. They have no boat or plane. The Coast Guard periodically flies over the area. In other words, we have virtually no enforcement capability at the present time.

There is an on-going tripartite study being conducted to determine the actual resource potential of this area and the possibility of endangering the protected species by the process of commercial fishing. That is our study, but we are only one year into that study.

As far as I am concerned, as some of the general aviation pilots might say, we are 'flying blind.' A measure such as this which carry us swiftly towards commercial exploitation of the area, carry us, at the same time, steadily back to a time when we acted out of greed, haste, and ignorance until our actions showed us we were wrong. We no longer live in an age when such action is acceptable.

In the case of the Leeward Islands, our precious, unexploited, fragile asset must not be allowed to be invaded until we know for certain that the invasion will not destroy these Leeward jewels, and I ask that we all vote against this measure."

Representative Toguchi then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 2100-78, 'A Bill for an Act Relating to Fishing in the Northwestern Hawaiian Islands.'

Mr. Speaker, the purpose of this bill is to expand the definition of 'Leeward Islands' to include Nihoa and Necker Islands and thus expand State authority to regulate fishing in those waters.

Presently, Section 188-37, Hawaii Revised Statutes, defines the Leeward Islands as those islands, reefs, and shoals of the Hawaiian Islands chain, beginning and including French Frigate Shoals to, and including, Kure Island. Nihoa and Necker Islands are south of the French Frigate Shoals and thus excludes Nihoa and Necker.

Mr. Speaker, Section 188-37 presently authorizes the Department of Land and Natural Resources to adopt regulations and allow fishing through a permit system in the Leeward

Islands as presently defined.

Mr. Speaker, presently, as far as Nihoa and Necker Islands, because the Fish and Game does not have jurisdiction through statutes, cannot adopt any regulation to control fishing at these two islands. In fact, people can go to that island and fish at the present time.

Mr. Speaker, I agree with the previous speaker that the marine resources in the waters of Nihoa and Necker Island appear to have great fishing potential, as attested to by the fish catches reported from commercial fishermen and, Mr. Speaker, I would just like to cite from statistics.

For fiscal year 1976-77, 77,973 pounds of fin fishes, composed primarily of sea bass, opakapaka, uhu, ehu, onaga, ulua, kahala and ono were caught in the vicinity of these islands. Further, from January through September of 1977, 66,000 pounds of lobsters were caught by commercial fishermen operating around these islands.

Now, I feel that, in view of the tremendous fishing potential, I feel that the concerns raised by the previous speaker can be. . .we can take care of those concerns and still take advantage of the great potential in those areas. The inclusion of Nihoa and Necker Islands within the definition of Leeward Island will thus permit fishing in these waters in accordance with the Fish and Game regulations.

At this present time, this is to clear one point raised by the previous speaker. The islands themselves are controlled by the U.S. government. They are controlled by the U.S. Fish and Wildlife Service. This bill is not proposing the opening of the island itself. We are talking about the waters surrounding the islands, and this will continue as far as the control by the Federal government will continue even if this bill is passed into law. So, Mr. Speaker, on the contrary, this bill is to see to it that the Fish and Game can go to these islands. . .by the way, we are talking only about these two islands because the other islands are presently under the control of the State and the Fish and Game does regulate fishing in those areas, so as far as these two islands, in the waters surrounding those two islands, we feel that we can better regulate fishing in those two islands in the waters surrounding those two islands if we do include within the definition of Leeward Islands these two islands, Nihoa and Necker Islands.

For those reasons, Mr. Speaker, I urge all of you to support House Bill No. 2100-78.

Thank you."

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

"Mr. Speaker, the reason I want to is that Representative Carroll's rather passionate commentary concerning these islands is all too well taken as recognized by Representative Toguchi in his remarks.

I had occasion to attend the Congressional hearing in Hawaii here on the whole situation on Leeward Islands and everybody's had that opportunity. It was coincidental that I was able to be there, and I had no idea the stunning circumstances that are involved there with the Monk Seal and all the things that were cited by the Representative from Waikiki.

This is the original land. I guess that's all that's left of the way nature made things there and about the idea of not destroying these animals and everything is really true. At the same time, I think we should pass this because, then, this gives us the opportunity to present in the future, a bill for an appropriation to take care of the kinds of concerns, in terms of enforcement and all the rest we cannot do right now. Minus these islands, being where we are, we can't ask the Department of Land and Natural Resources to send any people out there, and if we don't do it, what we will do is destroy. . . if the people go there and do what they want, will destroy nature's own place in the middle of the Pacific that is absolutely pristine.

It's a shame everybody couldn't see that presentation by the National Wildlife, but I think this is an opportunity to address exactly the problem that the Representative from Waikiki brought up, and I hope we will do it."

The motion was put by the Chair and carried, and H.B. No. 2100-78, entitled: "A BILL FOR AN ACT RELATING TO FISHING IN THE NORTHWESTERN HAWAIIAN ISLANDS", having been read throughout, passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Carroll, Narvaes and Sutton voting no, and Representative Baker being excused.

H.B. No. 1445, HD 1

By unanimous consent, action was

deferred one day.

H.B. No. 445

By unanimous consent, action was deferred one day.

H.B. No. 1884-78

By unanimous consent, action was deferred one day.

H.B. No. 1539, HD 1

By unanimous consent, action was deferred one day.

H.B. No. 2136-78, HD 1

On motion by Representative Garcia, seconded by Representative Cayetano and carried, H.B. No. 2136-78, HD 1, was recommitted to the Committee on Judiciary, with Representatives Cobb, Dods, Evans, Ikeda and Sutton voting no.

At 11:10 o'clock p.m., on request by Representative Cobb, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:15 o'clock p.m., the Vice Speaker assumed the rostrum.

H.B. No. 2687-78, HD 1

Representative Garcia moved that H.B. No. 2687-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

At 11:19 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 11:20 o'clock p.m.

The motion was put by the Chair and carried, and H.B. No. 2687-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY RIGHTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2145-78

Representative Garcia moved that H.B. No. 2145-78 be recommitted to

the Committee on Judiciary, seconded by Representative Cayetano.

Representative Dods then rose and stated:

"In deference to the Chairman of Judiciary, I think he should provide this body with an explanation on why these bills are being recommitted."

Representative Garcia replied:

"Mr. Speaker, on page 6 of this particular bill, House Bill No. 2145-78, I have intentions of recommitting House Bill No. 248, HD 1, also. That bill will tie in with that particular bill and that is the reason why I'm asking for the recommittal. The reason why I am going to be asking for the recommittal on House Bill No. 248, HD 1, is because I received a request from the Judiciary pending a Commission study relating to this particular area, and until that study is completed by the Commission, because of the sensitive nature and the importance of this particular area, I am going to ask that the Legislature defer action for another year."

Representative Cobb then rose and stated:

"I appreciate very much the explanation of the Judiciary Chairman and ask that my previous 'no' vote on the previous recommittal be withdrawn.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 2145-78 was recommitted to the Committee on Judiciary, with Representatives Dods, Evans and Sutton voting no.

H.B. No. 2143-78

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 2143-78, entitled: "A BILL FOR AN ACT TO AMEND SECTION 621-18, HAWAII REVISED STATUTES, RELATING TO WITNESSES IN CRIMINAL CASES", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 1876-78

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 1876-78, entitled: "A BILL FOR AN ACT RELATING TO THE MEANING OF CHILD AND RELATED TERMS IN THE UNIFORM PROBATE CODE", passed Third Reading by

a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2142-78

On motion by Representative Garcia, seconded by Representative Cayetano and carried, H.B. No. 2142-78 was recommitted to the Committee on Judiciary, with Representatives Dods, Evans and Sutton voting no.

H.B. No. 2144-78

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 2144-78, entitled: "A BILL FOR AN ACT RELATING TO CARRYING DEADLY WEAPONS; PENALTY", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 1878-78

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 1878-78, entitled: "A BILL FOR AN ACT RELATING TO NOTICE IN GUARDIANSHIP OF THE PERSON PROCEEDINGS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 1888-78

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 1888-78, entitled: "A BILL FOR AN ACT RELATING TO JURISDICTIONAL LIMIT OF THE CLERK IN HANDLING SMALL ESTATES OF PERSONS LEAVING NO KNOWN RELATIVES", passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Evans, Narvaes and Sutton voting no, and Representative Baker being excused.

H.B. No. 2894-78, HD 1

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 2894-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2317-78, HD 1

Representative Garcia moved that H.B. No. 2317-78, HD 1, having been read throughout, pass Third Reading,

seconded by Representative K. Yamada.

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

"The bill is entitled: 'A Bill for an Act Relating to Investigations by the Attorney General.'

The purpose of this bill is to amend the present statutes relating to investigations, amending the appropriate sections that the books, papers, documents or objects, which have been produced pursuant to subpoena, may be retained by the Attorney General's office for a reasonable period of time for purposes of examination, audit, copying, testing and photography.

I think that's an excellent idea. I only wish I could do the same thing with the Attorney General right here. I wish I could examine, audit, copy, test, and photograph what's going on inside the Attorney General's office."

The motion was put by the Chair and carried, and H.B. No. 2317-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIONS BY THE ATTORNEY GENERAL", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no, and Representative Baker being excused.

H.B. No. 2242-78, HD 1

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 2242-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY FOR THEFT BY SHOPLIFTING", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 248, HD 1

Representative Garcia moved that H.B. No. 248, HD 1, be recommitted to the Committee on Judiciary, seconded by Representative K. Yamada.

Representative Naito then rose and spoke in favor of the recommitment, stating:

"Representative Garcia before mentioned that this is a very complex subject. I know how complex it is. We all do. We have been studying this for a number of years here. The major report has been put out. We now have a Commission by the Governor who

is going to be coming up with recommendations and rather than going on a piecemeal basis on a very, very major and important issue for the State, I think it is an excellent idea to recommit these bills so that we can take a look at it fully next year and start to re-implement and to re-evaluate all of our laws on criminal insanity, and I congratulate the Chairman of Judiciary for recommitting these bills.

Thank you."

Representative Evans then rose and asked if the Chairmen of Judiciary and Corrections would yield to questions, to which both Chairmen replied in the affirmative.

Representative Evans asked:

"I would like to know, Mr. Speaker, if there is a set deadline that the Commission would report back to the Legislature just what their findings are?"

Representative Garcia answered:

"Mr. Speaker, I do not know of any set deadlines, but I would assume that a request can be made by the Judiciary and Corrections Committees that they report back to the Legislature with a definitive, systematically done study, and definite recommendations as to what we should do.

I would also like to emphasize that, perhaps, in this particular area, Judge Masato Doi should be consulted as he is one of the experts in this State in developing this kind of legislation and the Committee did not have sufficient time to sit down and speak with Judge Doi on this matter. That is the reason why we are asking for this recommitment."

Representative Naito asked:

"Mr. Speaker, may I also reply to that question?"

The Chair answered: "You may", and Representative Naito stated:

"We had a Committee hearing the other evening which addressed this subject - some parts - and we decided that we would introduce a resolution requesting a specific deadline and for that specific deadline to be prior to the next session of the Legislature for them to report back fully with their recommendations and that will be taken care of."

The Chair asked:

"Does that answer your question,

Representative Evans?"

Representative Evans replied:

"I would like to ask another question, Mr. Speaker."

The Chair asked:

"Of the Judiciary Chairman?"

Representative Evans answered:

"Of the Corrections Chairman and Judiciary, perhaps."

Asked by the Chair if he would yield, Representative Garcia said:

"Depends on the question. I will."

Representative Evans asked:

"It is a fairly simple question and needs a very simple answer."

The resolution which is being introduced is a Republican resolution. I would like to know if it is going to be heard and will it be adopted? It's very simple. It mandates that the Commission report back to the Legislature in the 1979 session."

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

Upon reconvening at 11:32 o'clock p.m., Representative Garcia stated:

"Mr. Speaker, I had a lot of coaching during the recess, but I don't think I really need it. If the speaker is asking me whether or not I will give a commitment to here make a decision either for or against the resolution, at this time, I think it is very premature. What I would like to do is go through the Committee process like we have in the past, make a decision when the time comes on that particular resolution and others that we may consider and then I will be able to give her a more definitive answer."

Representative Naito then said:

"Mr. Speaker, in terms of our own commitment, in terms of our Committee meeting the other night, this resolution was raised, or the possibility of this resolution was raised, and I said, as Chairperson of the Committee, that I would be very happy, not only happy, but would be committed to hear that

resolution, and I will do so as soon as it is introduced. I hope that it is timely.

Thank you."

Representative Evans thanked the Chair.

The motion to recommit was put by the Chair and carried, and H.B. No. 248, HD 1, was recommitted to the Committee on Judiciary.

H.B. No. 3054-78

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 3054-78, entitled: "A BILL FOR AN ACT RELATING TO VESSELS OR PROPERTY TAKEN INTO LEGAL CUSTODY AND PROHIBITING UNAUTHORIZED CONTROL THEREOF", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2286-78

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 2286-78, entitled: "A BILL FOR AN ACT RELATING TO EVIDENCE OF THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2105-78

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 2105-78, entitled: "A BILL FOR AN ACT RELATING TO PROOF OF FINANCIAL RESPONSIBILITY REQUIRED UPON CONVICTION OF CERTAIN OFFENSES", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

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

Upon reconvening at 11:36 o'clock p.m., the Speaker resumed the rostrum.

H.B. No. 1882-78, HD 1

By unanimous consent, action was deferred one day.

H.B. No. 2693-78, HD 1

Representative Garcia moved that H.B. No. 2693-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

At 11:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:38 o'clock p.m., the motion was put to a vote by the Chair and carried, and H.B. No. 2693-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTE REVISION AND PUBLICATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

H.B. No. 2822-78, HD 1

Representative Garcia moved that H.B. No. 2822-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative K. Yamada.

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

"Mr. Speaker, according to the Committee Report: 'The purpose of this bill is to make criminal the failure to return leased or rented personal property. The bill requires that written demand be made by certified or registered mail within thirty days after expiration of the lease or rental agreement. Failure to return the property within five days after the written demand is made would constitute theft.'

Now, actual notice of receipt of the demand would not be required. As I see it, Mr. Speaker, there may be situations; one situation in particular that I am thinking of, where two parties will lease, dealing with each other in good faith, would arrive at a situation where one would be technically guilty of theft. That situation would arise, for example, where a person leases some property to another and then there is a dispute as to the time that the lease expires, and the example that I have in mind is, for example, is like this: Suppose Party A rents a personal item of some sort to Party B, and after time has passed, Party A writes to Party B and says, according to the statutes, the time of the lease has expired, return my property. Party B, on the other hand, interprets the terms of the lease differently and says, no, the time has not expired;

I have another six months.

As I see it, Mr. Speaker, Party B, under this bill, would be guilty of theft for he would have done the following: First, he would have intentionally, after receiving written demand, refused to return the property, and assuming that the court resolves the dispute on the expiration date of the lease, are in favor of Party A, and Party B, in my view, is guilty of theft.

I think this bill has overlooked that kind of a situation and for that reason, I think we should hold it back and review the matter next year, maybe."

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

"If you recall, Mr. Speaker, the previous speaker from Pearl City mentioned that there is supposed to be a notice given in five days. I think all of the attorneys here are aware, and those who do practice law without a license, also are aware that theft is a specific intent crime that means you have to have an intent to steal.

If there is a dispute as to when the lease expires, Mr. Speaker, as brought up by the previous speaker, then there is no intent to steal, so you wouldn't have theft. I think that situation has been covered under the bill."

Representative Cayetano, in rebuttal, stated:

"I am just reading what the bill says. The bill says that the person intentionally does not return leased or rented personal property. In the example that I gave, a person having a good faith, bona fide dispute as to the terms, will intentionally withhold or not return the property and what I am saying is that that, I believe, would be considered sufficient to form the intent required under the provisions of this bill."

Representative D. Yamada then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill - just a matter of rebuttal.

I guess anything is possible under our laws. You know, you can get a hypothetical situation that something may happen, but I think, if you follow the example all the way through, the conclusion that the Representative from Pearl City is referring to does not take into the consideration of reasonable prosecution and I think, you know, you can come up with any example you want - anything is possible - but I think

he is overlooking that fact."

Representative Larsen then rose and asked:

"As a point of clarification for these proceedings, could I suggest, Mr. Speaker, that all the lawyers who are sitting here take a vote and we go with the majority of the lawyers.

Thank you."

The Chair remarked:

"That is exactly what we are doing - 51 lawyers."

Representative K. Yamada then rose and stated:

"Mr. Speaker, I don't think we should rehash it again on the floor and also in caucus. I think they were all entitled to listen to us attorneys. However, Mr. Speaker, just as a point of observation, I forgot to point out that when two Yamada's get up on the same bill on the same side, watch out."

The motion was put by the Chair and carried, and H.B. No. 2822-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT", having been read throughout, passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Abercrombie, Cayetano, Evans, Kunimura, Peters and Sutton voting no, and Representative Baker being excused.

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

"I would like Representative Kats Yamada to know he convinced me on that last statement."

H.B. No. 2146-78, HD 1

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 2146-78, HD 1, was recommitted to the Committee on Judiciary, with Representative Evans voting no.

H.B. No. 2893-78, HD 1

On motion by Representative Garcia, seconded by Representative K. Yamada and carried, H.B. No. 2893-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPLAINTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with

Representative Baker being excused.

At 11:45 o'clock p.m., on request by Representative Garcia, the Chair declared a recess, subject to the call of the Chair.

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

Representative K. Yamada then rose on a point of personal privilege and stated:

"Earlier, Mr. Speaker, when the gentleman from Manoa and Makiki rose and told me that I convinced him, that was the intent, Mr. Speaker. We wanted him to go on the other side so we could pass the bill."

H.B. No. 2130-78

Representative Garcia moved that H.B. No. 2130-78, HD 1, be recommitted to the Committee on Judiciary, seconded by Representative Cayetano.

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

"May I request the Speaker to ask the Chairman of the Judiciary Committee if the recommittal is based upon another study coming up?"

Representative Garcia replied:

"No, Mr. Speaker, it is not. During the majority caucus, it was brought out in the discussion relating to this bill that there may be serious constitutional problems with it. They would set up a separate classification. That classification would be defined as 'elderly people' and right now, the only historical classification that we have for penalties relate only those to minors so we would like to investigate this particular area further before we deal with this particular section."

Representative Kunimura then said:

"Mr. Chairman, I am pleased. This is the most profound explanation. It is very precise and very intelligent. Thank you."

The motion was put by the Chair and carried, and H.B. No. 2130-78, HD 1, was recommitted to the Committee on Judiciary.

H.B. No. 1970-78

On motion by Representative Naito, seconded by Representative Garcia and carried, H.B. No. 1970-78, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY SERVICE AS A SENTENCING ALTERNATIVE", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. Nos. 617 had passed Third Reading at 10:14 o'clock p.m.; 2816-78 at 10:15 o'clock p.m.; 2087-78 at 10:56 o'clock p.m.; 2100-78 at 11:10 o'clock p.m.; 2687-78 at 11:21 o'clock p.m.; 2143-78 at 11:22 o'clock p.m.; 1876-78, 2144-78, 1878-78, 1888-78 and 2894-78 at 11:24 o'clock p.m.; 2317-78 and 2242-78 at 11:25 o'clock p.m.; 3054-78 and 2286-78 at 11:34 o'clock p.m.; 2105-78 at 11:35 o'clock p.m.; 2693-78 at 11:38 o'clock p.m.; 2822-78 at 11:44 o'clock p.m.; 2893-78 at 11:45 o'clock p.m.; and 1970-78 at 11:50 o'clock p.m.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 456-78 on H.B. No. 2496-78, HD 1 (Deferred from March 6, 1978):

Representative Stanley moved that the report of the Committee be adopted and H.B. No. 2496-78, HD 1, having been read throughout, pass Third Reading, seconded by Representative Uwaine.

At 11:52 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.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2496-78, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 2496-78 had passed Third Reading at 11:55 o'clock p.m.

Stand. Com. Rep. No. 476-78 on H.B. No. 2750-78, HD 2 (Deferred from March 6, 1978):

On motion by Representative Suwa, seconded by Representative Peters and carried, Stand. Com. Rep. No. 476-78 and H.B. No. 2750-78, HD

2, were recommitted to the Committee on Finance.

At 11:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:57 o'clock p.m., the Chair stated:

"It is the intent to entertain a motion to adjourn until 12:10 o'clock a.m. tomorrow."

Representative Carroll then rose and stated:

"Mr. Speaker, before that motion is made. . ."

The Chair interrupted, stating:

"We will defer all matters on today's calendar to the next legislative day."

Representative Carroll then said:

"I just particularly wanted to make this point before the clock struck twelve."

Representative Evans then rose on a point of personal privilege and stated:

"Mr. Speaker, I feel that as a member of this House today, I have been personally aggrieved with some of the proceedings that have occurred today. Some of the statements have been made by some of the chairmen of various committees that some of the concerns of my colleagues on the other side should have been taken up in caucus. As a member of this House, I would like to hear the merits and demerits of all bills, and I shouldn't have to go to your caucus and you come to mine to find out what the demerits or merits of the bill are.

I'm frankly tired of all the recommitment of bills that we've had today. If there are problems with the bills, I would have hoped that they would be discussed in committee and I hope that tomorrow, the proceedings will go according to as they should and not make a mockery of this House.

Thank you."

Representative Garcia then rose and stated:

"Mr. Speaker, I believe that the majority caucus is open to welcome the participation of discussion if she wants to come in.

As far as the Judiciary Committee is concerned, whenever we have people who are interested in their particular bills, they're invited to give us the wisdom that they may have regarding a particular piece of legislation at the time that we have decision making. If they're particularly interested in that area, they're welcome to sit down."

Representative Evans then said:

"Mr. Speaker, that is not the point. . ."

The Chair interrupted:

"Representative Evans, will you please be recognized before you speak. You are recognized now."

Representative Evans continued her remarks, stating:

"Mr. Speaker, that is not the point. I am not going to a majority caucus when my minority caucus is on. And

I believe that the demerits and merits of a bill should be discussed on the floor of this House and not ramrodded through. I believe we should have the opportunity to vote 'yes' or 'no' and not ramrod legislation through and if it doesn't appeal to the majority, then they're going to recommit. I am frankly tired of this kind of thing."

Representative Kunimura then rose and remarked:

"Mr. Speaker, I would like everyone to remember that this is the first amendment day in honor of our friend from Manoa/Makiki."

ADJOURNMENT

At 11:59 o'clock p.m., on motion by Representative Kunimura, seconded by Representative Kamalii and carried, the House of Representatives adjourned to 12:10 o'clock a.m. tomorrow, Wednesday, March 8, 1978.