

SIXTIETH DAY

Friday, April 20, 1979

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, convened at 9:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Robert Donnelly of Sacred Heart Church, after which the Roll was called showing all members present.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 97 to 104) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 97) transmitting copies of a report relating to a review of Department of Health Dental Services prepared by the Department of Health in response to S.R. No. 23 of 1979, was placed on file.

A message from the Governor (Gov. Msg. No. 98) transmitting copies of the annual report prepared by the State Immigrant Services Center of the Commission on Manpower and Full Employment pursuant to Section 202-9, Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 99) transmitting copies of the report of the Department of Agriculture for Fiscal Year 1978, including a pamphlet describing the functions of the various divisions, was placed on file.

A message from the Governor (Gov. Msg. No. 100) transmitting copies of the 1978 Annual Report prepared by the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 101) transmitting copies of a report relating to the economic impact of deposit and return legislation on the State of Hawaii prepared by the Department of Planning and Economic Development in response to H.R. No. 353 of 1979, was placed on file.

A message from the Governor (Gov. Msg. No. 102) transmitting copies of a report relating to the development of the State's water supplies and systems in support of agriculture, prepared by the Department of Land and Natural Resources in response to S.R. No. 136, S.R. No. 352 and H.R. No. 507 of 1979, was placed on file.

A message from the Governor (Gov. Msg. No. 103) transmitting copies of a report relating to the Hawaii Advisory Commission on Drug Abuse and Controlled Substances prepared by the Department of Health in response to Section 329-3, Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 104) transmitting copies of a report relating to the implementation of the State Plan for Substance Abuse prepared by the Department of Health pursuant to Section 2, Act 190, Session Laws of Hawaii, 1975, was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 10 to 16) were read by the Clerk and were disposed of as follows:

A communication from Howard P. McKaughan, Acting Chancellor of the University of Hawaii at Manoa (Dept. Com. No. 10) acknowledging receipt of House Resolution No. 367, was placed on file.

A communication from Wayne Minami, Attorney General (Dept. Com. No. 11) acknowledging receipt of House Resolution No. 131, was placed on file.

A communication from Howard P. McKaughan, Acting Chancellor of the University of Hawaii at Manoa (Dept. Com. No. 12) acknowledging receipt of House Resolution Nos. 589 and 590, was placed on file.

A communication from Lester E. Cingcade, Administrative Director of the Courts, State of Hawaii (Dept. Com. No. 13) transmitting copies of the Judiciary's Annual Report for the year 1977-78, was placed on file.

A communication from Howard P. McKaughan, Acting Chancellor of the University of Hawaii at Manoa (Dept. Com. No. 14) acknowledging

receipt of House Resolution No. 291, was placed on file.

A communication from Howard P. McKaughan, Acting Chancellor of the University of Hawaii at Manoa (Dept. Com. No. 15) acknowledging receipt of House Resolution No. 309 and House Concurrent Resolution No. 49, was placed on file.

A communication from Howard P. McKaughan, Acting Chancellor of the University of Hawaii at Manoa (Dept. Com. No. 16) acknowledging receipt of House Resolution No. 699, was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 597 to 704) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 597) returning House Concurrent Resolution No. 159, HD 1, which was adopted in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 598) returning House Bill No. 589 which passed Third Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 599) returning House Concurrent Resolution No. 79, HD 1, which was adopted in the Senate on April 19, 1979, in an amended form, was placed on file.

On motion by Representative Blair, seconded by Representative Shito and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 79, HD 1, and H.C.R. No. 79, HD 1, SD 1, was Finally Adopted.

A communication from the Senate (Sen. Com. No. 600) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 664, SD 1, and that Senate Bill No. 664, SD 1, as amended, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 601) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to

the amendments proposed by the House to Senate Bill No. 9, SD 1, was adopted by the Senate and Senate Bill No. 9, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 602) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 11 was adopted by the Senate and Senate Bill No. 11, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 603) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 42, SD 1, was adopted by the Senate and Senate Bill No. 42, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 604) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 182, SD 1, was adopted by the Senate and Senate Bill No. 182, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 605) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 919, SD 1, was adopted by the Senate and Senate Bill No. 919, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 606) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1238, SD 1, was adopted by the Senate and Senate Bill No. 1238, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 607) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1727, SD 1, was adopted by the Senate and Senate Bill No. 1727, SD 1, HD 1, CD 1, passed Final Reading

in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 608) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 424, HD 1, was adopted by the Senate and House Bill No. 424, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 609) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 438 was adopted by the Senate and House Bill No. 438, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 610) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 544 was adopted by the Senate and House Bill No. 544, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 611) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 748 was adopted by the Senate and House Bill No. 748, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 612) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 921, HD 1, was adopted by the Senate and House Bill No. 921, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 613) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to

the amendments proposed by the Senate to House Bill No. 1140, HD 1, was adopted by the Senate and House Bill No. 1140, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 614) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1341 was adopted by the Senate and House Bill No. 1341, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 615) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1627 was adopted by the Senate and House Bill No. 1627, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 616) returning House Concurrent Resolution No. 85, HD 2, which was adopted in the Senate on April 19, 1979, in an amended form, was placed on file.

By unanimous consent, H.C.R. No. 85, HD 2, SD 1, was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 617) transmitting Senate Concurrent Resolution No. 82, SD 1, requesting a review and study of exemptions from the general excise tax given for unrelated revenue producing activities by banks, insurance companies and building and loan associations which was adopted by the Senate on April 19, 1979, was placed on file.

By unanimous consent, S.C.R. No. 82, SD 1, was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 618) transmitting Senate Concurrent Resolution No. 91, SD 1, requesting a study of the feasibility of public purchasing for private nonprofit health care facilities which was adopted by the Senate on April 19, 1979, was placed on file.

By unanimous consent, S.C.R. No. 91, SD 1, was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 619) returning House

Concurrent Resolution No. 24, HD 1, which was adopted in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 620) returning House Concurrent Resolution No. 89, HD 1, which was adopted in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 621) returning House Concurrent Resolution No. 179 which was adopted in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 622) returning House Concurrent Resolution No. 182 which was adopted in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 623) returning House Concurrent Resolution No. 183 which was adopted in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 624) returning House Bill No. 4 which passed Third Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 625) returning House Bill No. 288 which passed Third Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 626) returning House Bill No. 742, HD 1, which passed Third Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 627) returning House Bill No. 867 which passed Third Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 628) returning House Bill No. 1211, HD 1, which passed Third Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 629) returning House Bill No. 1656, HD 1, which passed Third Reading in the Senate on April 20, 1979, was placed on

file.

A communication from the Senate (Sen. Com. No. 630) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 599, SD 1, and that Senate Bill No. 599, SD 1, as amended, passed Final Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 631) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1611, SD 2, and that Senate Bill No. 1611, SD 2, as amended, passed Final Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 632) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1752, SD 1, and that Senate Bill No. 1752, SD 1, as amended, passed Final Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 633) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 77, SD 3, was adopted by the Senate and Senate Bill No. 77, SD 3, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 634) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 181, SD 2, was adopted by the Senate and Senate Bill No. 181, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 635) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 581, SD 1, was adopted by the Senate and Senate Bill No. 581, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 636) informing the

House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 692 was adopted by the Senate and Senate Bill No. 692, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 637) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 694 was adopted by the Senate and Senate Bill No. 694, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 638) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 695, SD 1, was adopted by the Senate and Senate Bill No. 695, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 639) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1043, SD 1, was adopted by the Senate and Senate Bill No. 1043, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 640) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1049, SD 1, was adopted by the Senate and Senate Bill No. 1049, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 641) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1091, SD 1, was adopted by the Senate and Senate Bill No. 1091, SD 1, HD 1,

CD 1, passed Final Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 642) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1230 was adopted by the Senate and Senate Bill No. 1230, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 643) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1373, SD 1, was adopted by the Senate and Senate Bill No. 1373, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 644) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1539, SD 1, was adopted by the Senate and Senate Bill No. 1539, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 645) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1634, SD 2, was adopted by the Senate and Senate Bill No. 1634, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 646) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1657, SD 2, was adopted by the Senate and Senate Bill No. 1657, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 647) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1680, SD 1, was adopted by the

Senate and Senate Bill No. 1680, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 648) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1682, SD 1, was adopted by the Senate and Senate Bill No. 1682, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 649) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1, HD 1, was adopted by the Senate and House Bill No. 1, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 650) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2, HD 1, was adopted by the Senate and House Bill No. 2, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 651) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 14, HD 1, was adopted by the Senate and House Bill No. 14, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 652) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 38, HD 2, was adopted by the Senate and House Bill No. 38, HD 2, SD 3, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 653) informing

the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 48, HD 2, was adopted by the Senate and House Bill No. 48, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 654) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 80, HD 2, was adopted by the Senate and House Bill No. 80, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 655) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 82, HD 1, was adopted by the Senate and House Bill No. 82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 656) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 92, HD 2, was adopted by the Senate and House Bill No. 92, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 657) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 95, HD 2, was adopted by the Senate and House Bill No. 95, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 658) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 98, HD 2, was adopted by the Senate and House Bill No. 98, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 658) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 99, HD 1, was adopted by the Senate and House Bill No. 99, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 660) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 102, HD 1, was adopted by the Senate and House Bill No. 102, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 661) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 166, HD 1, was adopted by the Senate and House Bill No. 166, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 662) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 173, HD 1, was adopted by the Senate and House Bill No. 173, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 663) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 181, HD 1, was adopted by the Senate and House Bill No. 181, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 664) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to

the amendments proposed by the Senate to House Bill No. 282, HD 1, was adopted by the Senate and House Bill No. 282, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 665) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 421, HD 1, was adopted by the Senate and House Bill No. 421, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 666) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 451 was adopted by the Senate and House Bill No. 451, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 667) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 479, HD 1, was adopted by the Senate and House Bill No. 479, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 668) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 520, HD 1, was adopted by the Senate and House Bill No. 520, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 669) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 531 was adopted by the Senate and House Bill No. 531, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 670) informing the House that the report of the Committee

on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 643, HD 1, was adopted by the Senate and House Bill No. 643, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 671) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 723, HD 1, was adopted by the Senate and House Bill No. 723, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 672) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 732 was adopted by the Senate and House Bill No. 732, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 673) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 890, HD 1, was adopted by the Senate and House Bill No. 890, HD 1, SD 3, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 674) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 923, HD 1, was adopted by the Senate and House Bill No. 923, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 675) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1215, HD 1, was adopted by the Senate and House Bill No. 1215, HD 1, SD 3, CD 1, passed Final Reading in the

Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 676) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1216, HD 1, was adopted by the Senate and House Bill No. 1216, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 677) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1232 was adopted by the Senate and House Bill No. 1232, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 678) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1252, HD 2, was adopted by the Senate and House Bill No. 1252, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 679) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1322, HD 1, was adopted by the Senate and House Bill No. 1322, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 680) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1386, HD 1, was adopted by the Senate and House Bill No. 1386, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 681) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1432, HD 1, was adopted by the Senate and House Bill No. 1432, HD

1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 682) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1459, HD 1, was adopted by the Senate and House Bill No. 1459, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 683) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1473, HD 1, was adopted by the Senate and House Bill No. 1473, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 684) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1557, HD 1, was adopted by the Senate and House Bill No. 1557, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 685) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1588 was adopted by the Senate and House Bill No. 1588, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 686) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1634, HD 1, was adopted by the Senate and House Bill No. 1634, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 687) informing

the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1642, HD 1, was adopted by the Senate and House Bill No. 1642, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 688) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1646, HD 1, was adopted by the Senate and House Bill No. 1646, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 689) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1647, HD 2, was adopted by the Senate and House Bill No. 1647, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 690) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1667 was adopted by the Senate and House Bill No. 1667, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 691) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1671, HD 1, was adopted by the Senate and House Bill No. 1671, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 692) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1686, HD 2, was adopted by the Senate and House Bill No. 1686, HD 2, SD 3, CD 1, passed Final Reading in the Senate by not less than two-thirds vote of all the members to which

the Senate is entitled on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 693) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1716 was adopted by the Senate and House Bill No. 1716, SD 1, CD 1, passed Final Reading in the Senate on April 19, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 694) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 27 and that Senate Concurrent Resolution No. 27, as amended, was Finally Adopted by the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 695) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 52 and that Senate Concurrent Resolution No. 52, as amended, was Finally Adopted by the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 696) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 57, SD 1, and that Senate Concurrent Resolution No. 57, SD 1, as amended, was Finally Adopted by the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 697) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 60 and that Senate Concurrent Resolution No. 60, as amended, was Finally Adopted by the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 698) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Concurrent Resolution No. 70, SD 1, and that Senate Concurrent Resolution No. 70, SD 1, as amended, was Finally Adopted by the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 699) returning House Concurrent Resolution No. 133 which was adopted in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 700) returning House Concurrent Resolution No. 162 which was adopted in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 701) returning House Concurrent Resolution No. 165, HD 1, which was adopted in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 702) returning House Concurrent Resolution No. 168 which was adopted in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 703) returning House Concurrent Resolution No. 173 which was adopted in the Senate on April 20, 1979, was placed on file.

A communication from the Senate (Sen. Com. No. 704) returning House Concurrent Resolution No. 177 which was adopted in the Senate on April 20, 1979, was placed on file.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 59 to 93) were read by the Clerk and were disposed of as follows:

A communication from Alvin L. Alm, Assistant Secretary for Policy and Evaluation, Department of Energy (Misc. Com. No. 59) acknowledging receipt of House Resolution No. 162 (1979) and commenting on said resolution, was placed on file.

A communication from Spark Matsunaga, U.S. Senator (Misc. Com. No. 60) acknowledging receipt of and commenting on House Resolution No. 233 (1979), was placed on file.

A communication from Richard H. Neubauer, Director Young Farmers & Ranchers Activities, American Farm Bureau Federation (Misc. Com. No. 61) commenting on Kenneth Kadohiro's commendation by the House of Representatives for his selection as 1978 Outstanding Hawaiian Young Farmer of the Year, was placed on file.

A communication from Spark Matsunaga,

U.S. Senator (Misc. Com. No. 62) acknowledging receipt of House Resolution No. 204 and commenting on related action at the federal level, was placed on file.

A communication from Fowler C. West, Staff Director, Committee on Agriculture, U.S. House of Representatives (Misc. Com. No. 63) acknowledging receipt of House Resolution No. 297, was placed on file.

A communication from Robert S. Strauss, Special Representative for Trade Negotiations (Misc. Com. No. 64) commenting on a House Resolution opposing U.S. tariff reductions on fresh and processed pineapple in Multilateral Trade Negotiations, was placed on file.

A communication from Milton J. Francis, Acting Director, Office of Single Family Housing, Department of Housing and Urban Development (Misc. Com. No. 65) relating to the implementation of increased maximum loan amount insurable under Section 240 of the National Housing Act, was placed on file.

A communication from Bennett Miller, Program Director for Solar, Geothermal, Electric and Storage Systems, U.S. Department of Energy (Misc. Com. No. 66) acknowledging receipt of House Resolution No. 220, was placed on file.

A communication from James E. Lee, Assistant Administrator, Farmer Programs, U.S. Department of Agriculture (Misc. Com. No. 67) acknowledging receipt of House Resolution No. 297, was placed on file.

A communication from Cec Heftel, U.S. Representative (Misc. Com. No. 68) acknowledging receipt of House Resolution No. 224, was placed on file.

A communication from C. Matano, Administrative Assistant to Senator Matsunaga, U.S. Senate (Misc. Com. No. 69) acknowledging receipt of House Concurrent Resolution No. 9, was placed on file.

A communication from C. Matano, Administrative Assistant to Senator Matsunaga, U.S. Senate (Misc. Com. No. 70) acknowledging receipt of House Resolution No. 436, was placed on file.

A communication from Spark Matsunaga, U.S. Senator (Misc. Com. No. 71)

commenting on House Resolution No. 298, was placed on file.

A communication from Daniel K. Inouye, U.S. Senator, acknowledging receipt of House Concurrent Resolution No. 9, was placed on file.

A communication from Gerald H. Phipps of the Denver Broncos Football Club (Misc. Com. No. 73) acknowledging receipt of House Resolution No. 533, was placed on file.

A communication from Claro R. Capili, Sr., Acting Mayor, County of Maui (Misc. Com. No. 74) acknowledging receipt of House Concurrent Resolution No. 49 and House Resolution No. 516, was placed on file.

A communication from C. Matano, Administrative Assistant to Senator Matsunaga, U.S. Senate (Misc. Com. No. 75) acknowledging receipt of House Resolution No. 516, was placed on file.

A communication from C. Matano, Administrative Assistant to Senator Matsunaga, U.S. Senate (Misc. Com. No. 76) acknowledging receipt of House Resolution No. 177, was placed on file.

A communication from C. Matano, Administrative Assistant to Senator Matsunaga, U.S. Senate (Misc. Com. No. 77) acknowledging receipt of House Resolution No. 565, was placed on file.

A communication from C. Matano, Administrative Assistant to Senator Matsunaga, U.S. Senate (Misc. Com. No. 78) acknowledging receipt of House Concurrent Resolution No. 44, was placed on file.

A communication from C. Matano, Administrative Assistant to Senator Matsunaga, U.S. Senate (Misc. Com. No. 79) acknowledging receipt of House Concurrent Resolution No. 52, was placed on file.

A communication from Melville Lindsey Lemon, Sr. (Misc. Com. No. 80) extending appreciation upon receipt of House Resolution No. 617, was placed on file.

A communication from Kauai Economic Opportunity, Inc. (Misc. Com. No. 81) acknowledging receipt of House Resolution No. 587 and extending appreciation for the legislative interest relating to their Head Start program, was placed on file.

A communication from Peter L. Trask, Legislative Assistant to Senator Inouye, U.S. Senate (Misc. Com. No. 82) acknowledging receipt of House Resolution No. 516, was placed on file.

A communication from Claro R. Capili, Sr., Acting Mayor, County of Maui (Misc. Com. No. 83) acknowledging receipt of House Resolution Nos. 487 and 777, was placed on file.

A communication from Frank J. Kelly, Legislative Assistant to Senator Inouye, U.S. Senate (Misc. Com. No. 84) acknowledging receipt of House Resolution No. 177, was placed on file.

A communication from Laurie A. Loomis, Legislative Assistant to Senator Inouye, U.S. Senate (Misc. Com. No. 85) acknowledging receipt of House Resolution Nos. 436 and 565, was placed on file.

A communication from Waimanalo Hawaiian Homes Association (Misc. Com. No. 86) acknowledging receipt of House Resolution No. 602, was placed on file.

A communication from William C. Smith, Administrative Assistant to the President of the U.S. Senate (Misc. Com. No. 87) acknowledging receipt of House Resolution No. 162, was placed on file.

A communication from William C. Smith, Administrative Assistant to the President of the U.S. Senate (Misc. Com. No. 88) acknowledging receipt of House Resolution No. 297, was placed on file.

A communication from William C. Smith, Administrative Assistant to the President of the U.S. Senate (Misc. Com. No. 89) acknowledging receipt of House Resolution No. 414, was placed on file.

A communication from William C. Smith, Administrative Assistant to the President of the U.S. Senate (Misc. Com. No. 90) acknowledging receipt of House Resolution No. 224, was placed on file.

A communication from William C. Smith, Administrative Assistant to the President of the U.S. Senate (Misc. Com. No. 91) acknowledging receipt of House Resolution No. 220, was placed on file.

A communication from William C. Smith, Administrative Assistant

to the President of the U.S. Senate (Misc. Com. No. 92) acknowledging receipt of House Resolution No. 204, was placed on file.

A communication from Thomas P. O'Neill, Jr., Speaker of the U.S. House of Representatives (Misc. Com. No. 93) acknowledging receipt of House Resolution No. 436 and House Concurrent Resolution No. 9, was placed on file.

At this time, Representative Crozier introduced to the members of the House, Mr. Francis de Mello.

Representative K. Yamada then introduced Yasu Kawai and Cy Savage, from Hawaii, accompanied by Representative Yamada's brother, Yoichi.

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering bills on Third and Final Readings on the basis of a modified consent calendar.

ORDER OF THE DAY

UNFINISHED BUSINESS

Conf. Com. Rep. No. 21 on H.B. No. 2, HD 1, SD 2, CD 1 (Deferred from April 19, 1979):

Representative Suwa moved that the report of the Committee be adopted and that H.B. No. 2, HD 1, SD 2, CD 1, pass Final Reading, seconded by Representative Morioka.

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

"I speak against this Judiciary budget not only as a principle, but because I do not feel that it had adequate probing. I do not feel that it is an adequate PPB.

Mr. Speaker, as you know, we have a concept of separation of power. As a consequence, this does not pass through Eileen Anderson as the rest of the budget does, it passes directly from the Judiciary over to the Legislative. There is no intermediary screening.

I have written an article for the Stanford Law Review which will be published next month which indicates that we have a deficiency here in our

Judiciary budget. We do not pass it through an independent screening process and therefore, Mr. Speaker, I, as somebody who has taken the CPA, I do not practice the CPA, I am an attorney, but I do not feel that we have made the adequate probing of costs. Let me explain, Mr. Speaker.

Mr. Speaker, the budget includes money for far too many personnel. The Justices don't need that many law clerks, neither does the Appellate Court. I've served as a law clerk for both Judge Metzger and Judge McLaughlin for a period of three years...."

At this time, the Chair intervened stating that the arguments Representative Sutton was raising were the same arguments raised yesterday on this particular measure.

Representative Sutton said there were some significant differences.

The Chair requested that Representative Sutton add something new to his statements.

Representative Sutton continued:

"Mr. Speaker, looking, if you will, at the operation. We have here, on page three, an operation proposition that will cost about \$30 million; a staff of 905 people, with a ten per cent increment in positions, a greater increment, Mr. Speaker, than any other part of our government, and yet, I do not see that we have a greater increment in quality.

Now, Mr. Speaker, as you know, last session we passed a \$30 million CIP. We now are adding \$5.3 million more. We have switched around the location of the district court and are acquiring more land. Mr. Speaker, Judiciary is not something that is productive to the economy of Hawaii. It is something that is incidental, it is part of government, but we do not need to splurge, and I say we are splurging on this.

Mr. Speaker, we do not get an opportunity to get a full independent concept of probing with a PPB which justifies itself each and every increment. The problem is that the Judiciary budget came directly to us for review at a time when many other areas of concern were competing for our attention. There has been insufficient time on my own part. I do not feel

an adequacy. I do not also feel an opportunity of having made a penetration of why a ten per cent position count increment was necessary and why this budget for the Judiciary must creep up to \$30 million.

Mr. Speaker, we have many things in this State that require our money. We have had a proposition of fiscal restraint enunciated by you some 60 legislative days ago, and I feel that we must be consistent and do the same exacting probe of this Judiciary even though there was the concept of powers, because now, Mr. Speaker, there is but one piece of pie. Under the Constitutional amendment there is but one piece of pie, and this one piece of pie requires that there be allowed now, because of the spending constraint, two per cent for a Judiciary budget. No longer do we have something that is not included in the spending constraint. The Constitutional amendment puts us in a position where we must look, and the Governor, himself, must look at the overall piece of pie and then come down and see this particular two per cent.

Therefore, I feel that separation of powers is no longer an inhibition against our doing a good job and because I feel we inadequately probed, that we inadequately established PPB's, that we inadequately had a screening process, I will urge you, Mr. Speaker, and the Majority and the Minority, to please vote no."

Representative Suwa rose to speak in favor of H.B. No. 2, as amended:

"It seems that my colleague from the Finance Committee is primarily defending his article that he wrote for the Stanford Law Review. Upon reading the publication, I am sure we will reply and analyze his views point by point. Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Ushijima being excused.

The Chair directed the Clerk to note that H.B. No. 2, HD 1, SD 2, CD 1, passed Final Reading at 9:23

o'clock a.m.

Conf. Com. Rep. No. 22 on H.B. No. 1686, HD 2, SD 3, CD 1 (Deferred from April 19, 1979):

Representative Shito moved that the report of the Committee be adopted and that H.B. No. 1686, HD 2, SD 3, CD 1, pass Final Reading, seconded by Representative Aki.

Representative Shito then rose to speak in favor of the bill:

"The purpose of H.B. No. 1686, HD 2, SD 3, CD 1, is to authorize the Hawaii Housing Authority to sell tax exempt revenue bonds and make the funds available to lower and moderate income persons to purchase new or existing homes.

This housing loan and mortgage program can benefit a great number of families who find themselves overqualified for 'traditional' government rental housing assistance programs yet underqualified for financing from private mortgage lenders. These families have been characterized as the 'gap group'. They have aspirations of homeownership yet find themselves priced out of the market. This is due in part to high mortgage loan interest rates occurring locally.

Enactment of the program contained in H.B. No. 1686 would make it possible for a family earning \$25,000 a year to qualify for a mortgage loan of approximately \$70,000. Under conventional interest rates of 10-3/4%, this family would be required to earn as much as \$30,000 a year. This difference in earning levels means that many more 'gap group' families will be able to obtain the financing they need to purchase a home.

Under this program, mortgage loans can be made available to eligible Hawaii families at perhaps 2 percentage points below conventional lending rates. Currently, mortgage lenders are charging approximately 10-3/4% for conventional mortgage loans. This means monthly payments of \$500 for a \$60,000 mortgage loan. Because this program envisions the use of tax exempt revenue bonds as the source of funding, a loan could be made under this program at 8-1/2%. This means \$460 in monthly payments, instead of \$560. A reduction of \$100 per month in mortgage payments means that many more families who presently find themselves priced

out of the housing market may be able to qualify to purchase a home of their choice. In the long run, a reduction of 2 percentage points over the life of the loan reduces the total interest paid over 30 years by about \$35,000.

The use of tax-exempt revenue bonds to fund a program such as this is considered desirable to the Hawaii economy since it would result in importation of capital in our 'capital short' State. Revenue bonds such as these will be offered to investors on the mainland and marketed in New York. Based on the experience of similar bond issues of other states, these investors are likely to be large institutional investors and those who seek tax benefits by purchasing tax-exempt securities.

In actuality, the Hawaii taxpayers will not be burdened with additional debt since the debt service on these revenue bonds will be assumed by individual families who take out the mortgage loans.

The housing loan and mortgage program is not a new or innovative financing technique. The concept of authorizing and issuing tax-exempt revenue bonds to finance home purchases is a widely used and accepted method of government housing assistance used in over 40 states.

The conferees have taken a great deal of time, effort and care to prevent and insure that state credit will not be taken advantage of, that the benefits of the program will be passed on to those in need, and that a tax-exempt revenue bond issue that is acceptable from the investor's viewpoint will be presented to the national bond market. To do this, the bill requires that all homes purchased under the provisions of this bill be owner occupied and located in Hawaii. Furthermore, we have designated a maximum income limit of 115% of median Hawaii household income which, according to the latest figures published by the U.S. Department of Health, Education and Welfare, is about \$25,000. Your conferees feel that this figure, which may be adjusted annually is adequate and representative of the income level of the 'gap group'. We have also taken steps to ensure that these bonds are marketable when they are issued. We have refined provisions which may have caused problems or presented legal questions which may have clouded the bond issuances.

The major highlights of this bill are:

1) It authorizes the HHA to issue up to \$125 million for the housing loan programs. If translated into a loan amount of \$60,000, this means 1,804 loans can be made.

2) Its provisions are applicable to only the 'gap group' who will be owner-occupants.

3) The revenue bonds authorized will only be used to fund the purchase of new or existing homes.

This bill originally included use of revenue bond funds for leasehold to fee simple conversion loans. The House, in particular your Committee on Housing, had wanted to see full utilization of these powers to address another long standing problem faced by numerous Hawaii homeowners. We have sufficiently concluded by enactment of legislation and adoption of resolutions that the conversion of leasehold land to fee simple is a valid public purpose.

However, your conferees were also cognizant that the housing loan and mortgage program proposed in this bill is untested in Hawaii. The HHA and the private mortgage lenders have not yet made a single mortgage using these powers. Therefore, your conferees felt that a more prudent approach in implementing this program is to proceed by concentrating efforts in one particular area rather than diffusing our endeavors.

It is our intent to closely monitor the progress of this program and initiate legislation for leasehold conversion loans based on experience and a track record established by the HHA. We expect the fulfillment of these goals by the 1980 legislature.

I urge all members of this honorable body to vote aye. Thank you."

Representative Ikeda then rose to speak in favor of the bill, as amended, but with serious reservations:

"I certainly recognize the need for State mortgage assistance to the 'gap group' of State home buyers who do not now qualify for lower interest federal or state programs. This group, by and large couples with two incomes or young families who have just begun to establish themselves, deserves and needs our help.

I also endorse the full involvement of the private sector in the implementation of this proposed program. The Hawaii Housing Authority was never meant to compete with existing money lenders, but to provide the wherewithall for more comprehensive and less expensive methods of home financing.

Although I am fully supportive of these concepts, I also feel that this draft endangers its own worthy goals. Mr. Speaker, the deletion of key provisions to allow for the use of these funds to be applied toward leasehold conversion to fee is a crippling flaw. Its omission implies that the state is not supportive of such conversion and for the last ten years, the legal support for this trend has been the major contribution of our housing laws. We seem to be resisting putting our money where our mouth is.

Further, the inability of this draft to address the very real problem of speculative misuse and profit from this program is not addressed. Clearly, the Committee recognized the possibility of a buyer using these funds for self gain, but then justified backing off from proposing a remedy because of concern for the opinion of the bond market. Mr. Speaker, I cannot imagine anything more damaging to the HHA program than refusal to support speculative profit from government programs.

I believe that a provision requiring a buy-back at a set rate within a certain period of time affecting resale, or some formula of excess profit tax was also briefly considered this session and should be mandatory when public funds are used. However, Mr. Speaker, the advantages of this bill outweigh the drawbacks to a degree and, for this reason, I will vote for the bill. However, I hope and expect further work in order to correct the faults which I have just mentioned, because only then will we truly show our commitment to 'gap group' financing.

Thank you."

Representative Lacy also rose to speak in support of this bill:

"Mr. Speaker, this bill is an excellent example of what resulted from determined effort by our most competent Committee Chairman and other House members to provide for an improved funding climate for low and moderate income families.

Mr. Speaker, it was a particular pleasure for me to see the effort of

so many in both the private and public sector be successful in working together to provide a non-tax supported public program of such magnitude. Not one cent of our tax money is to be used in this program.

I hope, Mr. Speaker, that this is only the first of many in the future which will provide for the necessary private investment funds for our lower income neighbors to purchase their own home. I also regret that we were not able to cover the leasehold to fee, but that can be done in the future.

Mr. Speaker, I urge you and all other members of this House to vote for this pioneering program for our State.

Thank you."

Representative Suwa rose to speak in favor of this bill:

"I would like to enter for the record that the Chair was represented by Representatives Ige and Lacy in that Conference Committee.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1686, HD 2, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

The Chair directed the Clerk to note that H.B. No. 1686 passed Final Reading at 9:35 o'clock a.m.

At 9:35 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:36 o'clock a.m.

Conf. Com. Rep. No. 24 on S.B. No. 694, HD 1, CD 1 (Deferred from April 19, 1979):

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

Conf. Com. Rep. No. 25 on S.B. No. 77, SD 3, HD 1, CD 1 (Deferred from April 19, 1979):

On motion by Representative Uechi,

seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 77, SD 3, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

Conf. Com. Rep. No. 28 on S.B. No. 1373, SD 1, HD 1, CD 1 (Deferred from April 19, 1979):

On motion by Representative Lunasco, seconded by Representative Say and carried, the report of the Committee was adopted and S.B. No. 1373, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION: MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1979", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

Conf. Com. Rep. No. 30 on S.B. No. 1703, SD 1, HD 1, CD 1 (Deferred from April 19, 1979):

On motion by Representative Honda, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 1703, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII, SECTION 2, OF THE HAWAII CONSTITUTION, TO SPECIFY VOTING PROCEDURE FOR CONSTITUTIONAL AMENDMENTS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Fukunaga voting no and Representative Ushijima being excused.

Conf. Com. Rep. No. 36 on H.B. No. 1473, HD 1, SD 1, CD 1 (Deferred from April 19, 1979):

On motion by Representative Suwa, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.B. No. 1473, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII WING, CIVIL AIR PATROL", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

Conf. Com. Rep. No. 41 on S.B. No. 1091, SD 1, HD 1, CD 1 (Deferred

from April 19, 1979):

Representative Suwa moved that the report of the Committee be adopted and that S.B. No. 1091, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative Morioka.

Representative Sutton then rose to speak against the passage of said bill:

"Mr. Speaker, I rose and spoke against this last night. I would like to re-incorporate the part I did not like was that the lapsing, regardless of the fact that it's encumbered or has matching federal funds, will occur on June 30, 1980. I just didn't like the lapsing date as of June 30, 1980, and I have spoken prior to this on it and, therefore, will not repeat my arguments. I will encourage you to vote no."

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 1091, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Ikeda, Narvaes and Sutton voting no, and Representative Ushijima being excused.

Conf. Com. Rep. No. 44 on H.B. No. 98, HD 2, SD 2, CD 1 (Deferred from April 19, 1979):

On motion by Representative Honda, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 98, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIAL SALARY COMMISSION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

Conf. Com. Rep. No. 53 on H.B. No. 14, HD 1, SD 1, CD 1 (Deferred from April 19, 1979):

On motion by Representative Suwa, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.B. No. 14, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TAX REVIEW COMMISSION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

Conf. Com. Rep. No. 56 on S.B. No. 1657, SD 2, HD 1, CD 1 (Deferred from April 19, 1979):

Representative Uechi moved that the report of the Committee be adopted and that S.B. No. 1657, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Inaba.

Representative Hagino rose to speak against the bill stating:

"Basically, there is nothing wrong with this bill. It will provide for another year of low interest loans to sugar growers on the Big Island. These loans are necessary because of the continuing financial plight of the sugar industry. Without financial help, many independent sugar growers will go out of business, for we have had these loan programs to sugar growers for several years now.

This assembly should know that I grew up with the children of these sugar growers when I lived on the Big Island. Furthermore, I was born on a sugar plantation, so I have much aloha for their needs and hopes, yet I will vote against this bill. We all know that the neighbor islands have received shares of the State's tax revenues that are out of proportion to their population size and to their tax contribution to the general revenue of the State.

Figures have varied, but roughly 18 per cent of the population is on the neighbor islands, and they have received somewhere over 30 per cent of the tax revenues in some years. This has been a result of governors who have been sympathetic to the needs of the neighbor islands and, in addition, since 1954 the Legislature has been dominated by neighbor island legislators. This domination continues in the State House of Representatives.

The abundance of pork and tax revenues that have been funneled into the neighbor islands did not bother me because of my neighbor island roots. As I pointed out earlier, I do understand this special need. However, because of the events of the past several weeks, I have changed my position toward these fiscal appropriations.

We all know of the fiscal dilemma of the City and County of Honolulu. In 1975, the City made a mistake on a \$10 million bond appropriation. Because of this mistake...."

Representative Kawakami was then recognized on a point of order:

"This last remark referring to the City and County has no reference to this bill at all, Mr. Speaker."

Representative Hagino answered:

"Mr. Speaker, I am just trying to show why I am voting against this bill."

The Chair then stated:

"Representative Hagino, if you do stick to the subject of the bill, I think you would be in good shape. I think you are intelligent enough to understand parliamentary procedure. Will you continue on that basis?"

Representative Uwaine was then recognized on a point of order:

"Mr. Speaker, my colleague, if you give him a little time. . . ."

The Chair answered:

"The Chair has ruled, Representative Uwaine."

Representative Hagino proceeded:

"Mr. Speaker, we are talking about, basically, money that is going for particular programs, and I am stating that that appropriation is unfair and it is wrong, and I am trying to justify my reasons for that.

We have an island that has problems and that is why we set up programs like the Kohala Task Force. We've got programs like the sugar crop loans, and basically, although I was not in the legislature, I saw nothing wrong with those kinds of programs.

The point I am trying to make is that when the City and County of Honolulu had this \$10 million deficit, and still has this \$10 million deficit, and it came to the legislature and requested a change in the law that would allow them to."

The Chair interrupted, stating:

"The point of the \$10 million bond that you mentioned is not relevant to the question of whether this bill should be approved or disapproved by this body. I think you are straying far afield. Proceed on that basis, otherwise the Chair will have to rule you out of order."

Representative Hagino continued:

"Mr. Speaker, S.B. No. 586 was never brought out to this floor."

The Chair again interrupted, stating:

"S.B. No. 586 is not the subject on this floor. The subject on this floor is S.B. No. 1657, SD 2, HD 1, CD 1. As a person who has legal training, one should know the parliamentary rules."

Representative Hagino answered:

"Mr. Speaker, I stand here, not as an attorney, but as a representative from the City and County of Honolulu."

At 9:46 o'clock a.m., with Representative Hagino's consent, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:00 o'clock a.m.

Representative Hagino continued:

"Mr. Speaker, the discussions we had during the recess, I would like to point out that I am speaking as a representative from the island of Oahu, and I feel there has been an inequity of treatment. Now, you can draw distinctions that you have tried to draw. We are talking about loans to an industry as opposed to a loan, not even a loan, but a fiscal measure that would help a county government.

Certainly, the thing that we should really look at is that we want to help the sugar producers because they are human beings and individuals and there are hundreds of families involved in this sugar loan, but there are also thousands of families on Oahu that may be facing a tax increase and it seems to me that this body has heeded the cries of those people on the neighbor islands, on the Big Island, and yet, somehow, we have turned a deaf ear to the cries of the people on Oahu.

Granted, there are two different agencies involved; one is an industry and one is a county government, but they are, in both cases, people who need financial help whether they be independent crop growers or they be taxpayers, and I think this is inequitable treatment and it is regrettable that this body has decided to treat the situation in this inequitable way.

As a representative from Oahu, I feel this is unfair and I hope, and I believe, that in the future, with the changing power structure in the

State House, this kind of thing is not going to happen again. I will be voting no on this bill."

Representative Kunimura was then recognized:

"Reference was made about the fiscal condition of the City and County, Mr. Speaker, and I am speaking for this particular bill. I know it has no relevance to the subject matter on this floor, but since reference was made, I feel that I have the right, and I hope you will grant me that right, to answer and put forth all the facts.

The gentleman who just spoke and made reference to the City's financial dilemma was not here during the past two sessions. He was not a member of this House.

That matter was brought up...."

Representative Narvaes then rose on a point of order, stating:

"Mr. Speaker, we are supposed to keep our remarks to the bill. The remarks of my colleague from across the way do not deal with the bill."

The Chair stated:

"The Chair has ruled that any reference to the bill, I believe S.B. No. 586, making reference to the bond issue, is not the subject of this debate, but in view of the Chair allowing Representative Hagino to speak in terms of the fiscal need of people on Oahu, the Chair will allow Representative Kunimura to address that particular area."

At 10:04 o'clock a.m., at the request of Representative Kamalii and with Representative Kunimura's consent, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:05 o'clock a.m.

Representative Kunimura then continued:

"Mr. Speaker, I shall follow the wise advice of the Minority Leader and, at this time, I will assure you touch upon references made to something very extraneous to the subject matter before the floor, but I speak in favor of this bill because I feel that I am representative of the people of the State of Hawaii; I am not a representative from Kauai or representative

of Oahu.

I am glad that we have almost unanimity here, in the feeling of representing the people of this State, whether we are Democrats or Republicans. We may have our differences, but one thing I have known in my seventeen years here in the House of Representatives, that people first run as representatives of the people and I have always accepted that with good feeling.

This particular bill, Mr. Speaker, is not a charity. This bill, Mr. Speaker, affords one of the most basic and oldest industries, and this industry has been with us since before annexation, and it has seen its ups and its downs, and now they have some problems because of Washington's inadequate solving of our particular international relations and tariff policy, so I feel it's incumbent, and I am happy that the gentleman who proceeded me agrees with this particular philosophy of government should do only those things that people cannot do for themselves. This will help the sugar industry on the Hamakua Coast to tide over until good times are with them again. And I know, there is always a bottoming out, there is always a bottom of the pit, and then they'll bounce back up again, and this is no exception. Sugar will be with us for a long time, and as long as we afford them an opportunity to survive this particular difficult financial condition, that they'll come back stronger than ever.

Now, Mr. Speaker, the reference made to another bill in the House, may I, just in a few words, say that that particular measure was with us last session."

The Chair then interrupted, stating:

"Representative Kunimura, the Chair has ruled that that particular measure is not the subject of this debate."

Representative Kunimura:

"But you allowed him to continue to make reference. Then I say this, Mr. Speaker, because I do not want to defy you, that that reference made that the City and County made a mistake is a bold-faced lie because they made a choice, and that was exposed when Representative Dods started asking some very important questions in the House Finance Committee.

Now, you know, Mr. Speaker, we have a committee system here, and if we have any particular interest in any bill, we make ourselves available

to the Committee; we can even testify before Committee. I've seen the Minority Floor Leader come before some of the committees I sit on. She testified because she had particular strong feelings. We are not precluded, as members of the House, but when we don't afford the Committee and the Committee membership, and especially the Chairman, in the very early stage of formulating a policy, and lay in the weeds, and come on the floor of the House on the sixtieth day to throw the bomb, I say this is not only political chicanery, I accuse this particular individual of being a juvenile, saying I am for this but because you didn't do this for me, which I believe in, I am going to be against it. I heard this yesterday, or day before, in the other chamber. What kind of animals are we electing to office these days anyway? That's the question, and I urge all members to vote for this bill."

Representative Uwayne then rose to speak in favor of the bill, but with serious reservations:

"Mr. Speaker, I was very fortunate to have been elected two years ago, and during my three years in this House, on three separate occasions during these three years, I have faced the very same issues that are before us right now.

During my first year, Mr. Speaker, I was faced with the decision of voting in favor or against a loan to the same industry that is in front of us today asking for a loan, and at that time, I voted in favor of a \$750,000 loan to the sugar industry.

During my second year, Mr. Speaker, in being in this House, again, I was faced with a very serious matter of again either voting in favor of or against another loan to the same industry. However, at this time the loan was a larger amount -- I believe it was about a \$1.5 million loan.

Mr. Speaker, this is just my third year in this House, and again I am faced with a very difficult decision in voting in favor or against another loan; however, this one is a far greater amount -- \$3.2 million.

Mr. Speaker, I've been in this House just three years, and during my short stay, I have voted on three different occasions on the very same type of bill -- a loan to the sugar industry.

Mr. Speaker, I was at that hearing which was a joint hearing of the Agriculture and the Finance Committee, and there were very relevant questions that were asked of the people testifying from the County of Hawaii, the sugar industry, different sugar plantations, etc. Mr. Speaker, at that hearing, there were some philosophical questions that were asked. At one point I asked the gentleman sitting across, testifying, at what point do we stop making loans to the sugar industry?

I can understand and sympathize with the fact that a lot of people who rely on their livelihood on the plantations will be faced with unemployment and hardship, and this was explained to me. However, Mr. Speaker, I pursued, and I asked him, at what point do we stop? We can't keep on giving subsidies, or loans, or whatever you call it, to the sugar industry.

However, Mr. Speaker, it was pointed out to me at that hearing that regardless of the fact that we are making other appropriations to look into alternative crops, we are giving them help within the University system in the research department dealing with agriculture. It was pointed out to me, Mr. Speaker, that it's just like my father, the gentleman pointed out. At what point, if my father or my grandfather -- he used my grandfather as an example -- at what point, if my grandfather had a terminal illness, that I would say that I would not put money in for his medical care and try and prolong his life.

Mr. Speaker, I was very happy he asked me that question because this is a very difficult question to answer and it is a philosophical question; but Mr. Speaker, my reply to that gentleman who had asked me that question was that my grandfather who came to this island as a plantation worker, as a contract worker, who worked hard in the field, and he spent his whole career and his whole life in the plantation, my grandmother still lives in a plantation home. Mr. Speaker, I said to that gentleman there who asked me that question, my grandfather worked very hard. His whole life was the plantation, but through his hard work, Mr. Speaker, he provided a home for my father, he provided love and warmth, and the plantation gave him that.

But if a situation arises where my grandfather, who is about 90, if a situation should arise where he was faced with a terminal illness and that medical attention could just prolong his life, yes, I told the gentleman,

I would provide for the funds, whether it's a subsidy or a loan, or whatever you call it, I would provide for it for a year, for two years, for three years, four, five, but at one point, at one point, my family would have to sit down and we would have to assess the situation, and I think my grandfather would understand and he would say that was great or that was okay with him; that at one point, we would have to stop because of the fact that there were other grandchildren, other people to consider, just as this State, there are other people, people on Oahu, who are right now getting short-changed. At one point we would have to stop and, at that time, Mr. Speaker, I know my grandfather would understand.

And I think the same thing with the sugar industry. But before we closed that hearing, Mr. Speaker, the one question that I asked the Department head of the Agriculture Department of the State, I asked Mr. Farias, would this loan here today, \$3.2 million loan, will you be back here again next year? His answer was, he didn't know. But then, Mr. Speaker, I left the halls and went outside and another gentleman, at this time I would not like to reveal his name, who was there testifying, came up to me and said to me, you know, Representative Uwaine, I am glad you didn't ask me that question because if you had asked me that question and I had answered you truthfully, I would have said yes.

Thank you, Mr. Speaker."

Representative Segawa also rose to speak in favor of the bill:

"Mr. Speaker, I believe there have been some references made to inequality of the dispersion of funds, some analogy has been made as to what decisions need to be made at a certain time in a person's life, Mr. Speaker, this morning I would like to point out to this group here, to my colleagues, that we do have a central educational system which allows for the disbursement of funds on an equitable basis toward the education of our children. Even on that equitable manner, I think we all agree that there is some inequity in the kind of schools that are provided funds; if you are in a good district you may find a lot more funds because of the legislator's work to get funds for that school.

The analogy regarding the point when we should stop putting in funds for a certain person, I don't think there is any relationship to this subject matter this morning. We are talking about thousands of people, we are not just talking about an industry of one company or one person, we are talking about several thousands of people who will be affected in the event that the industry closes out.

We are not talking about just today, but the future of the State of Hawaii. Because of the separation of our islands by the waters, we sometimes forget that we are still one State, the State of Hawaii. When one portion of our State, much like the body that we have, is affected, it finally affects the whole body. If the State of Hawaii feels that the portion of this State, whether it be the island of Hawaii, Oahu, Kauai or Maui, any one of our eight islands, is not a part of this whole State and needs to be supported at times we need the support, then we will find in the end that the small sore may grow up to be the cancer that affects the whole State.

Mr. Speaker, this bill will allow the funding for loans to an industry that has been here for a long time. They have been paying taxes for a long time. The people who have been employed by this industry have been paying taxes for a long time. In the days when we were not in the tourist business, I believe the sugar industry supported the State for the economy and the well-being of what we enjoy today. I think our memory is very short, that sometimes what others have done for us we forget, even in our analogy of our grandfather, as he gets old, we wonder what his value has been and we forget where our roots had started.

And so, Mr. Speaker, I think this is a very important bill that we should look at on a very objective basis. We're not just trying to help one industry, we're trying to help the thousands of people, we're trying to help the State of Hawaii, and if the Congress of the United States can agree on the way that they may subsidize the sugar industry, or perhaps set the payment on an equitable basis, we can help the industry to recover.

And so, Mr. Speaker, we've had cases like Kohala, yes, and many words have been spoken in criticism of the Kohala Task Force and what we had done after the fact, and it is easy to be the Monday morning

quarterback, Mr. Speaker, to say that this is wrong and this is not right. It is easy to say something after the fact. Mr. Speaker, we need to look down the road. We need to support an industry that needs help and it needs help today. So, in this regard, I ask all my colleagues to vote aye on this bill."

Representative Takamine rose to speak in favor of this bill:

"Mr. Speaker, in speaking in behalf of this bill, I would just like to say that in behalf of the people of the Big Island, I would like to take this opportunity to thank the conferees, the members of the Finance and the Agriculture Committees, and all the members of this body for the continued support of the sugar industry.

No questions in my mind, I can honestly say here that without this bill, that there would be 900 persons out of jobs, that the Hawaii county's unemployment would increase from 10 per cent to at least 20 per cent, it would mean the economy of Hilo 20 per cent, and while there is no guarantee that there won't be another Kohala, the passage of this bill will go a long way toward preventing another Kohala or Kilauea or several other companies that have closed.

So, with these few words, I would like to say thank you very much to all those that have contributed so much in coming up with this bill.

Thank you."

Representative Uechi was then recognized to speak in favor of the bill:

"Mr. Speaker, I appreciate some of the concerns expressed on the floor of the House this morning. I think these are the very issues that have been facing the Agriculture Committee for a number of years now. I share these concerns with those who have objected to some of the appropriations that were given in the past; however, I believe that it is important for us to aid the industry in the Hilo coast area for a period where employment is still provided and that the area that we are concerned about will still be viable as far as job opportunities are concerned.

I have had, in the past, criticism with regard to the Kohala Task Force.

These criticisms will come about in the near future if we do not take a look at alternative crops, and that is the reason why our Committee has been so strong in urging the Department of Agriculture, as well as the University of Hawaii, to speed up their efforts in finding alternative crops for this particular area.

I am sure that in the three years that the bill calls for in the pay-back of the loan to the processors will give us an indication of the viability of the sugar industry in this particular area. For this reason, I have supported this particular appropriation. I know that these hard questions will be facing us in the next three years and I can assure the House as well as the Committee that if the industry, more particularly, if the Hilo coast area cannot show that there is a future for sugar in this particular area, I will be the first to oppose any further appropriations for this particular area.

So with that, I urge all the members of the House to support this measure."

Representative Dods then rose to speak in favor of this bill:

"Mr. Speaker, as a representative from Oahu, I would like to rise and speak for this bill, but because some of the questions raised about this bill, I think it raises a lot more than what this bill actually does because I feel, Mr. Speaker, that the economic stability of the neighbor islands is very important to all of us. If the neighbor islands suffer economic hardship and go into a depression, the 30 per cent or more that they are getting in tax revenues would be a lot more to welfare payments, unemployment and social service benefits.

Mr. Speaker, I think the kind of action we are taking now in trying to help these people stay on their feet, in the long run, is going to make the State a lot stronger and I think that's what we should look forward to, the State as one, and not from Oahu versus the neighbor islands because I think we are all one."

Representative K. Yamada rose to speak in favor of the bill:

"Mr. Speaker, I am a product of the area in which this bill is addressed to. I grew up in a plantation camp so I know what it's like to have a background in sugar, coming from a place like that, and at least one individual in this House, Mr. Speaker, has made a great point in the past few weeks

of the preservation of the life style of the community, the plantation camps that we have. Isn't that what we are addressing ourselves to on this particular bill, Mr. Speaker?

That same individual says we've got to preserve our agricultural land, but we do have an industry, Mr. Speaker, utilizing these lands, and again, isn't that precisely what this bill addresses itself to?

Mr. Speaker, the problems with the sugar industry are not something we've created on our own, here and nationally, but the problem exists internationally and that's why it has been so confusing and so frustrating for many of us who've been trying to find remedies to these problems to come up with a good solution. And that's why the President of the United States and Congress have been involved in finding an equitable solution.

Just three years ago, Mr. Speaker, ten per cent of the world's surplus sugar was dumped in the United States and that caused the sugar prices to drop so drastically that it took the bottom out of the sugar industry here in the islands. That problem has not been remedied yet. We are still receiving a great deal of world-surplus sugar being dumped into the United States and the unfortunate thing, Mr. Speaker, is that this sugar is dumped at a very cheap price in the United States because of the surplus sugar, but in many foreign countries, sugar sells for a great deal more than what it sells in the United States for.

The analogy which was drawn with the grandfather who has been dying of a terminal illness is not applicable to this point. Many individuals who are akamai about the economic conditions of, not only the State of Hawaii, but the sugar industry, can tell you that there is hope on the horizon. The Congress has been acting on a bill raising the sugar price to 15.8 cents per pound. This would remedy a great deal of the problems that we are having today, but this bill addresses itself to a great deal more than that, Mr. Speaker.

It attempts to prevent a problem which occurred on Kauai with the Kilauea Sugar Company. It attempts to prevent the problem which occurred with Kohala Sugar Company. It attempts to retain 1000 jobs which are currently in existence throughout

the Hilo coast.

Mr. Speaker, one of the previous speakers mentioned that those 1000 jobs would be lost immediately, but it extends beyond that, Mr. Speaker. Shortly after the company closes, 4000 jobs will be lost on the Big Island and that effect will be extended to Oahu, as well. The cost for the State of Hawaii, if such a result were to come about, Mr. Speaker, would be horrendous in terms of unemployment, welfare and other social services costs, and that's what we're trying to prevent in this particular case.

There's one last thing that I would like to mention to all of the members of this group. We are elected from our district and to a certain extent we do get involved in provincial politics. But make no doubt of it, Mr. Speaker, when we get elected, we become a representative of the entire State, and if there is any problem in the State, it's a problem for everyone of us here, and if we don't address ourselves to the problem, then we're going to be remiss in our duties. It's not just a matter of having a tax increase for some of the residents here on Oahu; we're talking about jobs, we're talking about being able to earn a living, we're talking about the preservation of a life style which exists.

And that's why I ask all of the members to remember that we do represent every part of the State and ask you to support this bill."

Representative Kawakami then rose to speak in favor of the bill:

"Mr. Speaker, we either put the money on the front end or suffer the consequences when the sugar plantation and its independent growers on the Big Island go out of business.

I have lived through the closure of one sugar plantation on Kauai. Almost immediately after operations ceased, the company attempted to spin off all the sugar land to land speculators. So you here today must decide what the options are. If sugar goes on the neighbor islands, the whole State stands to suffer fiscally.

With the passage of this bill, we are offering the companies and the sugar workers a chance to pull through. I know that almost all of us here on the floor today still have dirt between our toes. We're all plantation stock. Study the history of Hawaii and the impact sugar has made to this great State.

Our philosophy should be based on what has happened in the past to determine how much progress we will make in the future.

Thank you, Mr. Speaker."

At this time, Representative Larsen rose and spoke in favor of the bill:

"I stand here with a bittersweet taste in my mouth, Mr. Speaker, because some of the gentlemen who have been up on the floor speaking in favor of the bill have had a great deal of complaint and, I believe, deep seated animosity about the sugar plantations in Hawaii. I've heard about these over the last five years and I think it's really enlightening to see them realize that although the plantations have caused hardship in the past, they have also created a way of life and a support system for many people and for many progenitors of those who are sitting here on this floor.

I believe that it is a system that is one that started in history and has come up to the present, but whether it will continue forever has nothing to do with us in this State. It has to do with the national policy and a national philosophy of what we should do about supporting our own industries in the country. Now, this is where the crux of the matter lies and I think it is our obligation to see that we can continue with our support until the national policy comes in harmony with how we can grow our sugar in Hawaii.

Now, in my view, the analogy we had about the grandfather and the sugar industry is exactly appropriate. At some point in time, whether it is this year, next year, or four or five years from now, it is going to be the exact analogy with the sugar industry because nothing goes on forever. The point is, will we be able to find alternatives to the sugar industry or will we be able to develop alternatives to the uses of the people and the land up there and give them opportunities other than in sugar. I think this is where we can address ourselves in the next few years.

I urge that we all support this bill and I appreciate the enlightened views of some of the members who have negative feelings about growing up in plantation communities and are now faced with the fact that yes, we had better support them for some little time in the future.

Thank you very much."

Representative Narvaes also spoke in favor of the bill:

"Mr. Speaker, I would like to echo the words of Representatives Segawa and Kawakami. What they said is definitely to the point and the issue. But, Mr. Speaker, I think we're fooling ourselves. We call this bill, and the bill is titled: 'Relating to sugar producers crop loans'. I believe that this bill should be titled 'relating to sugar producers crop subsidies'. My reason for saying this is based on the language.

On page two of this bill, that language reads, 'The Department of Agriculture shall make loans to independent sugar growers under this section at an interest rate not to exceed 2 per cent per year for which no collateral shall be required and there shall be no limit on the amount of a loan to the independent sugar growers as defined herein'.

Mr. Speaker, how many of Hawaii's individual citizens can get these kinds of interest rates? They certainly can't get 2 per cent loans under the recently passed special purpose revenue bonds for housing. Those loans are going to be way above 2 per cent.

Mr. Speaker, we should call a spade a spade, and in this case, a spade means another subsidy for sugar crop producers, not loan subsidies. Mr. Speaker, in my opinion, there are all kinds of types of welfare. We give welfare for the socially handicapped who really can't exist like so many people do in society today, and welfare in that case has become a part of our economy.

Mr. Speaker, we also give welfare payments, usually called subsidies, to big businesses, and in this case, that's what we're doing. But, like Representative Kawakami says, it's a decision we have to make. Do we give them front end welfare or do we give them rear end welfare? In this case, I think we should be giving them the money front-end, keeping the industry alive for as long as we can, and perhaps President Carter will change his mind about his sugar policy, but maybe he's right. Perhaps we should let the economy determine the price of sugar and maybe it would help most of the people in the country. Maybe it would actually help the people in the State. Maybe we'd get sugar cheaper, but then again, we'd have to listen to the words of Representative Larsen, how soon can we find an alternative crop? And that's what we should

really be working on, and we are, according to Representative Uechi.

But, Mr. Speaker, with those words I think again we should call a spade a spade and I'd like to have everybody vote in favor of the bill."

At this time, Representative Sutton requested the Chair to rule on a possible conflict of interest as he leases to the growers.

The Chair ruled "no conflict."

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

"I have given the authorization to the Chairman of the Agriculture Committee to proceed and negotiate because the amount fits well within the financial plan. But I think this morning, as to the statement whether it is being fair or not, in the appropriation to the rest of the counties, let me say, Mr. Speaker, I have also in my mind, I have also tried to fulfill my Chairmanship of the Finance Committee trying to be fair to all the counties, but the ill of the county and city of Honolulu, Mr. Speaker, is that the administration of the city and county has out-foxed, out-played, out-maneuvered the councilmen of the city and county. But if they ask me how to wipe out the deficit, I'll teach them, Mr. Speaker, I'll go and tell them how to do it if they give me the permission because the city of Honolulu is a very stable county and the municipal bond buyers and the bond rating of the City and County of Honolulu is double A and the deficit in no way endangers the rating of the City and County of Honolulu. I have the communication to that fact.

But let me say, Mr. Speaker, there are ways of reducing the deficit without raising the real property tax of the City and County of Honolulu.

Thank you, Mr. Speaker."

Representative Narvaes stated:

"Mr. Speaker, I would like to say a few words in reply to my colleague across the way, but it doesn't deal with the bill."

The Chair replied:

"The Chair would like debate on the bill, Representative Narvaes. You have made your argument on the bill; if you want to add any new or further arguments, the Chair will

recognize you on that basis."

Representative Narvaes:

"Mr. Speaker, many of the speakers who spoke today didn't actually talk about S.B. No. 1657 with all the drafts. They actually were talking about S.B. No. 586 which is the \$10 million bond issue. Perhaps, if these people want to really speak about the bill, maybe they should have recalled it from Committee and let the members of this body actually show their real position.

Mr. Speaker, I would like to say a few words about the bill, otherwise I guess I'm going to have to recall it to speak about it."

The Chair stated:

"The Chair, Representative Narvaes, has indicated to you and others that this body is now debating S.B. No. 1657, SD 2, HD 1, CD 1. The Chair, at this time, rules you out of order if you insist on debating the other Senate bill."

At 10:43 o'clock a.m., at the request of Representative Narvaes, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:47 o'clock a.m.

The motion was put by the Chair and carried and the report of the Committee was adopted and S.B. No. 1657, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUGAR PRODUCERS CROP LOANS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Hagino voting no, and Representative Ushijima being excused.

The Chair directed the Clerk to note that S.B. No. 77 passed Final Reading at 9:37 o'clock a.m.; S.B. No. 1373 at 9:37 o'clock a.m.; S.B. No. 1703 and H.B. No. 1473 at 9:38 o'clock a.m.; S.B. No. 1091 at 9:39 o'clock a.m.; H.B. Nos. 98 and 14 at 9:40 o'clock a.m.; and S.B. No. 1657 at 10:48 o'clock a.m.

Conf. Com. Rep. No. 57 on H.B. No. 48, HD 2, SD 2, CD 1 (Deferred from April 19, 1979):

On motion by Representative Takamine, seconded by Representative de Heer and carried, the report of the Committee was adopted and H.B. No. 48, HD

2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

Conf. Com. Rep. No. 58 on H.B. No. 1252, HD 2, SD 1, CD 1 (Deferred from April 19, 1979):

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1252, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FARM LOANS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

Conf. Com. Rep. No. 63 on H.B. No. 732, SD 2, CD 1 (Deferred from April 19, 1979):

On motion by Representative Kawakami, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.B. No. 732, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CAPITAL LOAN PROGRAM", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Ikeda and Sutton voting no and Representative Ushijima being excused.

Conf. Com. Rep. No. 75 on H.B. No. 38, HD 2, SD 3, CD 1 (Deferred from April 19, 1979):

On motion by Representative Lunasco, seconded by Representative Say and carried, the report of the Committee was adopted and H.B. No. 38, HD 2, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

At this time, the Chair directed the Clerk to note that H.B. No. 48 passed Final Reading at 10:48 o'clock a.m.; H.B. Nos. 1252 and 732 at 10:49 o'clock a.m.; and H.B. No. 38 at 10:50 o'clock a.m.

At 10:50 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives

reconvened at 10:55 o'clock a.m.

At this time, the Vice Speaker assumed the rostrum.

Conf. Com. Rep. No. 76 on H.B. No. 890, HD 1, SD 3, CD 1 (Deferred from April 19, 1979):

Representative Kawakami moved that the report of the Committee be adopted and that H.B. No. 890, HD 1, SD 3, CD 1, having been read throughout, pass Final Reading, seconded by Representative Stanley.

Representative Kamalii then rose to speak against the bill:

"Mr. Speaker, it is with great sadness that I rise to speak against H.B. No. 890, HD 1, SD 3, CD 1.

Mr. Speaker, I am bitterly disappointed by the provisions of this measure to implement Article XII of the new State Constitution, the Office of Hawaiian Affairs.

My first concern with this bill is that it continues the same mistaken attitude about the so-called confused legal right of Hawaiians to control and enjoy the benefits of the Office of Hawaiian Affairs. Let me emphasize legal right.

Since American annexation of the islands in 1898, it has been characteristic of all governmental efforts and eventual programs affecting Hawaiians to be justified on moral grounds. These programs appeal to the conscience of the powers-that-be to acknowledge the Hawaiians as weak and helpless.

Programs like the Hawaiian Homestead Act speak of the need to rehabilitate the Hawaiian. This Conference Committee report envisions the 'ultimate homogeneity' of our community. We cannot continue perceiving and judging Hawaiians like beautiful, simple children whose only handicap is their own culture. Perhaps we can forgive the congressional language of 1920, but I find it very hard to excuse this same attitude of implicit arrogance today. The purpose of the Office of Hawaiian Affairs is not, or should not, be to make or force the Hawaiians into being like everybody else, whatever that may be.

The public trust of ceded lands which would, in part, be vested in the Office of Hawaiian Affairs as described in Article XII of our State Constitution is not based on a moralistic concession of the conqueror to the vanquished.

This public trust begins in the joint resolution for annexation adopted by Congress in 1898, was included in the Organic Act of 1900 with the Federal Government as the trustee, and finally in the Admission Act of 1959. These documents are not just footnotes in our statutes or in a history book, they are active forces with legal standing. The Office of Hawaiian Affairs is directly traceable to Section 5(F) of the Admission Act, the enabling legislation of Hawaii statehood.

Mr. Speaker, the federally-recognized distinction between the status of ceded and other governmental lands was and is an essential incorporation of Hawaiian land law, especially of 'the Great Mahele'. The uninterrupted history of land tenure in Hawaii created the legal basis for all patterns of land ownership in the islands, thus the government transition of the kingdom, the provisional government, the republic, the territory and the State of Hawaii. The terms of the Mahele have retained their validity and the only way that integrity of title could have been maintained after the overthrow of the monarchy was to continue some special status for the crown-land for what we now call the ceded lands. To have denied this distinction would have jeopardized all titles. To then argue, as Conference Committee Report No. 76 does, that the terms of the public trust surrounding these ceded lands is unclear, is no longer an error of attitude or judgment, it is quite simply wrong.

Section 5 of the Admissions Act clearly deviates between the trusted Hawaiian homeland of the preceding Section 4 and then goes even further to distinguish between these lands to which the State has outright title in paragraph A and B and the terms of the trust. Nowhere in this bill is this delegation of the trust or the administrative power of the office delineated.

Instead, the Legislature, by requiring the annual submission of a budget to be funded, a yearly audit and the power to request and thereby direct research activity, the Legislature has effectively named itself the guardian of the Board of Trustees of the Office of Hawaiian Affairs.

Further, this proposal, after fundamentally usurping the powers of the Board, then returns all liability to the Trustees of the Office of Hawaiian Affairs. This rupture of the essential

linkage of responsibility with accountability is a fundamental violation of traditional corporate or trust functions.

I am in no way suggesting that OHA should be above the law, that it should be exempt from audit or review, but it could be charged now that the Legislature, by these provisions, was placing itself above the terms of the trust, and that is to be above the law.

The elements of and the factors affecting the Office of Hawaiian Affairs are not simple by any means. But OHA represents a possible and important new approach for Hawaii. Please note that I did not say for the Hawaiians alone, but for the entire State.

If this bill is allowed to pass, however, that opportunity will be lost. This version of the Office of Hawaiian Affairs is an insult, both to the Hawaiians it would pretend to serve and to all of the people of Hawaii.

There are simply too many flaws in this bill, Mr. Speaker. I do not think that we would jeopardize the State Constitutional deadline for the implementation of this Article XII if we are allowed to work on changes during the interim. In that way, next session, we could truly adopt an Office of Hawaiian Affairs, an office we could truly be proud of. An office which reflects a genuine appreciation for cultural diversity is a community strength, an office to which we truly extend our trust, an office which actively recognizes the legal right of the Hawaiians as a people to direct their own future in the State of Hawaii. Then, Mr. Speaker, I believe that we will all be the beneficiaries.

A beautiful line from one of the ancient chants to Laka does, I think, summarize what I have tried to say: I Kupu Ke A'A I Ke Kumu, I Lau A Puka Ka Mu'O, Ka Liko Ka 'Ao I Luna. Loosely translated, 'Let the root grow from the source so that the plant will bloom'.

This version of the bill violates the source, and makes it very difficult for the office to ever bear fruit.

Mr. Speaker and members of this House, I ask you to please join me in defeating this measure.

Thank you."

Representative Fukunaga rose to speak against H.B. No. 890:

"I would like to request that my remarks be inserted into the record,"

The Chair so ordered.

Representative Larsen stated:

"I would like to hear the remarks by Representative Fukunaga."

The Chair responded:

"I believe we've ordered her remarks to be inserted in the Journal."

Representative Larsen:

"Mr. Speaker, I'm sitting here trying to make up my mind. I see she signed the Committee report, 'I do not concur.' I would like to hear her remarks. Usually, the Speaker says, 'If there are no objections', we will have the remarks entered in the Journal. I object. I would like to hear her remarks."

The Chair:

"I believe she has the privilege of inserting her remarks, if she wishes, in the Journal."

Representative Larsen:

"She does, and I object."

At the request of Representative Garcia, the Chair declared a recess, subject to the call of the Chair, at 11:07 o'clock a.m.

The House of Representatives reconvened at 11:35 o'clock a.m.

At this time, the Speaker resumed the rostrum.

Representative Fukunaga then withdrew her request to have her remarks inserted into the Journal and proceeded to speak against the bill:

"This bill seeks to establish an Office of Hawaiian Affairs for the State of Hawaii in accordance with Article XII, Sections 4, 5 and 6 of the State Constitution.

This office is charged with managing the public land trust created by the Admission Act and the State Constitution. The concept is a sound one, and I believe that the Office of Hawaiian Affairs is the realization of that trust.

I further believe that the House version did seek to carry out that trust. However, portions of our final Conference draft do not favor

the interests and goals articulated in Section 1 of the OHA bill.

First, the bill provides for the appointment of an administrator of the Office of Hawaiian Affairs Board of Trustees. Section 11 of the bill sets the administrator's salary at \$30,000, a sum which is demeaning to the office and to its beneficiaries.

The administrator is charged with overseeing the policy-making and administrative functions of the Office of Hawaiian Affairs, including managing a budget, day to day operations of the office and Board, compliance with statutes and regulations, recruiting and retaining an Office of Hawaiian Affairs staff.

The administrator performs tasks similar in nature and scope to those of a department head. The Office of Hawaiian Affairs administrator should be compensated accordingly. The proffered salary of \$30,000 is not adequate to attract top caliber administrators to other State positions. This amount particularly discourages experienced administrators from applying during the crucial early stages of establishing the Office of Hawaiian Affairs and the Board of Trustees.

Second, Sections 13, 14 and 15 of Section 2 of the bill are inconsistent with and incompatible with Section 16.

In effect, the State wishes the Office of Hawaiian Affairs to be subservient to the State and at the same time, completely independent of the State.

Sections 13, 14 and 15 require the office to deposit and account for appropriations by the Legislature through the State Office of Budget and Finance. The office must submit a proposed budget to the Legislature each year and is subject to government audit. Finally, the office must submit an annual report to the Governor and the Legislature, including details on the Office of Hawaiian Affairs activities, income and expenditures.

Such close scrutiny by the Governor, the Legislature, and the public, promotes responsibility and accountability in any public entity. I do not refute the desirability of rigorous review. However, such provisions fail to take into account the fact that the public land trust monies represent an obligation that is long overdue to the Hawaiians. Yet this bill fails to allocate a specific percentage of those monies to OHA.

The State then disclaims liability for the acts and omissions of the office, officers, employees and board members, except in certain tort or breach of trust actions in Section 16 of the Conference draft.

In the initial stages, the office will be encountering controversy about how money should be invested and spent, how goals should be achieved, how benefits should be allocated. I fear that the State's disclaimer of liability would subject the office to numerous harassment suits by groups who disagree with the policies of the office or the board of directors. The office must have legal immunity which is broad enough to withstand these early challenges.

Mr. Speaker, the Office of Hawaiian Affairs is an obligation that is too important for hasty legislation. I urge my colleagues to reject this bill so that we can use the interim for further study and the drafting of more careful legislation to implement the constitutional mandate.

Thank you."

Representative Anderson then rose to speak in favor of the bill:

"Mr. Speaker, I don't think that there has been very many bills passed that had full agreeance from everybody. In fact, the Hawaiian Act of 1920, everybody had condemned that as a very bad piece of legislation out of Congress. As far as I'm concerned, it took until about four years ago for a department head to come in with new ideas, new programs and a new way to look at it, and I think she started to implement a supposedly bad piece of legislation and did a good job with it.

This document that we have, and that's what it is, a document, is not perfect. Fortunately for me, I am not a lawyer or I would probably sign, 'I do not concur', because of a lot of things that, even I, can see wrong with it. But it's going to take a lot of legal minds that are going to have to fix it up.

As far as a salary, if that's what a person is going to take this office for, particularly in the beginning of having a \$40,000 or \$50,000 office, then I think we can change that later. There's a lot of good legislation that has had to be corrected and, for that reason, I think we should pass this bill. And, if there has to be changes, we're going to have

to try it. If you don't try it and don't implement it and sit down, it's never going to work, you're never going to get everyone to agree that this is perfect. So I hope that all of my colleagues will vote aye.

Thank you."

Representative Holt also spoke in favor of the bill:

"Mr. Speaker, this bill represents a major effort on our part here in the Legislature, to better the conditions of native Hawaiians. It is long overdue and is strongly endorsed by both Hawaiians and non-Hawaiians alike.

Mr. Speaker, in reply to some of the earlier remarks, when Hawaiians are given the opportunity to move ahead, people oppose any such move because they can't have each and every one of their concerns addressed completely. I would surely hate to see the Hawaiian community come up with nothing, which would happen if we vote down this bill.

The Hawaiian community has waited too long to have it slip away. Then we have talked about the Hawaiian being screwed and tatooed, and yet, they are willing to vote against this measure. Let's not be foolish and play politics with Hawaiians anymore. This bill before us is a monumental piece of legislation which will finally provide the Hawaiians with something to hang their hats on. The concerns of groups in opposition to this bill can be worked out during the interim and in next year's session. We need to enact this legislation today so we can proceed with the election of the Board of Trustees in 1980 and with the establishment of the Office of Hawaiian Affairs.

But, Mr. Speaker, I have a real problem with one part of this bill -- the salary set forth for the administrator of the Office of Hawaiian Affairs. Mr. Speaker, I am embarrassed by the amount we ended up with for this job. According to this bill, the administrator will be paid \$30,000. Mr. Speaker, the House position going into conference was that the administrator would draw a salary comparable to that of a department head.

This was, I believe, and the conferees can correct me if I'm mistaken, the amount we agreed upon in conference with the Senate committee conferees. However, Mr. Speaker, there was a last minute claim of mis-communication by the Senate conferees who insisted

we agreed on a Conference draft position of \$30,000 and not the original House position.

Mr. Speaker, playing politics with something as important as this is very disturbing and really bugs the hell out of me. The Senate conferees, I believe, changed their position after the conference because of pressure from fellow colleagues who would not buy the higher salary level. I sincerely feel that the Senate did not act in good faith and purposely claimed mis-communication at the last minute so the House would not have time to confer on this matter before the deadline.

Mr. Speaker, at present, the Director of the Executive Office on Asian Affairs is paid \$37,500, the Executive Director of OMPO makes upwards of \$38,000 per year, the top State education offices in the Department of Education are paid \$39,000. Mr. Speaker, even a public UH Information Officer at \$30,240 per year earns more than your administrator will; that is, if we can find someone desperate enough to want all this responsibility for such meager pay.

Mr. Speaker, I believe that the administrator of this agency should be compensated at a level equal to that of a State department head. This agency is a first for Hawaii. It's going to be tackling a lot of tough problems and will have to be a pioneer in a lot of areas. We will need an experienced, qualified, strong administrator who is sensitive to the needs and differences of the Hawaiian community and who can, at the same time, relate these feelings into programs and also be able to enlist the support and help of the larger community and all levels of government.

Mr. Speaker, this is going to be a tough job. I, for one, would like to see the Office of Hawaiian Affairs work, and work well. I don't know where we're going to find someone of the caliber we're talking about to come and work for \$30,000. Mr. Speaker, I would be remiss if I did not acknowledge at this time, the Chairman of the Water, Land Use, Development and Hawaiian Affairs Committee for his effort and hard work at putting this very complex piece of legislation together.

Under the circumstances, and in light of the short amount of time

he had to create this office, Representative Kawakami, with the assistance of other committees to which it was referred, did an outstanding job. I would also like to especially acknowledge the expert help of Representative Dennis Yamada, Chairman of the Judiciary Committee, for his work on this bill.

Mr. Speaker, this is a landmark piece of legislation, and in spite of my reservations, I urge all my colleagues to vote in favor of it.

Thank you."

Representative Hagino then rose to speak against the bill:

"There were a lot of amendments that were proposed to the people of Hawaii and I think a lot of people may have felt that it was a hodgepodge of constitutional amendments, but basically, there was one theme running through most of the amendments and it's found in the preamble to the Constitution, 'We reserve the right to control our destiny, to nurture the integrity of our people and culture, and to preserve the quality of life that we desire'. I might add that that amendment was a product of people like Dean Tamayori who works for Calvin Say, and my brother, Jerry Hagino, and I think that the OHA bill, as it presently stands before us, is counter to that part of the preamble. The preamble basically sets the tone for the Constitution of the State of Hawaii.

In closing, I would like to say that the remarks made by Representative Kamalii reflect my feelings on this matter and I would like the Journal to reflect that I have incorporated her remarks in this speech.

Thank you."

Representative Kawakami then rose to speak in favor of the bill:

"Mr. Speaker, this bill implements the responsibility of the State to better the conditions of Hawaiians, a responsibility clearly spelled out in the Admissions Act and our new State Constitution. The passage of this bill, H.B. No. 890, as amended, is a major step in fulfilling the mandate of the voters on one of the amendments made by the 1978 State Constitutional Convention.

Mr. Speaker, in essence, this bill sets up a corporation to address the needs of Hawaiians through an Office of Hawaiian Affairs often referred to as 'OHA'. Based on the premise of self-determination and that it is

Hawaiians who should determine what would be good for Hawaiians, OHA will be governed by a board of trustees. This board will set policies and be comprised of Hawaiians who are elected by Hawaiians.

A major and initial task of the board is to develop a master plan for the betterment of Hawaiians. This master plan will identify the social, economic and physical needs of Hawaiians and establish immediate and long-range goals and objectives addressing these needs. Programs to attain the priority goals and objectives will then be established and implemented.

Administratively, the board will also act as a clearinghouse and referral agency for Hawaiian programs and may seek funding for these programs from public and private sources. They are also responsible for the receipt and disposition of any property or financial resources received by the board. Should reparations be received from the Federal government, the board will have the responsibility for its disbursement.

We have provided that the first election of this board be in 1980. The board will set up the Office of Hawaiian Affairs and we have included \$125,000 for these purposes. This will carry them through to June 30, 1981.

Mr. Speaker, I know some of my colleagues feel that a permanent funding system for the corporation should be established based on a percentage of revenues derived from the sale or lease of public lands. However, at this time, there are several problems about this idea. I would like to refer to page 3 of the bill on line 13, and with your permission, I would like to read these lines: 'The betterment of conditions of native Hawaiians, a pro rata portion of all the funds derived from public land trust, shall be funded in an amount to be determined by the legislature for this purpose and shall be held and used solely as a public trust for the betterment of the conditions of native Hawaiians'.

Mr. Speaker, this sentence in the bill itself brings to point that we have not addressed the problem of permanent funding for the office of OHA. Because of the basic philosophical differences between the House and the Senate, I felt that you have still two more sessions

to resolve this problem and I know that we will come to a head one of these days by enacting a bill that will put forth the House position.

Another point I would like to bring up, too, Mr. Speaker, is that we have to require the Department of Land and Natural Resources, which has the responsibility for the State public land, to create a different accounting system. We also have to be very clear as to what kinds of revenue we are talking about. An audit report of the Department showed that the Department does not, at this time, have proper accounts established for this purpose. And I, for one, Mr. Speaker, am very reluctant to institute a funding system without knowing what kinds of revenue we are dealing with.

Mr. Speaker, the success or failure of this corporation will depend largely on the proper funding system. And, therefore, I believe we should move carefully in this area rather than rush in and do something just for the sake of saying we did it. We have the time to set up a proper system within the next two years while the Department of Land and Natural Resources refines its accounting system. We will then gain a more accurate picture of what is involved.

Mr. Speaker, this legislation will have a far-reaching effect and is a product of both Houses after much discussion and debate. It can set forth the foundation for the future of many Hawaiians if we do it right. It is what we feel to be a comprehensive attempt to fulfill the State's responsibility under the Constitution and the law. I urge all my colleagues to vote in favor of it.

Thank you."

Representative Kamalii then rose to rebut some of the remarks made by various Representatives:

"Representative Kawakami has signed the Committee report; I want to say I appreciate very much the effort that our conferees put in this document. You will notice that it's an HD 1 and an SD 3. They had to fight long and hard for what we have before us.

Though I disagree with this document, I did want to thank Representative Kawakami for his efforts. However, as a Hawaiian, there is no way that I will be able to vote for this document. It is my opinion there is no way the Hawaiians will be left with nothing if this bill is defeated.

Article XII, with its very strong language, will remain and that Article will be much stronger, much more something, than if we pass this bill and fundamentally weaken the Constitutional provisions of the Office of Hawaiian Affairs.

Mr. Speaker, I'm tired, maybe I'm getting old, but I'm tired of other people and other Hawaiians urging other Hawaiians to accept crumbs or they will be given nothing. It's the willingness to accept something, anything less than what Hawaiians have a right to, which ultimately results in the demeaning of Hawaiians.

I'm happy to see the young Hawaiians in this session looking to the future, because this is a beginning. But like I said, Mr. Speaker, maybe I'm getting tired. I want it all now, before it's too late for me. I've worked too hard and too long and it's not very often I stand and become totally Hawaiian. I know this measure will pass, but I, personally, will not condone it. But I will say to the Chairman of the Committee that I will try hard during the interim to right some of these things. But I will not give up my principles any longer."

Representative Peters rose to speak in favor of the bill:

"I guess, over the years as a legislator, I have stood before this body and spoke about how I feel about things, especially those things that are Hawaiian. I know sister Kinau, sister Fukunaga and others who stood on this floor today and talked about this measure and being in opposition to it. They are speaking from inside as well, and I concur with their observations. I appeal to them, appeal to the rest of the members of this House, to look at this measure and try to weigh the good features of this measure along with, perhaps, those things that fall short of what we would consider the perfect bill.

As a Hawaiian, as one who has pushed for measures that are basically similar as a basic foundation for this bill, as a basic foundation for what you now find in our State Constitution, and that, if you recall, Mr. Speaker, is House Bill No. 1468 which was introduced last time around, last year by myself and others, established the foundation for what you now find in the Constitution dealing with the Office of Hawaiian Affairs.

Constitutional provisions have expanded upon that measure. The Constitutional delegates did a tremendous job incorporating that into our Constitution because they feel, like so many of us in the State feel, that Hawaiians are capable, are knowledgeable, are able to determine their own future. This measure, Mr. Speaker, does that.

It has a lot of flaws - dealing with the administrator's pay, dealing with perhaps not identifying source of revenue by which many of the activities, programs, the board of directors of the Office of Hawaiian Affairs would establish, in cooperation with all the Hawaiians throughout this State, but it sets that foundation, integrity of the Constitution and I have respect is honored. Sister Kinau said that she will work diligently during the interim and obviously comes as a message to all of us -- the Chairman of Water, Lands and Hawaiian Affairs and all the Committee members and everyone of us here. Yes, this document needs to be improved upon, but as it stands now, it is still sound in many respects. We need an election to occur, to allow all Hawaiians to register and to have an impact and a say as to what is going to happen to this office.

From a comprehensive point of view, looking at the total political structure of this State, I am proud to say they are going to finally have a major impact, not only here in this Legislature, the governorship, U.S. Senate, U.S. House, Mayor, Councils, that Hawaiians are going to have a say and they are going to make a major impact. This measure starts it all off.

So I guess by way of a message, everyone of us got it, we need to improve upon this document, but it is a sound document if you look at it from a very comprehensive point of view, and I urge all the members here to vote aye.

Thank you."

Representative Kunimura stated:

"I speak in favor of this bill with very, very mixed feelings. Points raised by Representative Fukunaga and sister Kamalii are valid and very good points. And yet, if I should accept their reasons and vote against this bill, then we wouldn't have anything on the books. But I feel I can support this measure today because, God willing, most of us will be here next session, and the other half of the loaf is on the other side of the rotunda. If we put our efforts together with nonpartisan

dedication, maybe before us with the first election of the OHA trustees, we can have these inequities corrected. And I hope, and I give you my solemn pledge, that I will support such a measure.

Mr. Speaker, too often the course of history in Hawaii has pointed to give the Hawaiians half a loaf or less. We must stop this, and I hope my support of this measure today will not be perpetuation of that stupidity that we have practiced for so long, but rather, the first cornerstone, foundation, of the true aspirations that we all have as free people. I remember when brother Henry came over to the Legislature and it didn't take too long, maybe the second year he was here or the third, but anyway, he came up with an idea and he introduced a bill to effectuate the true intent of the Admissions Act. And, Mr. Speaker, I cannot help but support this measure because this is the beginning, the budding or the flowering of the new fruit for OHA.

Mr. Speaker, I am going to vote for this measure with very heavy heart because I really don't know if I'm doing right or wrong, but I know we must start somewhere and I feel today is the day and I ask the good Lord forgive me if I should choose the wrong course today because I truly feel that we've come so far, and we've come by such a long path, to bring, not to a close, but to bring to a beginning what should have been done so many years ago.

Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 890, HD 1, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AN OFFICE ON HAWAIIAN AFFAIRS", having been read throughout, passed Final Reading on a Roll Call vote of 34 ayes to 16 noes, with Representatives Crozier, Evans, Fukunaga, Hagino, Hashimoto, Ige, Ikeda, Kamalii, Kobayashi, Lacy, Marumoto, Masutani, Say, Sutton, Toguchi and Uwaine voting no and Representative Ushijima being excused.

Conf. Com. Rep. No. 77 on H.B. No. 1642, HD 1, SD 1, CD 1 (Deferred from April 19, 1979):

On motion by Representative Larsen,

seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 1642, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

Conf. Com. Rep. No. 78 on H.B. No. 1671, HD 1, SD 2, CD 1 (Deferred from April 19, 1979):

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 1671, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Lunasco and Sutton voting no, and Representative Ushijima being excused.

At this time, the Chair directed the Clerk to note that H.B. No. 890 passed Final Reading at 12:10 o'clock p.m.; and H.B. Nos. 1642 and 1671 at 12:11 o'clock p.m.

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

The House of Representatives reconvened at 12:30 o'clock p.m.

Conf. Com. Rep. No. 79 on S.B. No. 1680, SD 1, HD 1, CD 1 (Deferred from April 19, 1979):

Representative D. Yamada moved that the report of the Committee be adopted and that S.B. No. 1680, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Honda.

Representative Sutton then rose to speak against the bill:

"Mr. Speaker, as I told you on previous occasions, Governor Thompson of the State of Illinois, who established the Crime Commissions in Chicago and Illinois, had helped both the former Lieutenant Governor Doi and myself with the problems faced by a Crime Commission.

He has told us that immunity is an essentiality both for the staff and for the Commissioner. Now, Mr. Speaker, the bill before us does not grant this immunity, but instead we have a Committee

report which I submit to you is very much out of date. Two days ago, the United States Supreme Court re-defined privilege in libel cases. The test case was between Herbert, CBS, Mike Wallace, Barry Landow and the Atlantic Monthly. The basic concept enunciated in the case which was decided on a 6 to 3 ruling that in libel in a public figure's case, they could look into a journalist's state of mind and the editorial process behind the allegedly libelous statement. In the Committee report, we have a statement that 'a qualified privilege generally exists where the publication is fairly made by a person in the discharge of some public or private duty, whether legal or moral', and they quote Prosser on torts 'the immunity conferred is not absolute, but is conditioned upon publication in a reasonable manner'. Now we're talking about a new test that the Supreme Court has put out where you look at the state of mind and the decision means that lawyers for Herbert were able to ask at least some of the questions that they previously could not ask because of the almost absolute privilege.

Now I submit to you that this recent Supreme Court case will come out in the advance sheets under a re-definition of what constitutes a qualified privilege. And therefore, our own case of *Medeiros vs. Kondo*, 55 Haw. 499, page 1269, is no longer good law, that the whole concept of libel has been changed and as it has been changed, we cannot assume that our staff or commission members will receive the protection of the qualified privilege and have immunity.

Now, Mr. Speaker, in ages old, we had knights and they had suits of armor and it made them much braver. When we play football, we wear helmets, we wear all sorts of padding, we have hip pads, we have so many protections. The same is true, Mr. Speaker, if you want a good investigator to do a job. You've got to give him the armor and the armor here is immunity, and before us we have a document which I submit to you is meaningless. It has absolutely no significance at all, and it becomes more meaningless in the last three days because of the United States Supreme Court Case in *Herbert vs. CBS, Mike Wallace, Barry Landow and the Atlantic Monthly*.

In the light of this recent Supreme Court decision, I am going to have

to ask you, Mr. Speaker, to vote no.

Thank you."

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

The House of Representatives reconvened at 12:55 o'clock p.m.

Representative Kamalii rose to speak against the bill:

"Mr. Speaker, I had hoped to be able to vote for this bill. I have publicly and repeatedly stood to speak for all efforts and programs which I believed would help provide the tools essential to an effective fight against crime. If I am to be at all consistent, then I must also speak up when I believe that this House has acted irresponsibly by omitting a provision for limited civil immunity for the State Crime Commission.

The primary power of the Crime Commission is its ability to courageously and openly investigate criminal activity -- at all levels and in all its forms. The use of such investigations is two-fold: first, whenever possible, the information so gathered should lead to prosecution.

There is also an incumbent responsibility of the State Crime Commission to fully inform the public whenever its investigations lead to serious discovery of criminal or ethical wrong-doing in our community.

As former United States Attorney Harold Fong described it, 'publicity is a criminal's worst enemy. Public discussion through a citizens crime commission...affects public interest and influences public opinion. That same force of public opinion...can ferret out an undesirable criminal influence in any level of government'.

Mr. Fong continued, 'the story of Wilfred Nappy Pulawa, Sr., is testimony of the effect of publicity and public opinion. For years, the name and identity of the head of organized crime in Hawaii was known only through secret intelligence briefings in Federal and State law enforcement circles. However, after Chief Francis Keala publicly identified Pulawa, and the late Honolulu Advertiser reporter Gene Hunter exposed the then existing power structure of organized crime in Honolulu through a series of newspaper articles, law enforcement agencies received the first real break in the case when previously uncooperative

witnesses came forward and agreed to testify...'

That is the power of full disclosure, to provide the context for gathering even more evidence, to foster prosecution and conviction. An unknowing public becomes an unwilling accomplice of crime, unable to move or act, and public opinion is rendered a silent partner in crime.

I am even more concerned and convinced of the need for legislation spelling out the Commission's limited immunity because of the recent Supreme Court decision regarding the press and libel. First amendment guarantees of freedom of the press are increasingly subjected to and succumbing to court challenge.

As often noted by Harold Fong, the press could once be seen as an active, unafraid source of public information. That, Mr. Speaker, may no longer be true.

If nothing else, the Court's ruling that a reporter's state of mind may be questioned to determine malice and therefore libel will probably lead to an increased use of libel suits as a form of harassment.

The same is true, my colleagues, of the State Crime Commission's willingness to state its conclusions publicly. A conditional protection, such as that provided by the Attorney General's office to defend all State Officers sued in the performance of their duties, is a very weak shield. Even this small crumb of protection is discretionary, allowing the Attorney General's office to make a case-by-case determination.

This question of discretionary power on the part of the Attorney General makes me very wary. I can cite from personal experience the problems I have had, contending with the Attorney General's discretion. Legislators have an explicit privilege of immunity. Article III, Section 8 of our State Constitution, the highest law of Hawaii, gives us that guarantee as legislators. But the Attorney General's discretion deprived me of the counsel he says the Crime Commission has without any written law.

I would hate to see you, my fellow legislators, have to go through what I did just to get what protection is supposedly legally ours. And I would hate to see this kind of treatment happen to the members

and staff of the State Crime Commission.

Enough time has elapsed since the establishment of the Crime Commission. We have all been impressed by their diligence and overall quality of their work. If there had been any serious doubt as to the value and trustworthiness of these individuals, we have seen no evidence in that regard. In short, the Commission has proven itself as a responsible body able to carry out a mission delegated to its members by the elected officials of the State of Hawaii.

Now, it is this House which must answer for its actions. Are we, or are we not, sincere in our efforts to fight crime? I now have my doubts because of our unwillingness to extend civil immunity to the State Crime Commission. I hope that we won't be sorry. I hope you will vote no because they do not have any privileged immunity as stated in the Committee report."

Representative Sutton again spoke against the bill:

"I just want to fill in a couple of gaps because we have a very serious interim situation that has occurred. Since this Committee report, we have had a Supreme Court decision, *Herbert vs. CBS*, Mike Wallace, Barry Landow and the *Atlantic Monthly*. We have had a 6 to 3 decision. In this decision, a very limited amount of discretion is left to the press, in fact, the press will soon have lost the last constitutional shred of its own editorial privacy and independence from government.

If the press has lost it, so have these employees, so have these investigators, so have the commissioners of this Crime Commission. The two concepts are exactly the same. Since we have a Committee report that brings this into focus in the wrong way on the basis of an opinion of the Attorney General made before the Supreme Court case, we have now a false sense of reliance and this false sense of reliance is further buttressed because they quote *Medeiros vs. Kondo*. In the *Medeiros* case, as you know, the court stated that there was an absolute need to prove malice. Now, you prove state of mind. We have reduced this qualified privilege to such an extent that anybody on this Crime Commission, any investigator who made a public statement, both they and the press who published it, would find themselves in a position of defamation, libel and slander, if the state of mind could be proved by numerous questions, there's no limit to the number of questions

you can now ask, to try to prove some indirect malice, some prior incident where malice itself might come out.

In our Crime Commission, we have former police officers. Those police officers through the years have, of course, made arrests. Evidence of the fact of those prior arrests would come in under state of mind of the individual and would be proved as malice. My own classmate at Stanford Law School, William Rainquist, says 'this itself will cut down first amendment protection for both the press and anybody making public statements'. When you talk here in terms of defamation, slander, criminal libel, there are criminal penalties, too, because of our slander and libel laws. How can we expect people to do a job without this armor and why should we permit, because of the decision of the Supreme Court while this lay on our desk, why should we permit this greatly reduced, non-existent immunity and this false reliance, almost like the doctrine of promissory estoppel, which you know so well, a reliance based on false information.

Therefore, Mr. Speaker, because of the fact that this Commission and these employees will not have immunity, we have for all intents and purposes, a useless Commission. What we're doing is so depriving them of the armor that they need to go into battle that they are exactly like a knight of old who had naught on his suit of armor, or like a football player, like Mr. Holt and myself, going into a football game without a helmet, without any pads or anything. All of the armor and paraphernalia needed to do the job, we have scrapped them of. But we have had it, Mr. Speaker, a very recent, very recent Supreme Court case and we can now change our minds with the intelligence that we all possess.

And therefore, Mr. Speaker, I ask you and each and every one of you in this room, to reconsider and to see if we cannot, between now and midnight, give this Commission immunity.

Thank you."

Representative D. Yamada rose to speak in favor of this measure:

"Mr. Speaker, first of all, I would just like the remarks that I made when this measure was going through

the House the first time to be incorporated again (See Journal of 47th Day, April 2, 1979).

I would just like to add that based on what the prior speakers have talked about, that publicity of known criminals or alleged criminal activity which results in prosecution, I think is good, but I think publicity which does not end up in prosecution and is really based on alleged, unsubstantiated fact, brings back MacArthurism."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1680, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A CRIME COMMISSION", having been read throughout, passed Final Reading by a vote of 45 ayes to 5 noes, with Representatives Evans, Kamalii, Lacy, Narvaes and Sutton voting no, and Representative Ushijima being excused.

The Chair directed the Clerk to note that S.B. No. 1680 passed Final Reading at 1:10 o'clock p.m.

S.B. No. 1721, SD 2 (Deferred from April 16, 1979):

Representative Suwa moved that S.B. No. 1721, SD 2, having been read throughout, pass Third Reading, seconded by Representative Morioka.

Representative Evans requested that her remarks, in favor of this bill, be inserted into the Journal. The Chair, noting no objections, so ordered.

"Mr. Speaker, this bill proposes to appropriate \$25,000 for an official celebration of the twentieth anniversary of Hawaii's statehood. My concern is that this money and the activities which it will fund will be beyond what I consider necessary and basic accountability of public funds.

Our last experience with this kind of funding occurred during Hawaii's participation in the bicentennial celebration. More than three years later, we are still unable to trace where all of the funds went or to obtain an accurate accounting of the status of some of the projects. In particular, Mr. Speaker, the Encyclopedia, which many considered to be the major project of our State's bicentennial still sits unpublished and in danger of becoming so dated as to never reach print. I consider this to qualify for a Golden Fleece Award.

Certainly this statehood celebration

does not have the grand ambitions that eventually crippled the bicentennial projects. If anything, there seems to be an almost total lack of any ideas for the use of this money, but I hope that at the least, this legislature will receive a full report on how the money is spent.

And, we can hope that these funds will be used in a way which will have a lasting value to the people of this State. I will vote for this measure with that hope.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 1721, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION AGENCY BOARD", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Ushijima being excused.

The Chair directed the Clerk to note that S.B. No. 1721 passed Third Reading at 1:11 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1256) informing the House that House Resolution Nos. 800 to 811, House Concurrent Resolution No. 183, and Standing Committee Report Nos. 1191 to 1255, 1257 and 1258 have been printed and distributed.

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

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1257) recommending that H.R. No. 720, as amended in HD 1, be adopted.

By unanimous consent, H.R. No. 720, HD 1, entitled: "HOUSE RESOLUTION RELATING TO STANDING AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF REGULAR SESSION OF 1979 AND THE CONVENING OF THE REGULAR SESSION OF 1980", was recommended to the Committee on Legislative Management.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report

(Stand. Com. Rep. No. 1258) recommending that H.R. No. 622, as amended in HD 2, be adopted.

Representative Morioka requested that his remarks, in favor of this resolution, be inserted into the Journal. The Speaker, noting no objections, so ordered:

"Mr. Speaker, the purpose outlined in this resolution requests that PUC and the Board of Land and Natural Resources give special consideration to issues pertaining to (1) the validity of determining that a need exists for high voltage facilities in the light of planning policies, alternative energy possibilities, and energy conservation measures; and (2) the location if need is established, of transmission lines where they will cause the least possible adverse impact on the affected communities.

Mr. Speaker, I recognize that the electric company is required by the terms of franchise agreement to provide power to meet requests for service. And according to the electric company's testimony presented to the Energy Committee of this House, their projection based on their current capabilities, will be inadequate to serve East Honolulu during peak hours in 1981. Mr. Speaker, this is their forecast based on existing demand, growth trends, and requests for service.

This forecast, however, does not take into consideration reduction by various energy saving measures, such as power cutoff device on water heaters and air conditioners, office and home solar units, biomass, etc. Mr. Speaker, the DPED's energy use in Hawaii dated November 1977, shows in table 14, an analysis of residential use of electrical energy, source of which was provided by HECO in 1976. It shows that 40% of energy consumed by a single family unit goes to heating of water.

We know, Mr. Speaker, that both the federal and state governments now provide tax incentives for the use of alternate energy devices, and that there are many taking advantage of this incentive and are converting their systems. I feel therefore, Mr. Speaker, that the Electric Company's projections should reflect the possible reductions of electrical energy requirements.

Once the need has been established, Mr. Speaker, the transmission of this energy comes into picture. The voltage, the substation and the distribution line become a major concern to the

affected communities. To provide for this particular concern, I introduced a bill in 1976 requiring the PUC to hold a public hearing when an electrical transmission line above 46KV was to be installed through any urban community. It was enacted and is known as Act 11, 1979.

This resolution mentions East Honolulu as the service area. Let me describe the boundaries. University Avenue is on the east, Piikoi Street on the west, Lowrey Avenue in the north and the ocean in the south. The project calls for meeting the electrical energy needs of this area during peak hours in 1981. To energize the substation that is being constructed at Kamoku and Kapiolani Boulevard, the high tension wire will be strung from Halawa through the Koolaus to Pukele station in Palolo, down through the valley through Kapahulu, back toward town on Date Street to Kamoku substation.

Mr. Speaker, we all know that a straight line is the shortest and least expensive route. This transmission line being proposed travels from Ewa to Kaimuki and back tracks to University Avenue to serve the Waikiki, Moiliili, Manoa and Piikoi areas.

It's obvious that this is not the shortest route and certainly not the least expensive route. Costly expenditures like this along with the high cost of fuel ends up in the rate base and becomes a burden to all rate payers.

This resolution, Mr. Speaker, therefore requests that PUC during their hearing in accordance with Act 11-76, or in their hearings in approving any capital improvement projects amounting to more than half a million dollars; that the Board of Land and Natural Resources during their hearings on conservation district use application give special consideration on issues and concerns mentioned in this resolution.

I urge all members to support this resolution."

Representative Say also requested that his remarks on this resolution be inserted into the Journal. The Speaker, noting no objections, so ordered:

"This resolution addresses two crucial issues facing our State: protecting the environment and

increasing our energy capacity.

I have studied the project's EIS and it is clear that all solutions offered to increase HECO's electrical capacity, for example, underground lines, the building of a new energy producing plant or running lines through Manoa, St. Louis Heights or Palolo, will all lead to the disruption of people's lives and the destruction of the city's landscape.

I have never before been so concerned in the political, social and economic stability of oil exporting countries. I am constantly reminded with every electrical, gasoline and telephone bill I pay, of our heavy dependence on foreign oil. A recent article in the HSB, dated March 14, 1979, 'Isle Resident's Getting a Shock out of Electricity Bills', revealed that since 1970, the cost of oil has skyrocketed from \$2.30 to \$15.72 a barrel, with no relief in sight and that this high cost of oil accounts for one half of our electricity bill.

This brings me back to the problem of the environment versus energy. It seems to me that the environment and energy can go hand in hand. Do we have to sacrifice one for the other? I would hope not. Presently there are projects studying natural resources, such as biomass, bagasse, wind, wave and geothermal energy. It is my understanding after consulting the HNEI that the Geothermal Energy Project on the Big Island is especially encouraging. Plans are being drawn to transmit this geothermal energy via underwater cable to the present system on Oahu. This cable could conceivably diverge in the ocean and energize from the sea coast to various points on Oahu, thus eliminating the need for gigantic transmission lines traversing the land. Dr. Paul Yuen of the HNEI has said that this project, if given a commitment by the State and HECO, could become reality in five to ten years.

The above is only one of several possibilities. This resolution affords us the time and opportunity to re-examine our priorities and broaden our perspective before making a final decision on an issue of such magnitude. In the words of the recently amended State Preamble, 'We dedicate our efforts to fulfill the philosophy decreed by the Hawaii State Motto, Ua Mau Ke Ea O Ka Aina I Ka Pono... We reserve the right to control our destiny... and to preserve the quality of life that we desire.'

On motion by Representative Blair, seconded by Representative Shito

and carried, the report of the Committee was adopted and H.R. No. 622, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION AND THE BOARD OF LAND AND NATURAL RESOURCES TO CONSIDER THE IMPACT ON THE COMMUNITY OF CONSTRUCTION OF TWO 138 KILOVOLT TRANSMISSION LINES FOR FUTURE SERVICE TO EAST HONOLULU", was adopted.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 24 on S.B. No. 694, HD 1, CD 1 (Deferred from April 19, 1979):

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 694, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION AGENCY BOARD", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ushijima being excused.

The Chair directed the Clerk to note that S.B. No. 694 passed Final Reading at 1:14 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative K. Yamada moved that the House reconsider its action taken on Conf. Com. Rep. No. 30 on S.B. No. 1703, SD 1, HD 1, CD 1, seconded by Representative D. Yamada and carried.

The Chair directed that S.B. No. 1703, SD 1, HD 1, CD 1 should lay on the Clerk's desk.

At 1:16 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:20 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 3, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Morioka and carried, H.B. No. 3, HD 1, SD 1, entitled: "A BILL FOR AN

ACT RELATING TO THE RELIEF OF CERTAIN CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFORE", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Ushijima being excused.

The Chair directed the Clerk to note that H.B. No. 3 passed Final Reading at 1:20 o'clock p.m.

At 1:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:24 o'clock p.m.

At this time, the Chair informed all members that although the Senate was in recess, the Senate had consented for the House to adjourn as soon as the House completed its business.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 812 to 845) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 812) recognizing "public schools week" (April 23 through 27) and urging all of the people of Hawaii to support the teachers, administrators, staff of the public schools in their efforts to "assignment with destiny" through education of our children was jointly offered by Representatives Lunasco, de Heer, Hagino, Honda, Say, Takamine and Uwayne.

On motion by Representative Lunasco, seconded by Representative Say and carried, H.R. No. 812 was adopted.

A resolution (H.R. No. 813) expressing deepest sympathy to the family of Dr. George P. Woollard was jointly offered by Representatives Ushijima, de Heer, Fukunaga, Aki, Anderson, Baker, Blair, Crozier, Dods, Evans, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Machida, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takitani, Toguchi, Uechi, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative de Heer, seconded by Representative Fukunaga and carried, H.R. No. 813 was adopted by a rising vote.

A resolution (H.R. No. 814) expressing condolences to the family of the late William "Jazz" Belknap, Sr. was jointly offered by Representatives Machida, Aki, Anderson, Crozier, Dods, Hagino, Honda, Inaba, Say, Takamine, Toguchi, Uechi and K. Yamada.

On motion by Representative Machida, seconded by Representative Crozier and carried, H.R. No. 814 was adopted by a rising vote.

A resolution (H.R. No. 815) honoring the 25th anniversary of Kalihi Elementary School was jointly offered by Representatives Holt, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Machida, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Holt, seconded by Representative Kawakami and carried, H.R. No. 815 was adopted.

A resolution (H.R. No. 816) recognizing the Honokaa Sugar Company as Hawaii's most efficient producer of sugar and congratulating its Vice President and General Manager, Ernest P. Bouvet, was jointly offered by Representatives Takamine, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lunasco, Machida, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takitani, Toguchi, Uechi, Uwayne, D. Yamada and K. Yamada.

Representative Kunimura then rose on a point of information, stating:

"If the gentleman from Honokaa would yield to a question, I would like to know if that's a fact or not because we have some pretty efficient sugar plantations that have very high quality ratio and low labor costs."

Representative Takamine would not yield to the question.

Representative Kunimura:

"Then it's a fantasy. Thank you."

On motion by Representative Takamine, seconded by Representative Segawa and carried, H.R. No. 816 was adopted.

A resolution (H.R. No. 817) congratulating Tom Okuyama on being named "Retailer of the Year" for Hawaii by the National Liquor Stores Association was jointly offered by Representatives Segawa, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Machida, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Shito, Stanley, Sutton, Suwa, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Segawa, seconded by Representative K. Yamada and carried, H.R. No. 817 was adopted.

At 1:28 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.

At this time, Representative Kunimura made a late introduction to the members of the House. He introduced Eileen Anderson, Director of Budget and Finance, who was seated in the gallery.

At the request of Representative Kunimura, Representative Sutton presented Mrs. Anderson with a red carnation lei while he sang "To You Sweetheart, Aloha".

A resolution (H.R. No. 818) congratulating Kohala Nursery on its millionth-dollar year was jointly offered by Representatives Takamine, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Machida, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

Representative Larsen rose to speak in favor of this resolution, stating:

"My congratulations, also, go out to Kohala Nursery for accomplishing a great job in that area and making a viable enterprise out of a very difficult problem.

Thank you."

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 818 was adopted.

A resolution (H.R. No. 819) honoring the memory of George Helm was jointly offered by Representatives Aki, Anderson, Baker, de Heer, Hagino, Holt, Kamalii, Kobayashi, Lunasco, Masutani, Narvaes, Sakamoto, Say, Toguchi and Uwaine.

On motion by Representative Kamalii, seconded by Representative Sakamoto and carried, H.R. No. 819 was adopted by a rising vote.

A resolution (H.R. No. 820) recognizing the University of Hawaii cheerleaders and pep squad for their efforts and sacrifices was jointly offered by Representatives Hagino, Say, Masutani, de Heer, Holt, Narvaes, Takitani and Uwaine.

On motion by Representative Hagino, seconded by Representative Say and carried, H.R. No. 820 was adopted.

A resolution (H.R. No. 821) commending the Chamber of Commerce of Hawaii for its publication, "Who's Who in Government", was jointly offered by Representatives Peters, Kihano, K. Yamada and Wakatsuki.

On motion by Representative Peters, seconded by Representative K. Yamada and carried, H.R. No. 821 was adopted.

A resolution (H.R. No. 822) congratulating the Roosevelt High School boys soccer team on their OIA championship victory was jointly offered by Representatives Fukunaga, de Heer, Ushijima, Aki, Anderson, Baker, Blair, Crozier, Dods, Evans, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Larsen, Lee, Lunasco, Machida, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Fukunaga, seconded by Representative de Heer

and carried, H.R. No. 822 was adopted.

A resolution (H.R. No. 823) congratulating Sakae and Satsuki Ushijima upon their golden wedding anniversary was jointly offered by Representatives Segawa, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Machida, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Shito, Stanley, Sutton, Suwa, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Segawa, seconded by Representative K. Yamada and carried, H.R. No. 823 was adopted.

A resolution (H.R. No. 824) extending deepest sympathy to the family of the late Eleanor Holt Desha was jointly offered by Representatives Kamalii, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Machida, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Kamalii, seconded by Representative Holt and carried, H.R. No. 824 was adopted by a rising vote.

A resolution (H.R. No. 825) extending condolence to the family of the late Harold Tsun Kui Yap was jointly offered by Representatives Kamalii, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Machida, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Suwa, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Kamalii, seconded by Representative Anderson and carried, H.R. No. 825 was adopted by a rising vote.

A resolution (H.R. No. 826) congratulating Janice L. Kilbey for being selected as Hawaii's recipient of the Harry

S. Truman Memorial Scholarship was jointly offered by Representatives Ige, Evans, Aki, Anderson, Baker, Blair, de Heer, Fukunaga, Garcia, Hashimoto, Holt, Honda, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Machida, Marumoto, Masutani, Morioka, Narvaes, Peters, Sakamoto, Segawa, Suwa, Takamine, Uwayne and D. Yamada.

On motion by Representative Ige, seconded by Representative Evans and carried, H.R. No. 826 was adopted.

A resolution (H.R. No. 827) recognizing and commending the Hawaii Game Breeders Association, Inc., for their efforts to revive "Haka Moa" and to promote inter-cultural cohesion was jointly offered by Representatives Peters, Crozier, Kihano, Kunimura, Morioka, Takitani, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Peters, seconded by Representative K. Yamada and carried, H.R. No. 827 was adopted.

A resolution (H.R. No. 828) approving the Journal of the House of Representatives of any legislative day being compiled as of the Sixtieth Day was jointly offered by Representatives Peters, K. Yamada, Evans, Kamalii and Kunimura.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 828 was adopted.

A resolution (H.R. No. 829) authorizing and directing the Committee on the Journal to compile and print the Journal of the House of Representatives of the Regular Session of 1979 was jointly offered by Representatives Peters, K. Yamada, Evans, Kamalii and Kunimura.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 829 was adopted.

A resolution (H.R. No. 830) authorizing the Speaker of the House of Representatives to designate which employees and officers of the House shall be given additional employment in order to meet the work after the session was jointly offered by Representatives Peters, K. Yamada, Evans, Kamalii and Kunimura.

On motion by Representative K. Yamada, seconded by Representative

Evans and carried, H.R. No. 830 was adopted.

A resolution (H.R. No. 831) authorizing and empowering the Speaker of the House of Representatives of the Regular Session of 1979 to complete the work of the Tenth Legislature was jointly offered by Representatives Peters, K. Yamada, Evans, Kamalii and Kunimura.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 831 was adopted.

A resolution (H.R. No. 832) extending a deep-felt mahalo to the Legislative Reference Bureau for its splendid cooperation and excellent service rendered to the House of Representatives, Regular Session of 1979, was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 832 was adopted.

A resolution (H.R. No. 833) expressing appreciation and thanks to the Legislative Auditor's Office for its splendid cooperation and service rendered to the House during this session was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 833 was adopted.

A resolution (H.R. No. 834) extending appreciation and thanks to the Honolulu Advertiser for its splendid coverage of the activities of the Tenth Legislature, Regular Session of 1979, was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 834 was adopted.

A resolution (H.R. No. 835) extending appreciation and thanks to the Honolulu Star-Bulletin for its extensive coverage of the activities of the Tenth Legislature, Regular Session of 1979, was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 835 was adopted.

A resolution (H.R. No. 836) extending

appreciation and thanks to the Associated Press for its extensive and splendid coverage of the activities of the Tenth Legislature, Regular Session of 1979, was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 836 was adopted.

A resolution (H.R. No. 837) extending appreciation and thanks to the United States Press International for its extensive and splendid coverage of the activities of the Tenth Legislature, Regular Session of 1979, was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 837 was adopted.

A resolution (H.R. No. 838) extending appreciation and thanks to the radio and television stations for their fine and extensive coverage of legislative activities throughout the session was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 838 was adopted.

A resolution (H.R. No. 839) extending appreciation and thanks to the Hawaii Public Television for its splendid coverage of the activities of the Legislature was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 839 was adopted.

A resolution (H.R. No. 840) expressing appreciation and thanks to the Capitol Security Force for outstanding services to this House throughout the Regular Session of 1979 was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 840 was adopted.

A resolution (H.R. No. 841) extending a deep-felt mahalo to the Central Services Division, Department of

Accounting and General Services for excellent services rendered to the House of Representatives, Regular Session of 1979, was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 841 was adopted.

A resolution (H.R. No. 842) extending appreciation and thanks to the Honolulu Police Department for its fine and efficient service rendered to the House of Representatives, Regular Session of 1979, was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 842 was adopted.

A resolution (H.R. No. 843) extending appreciation and thanks to the Pineapple Growers Association of Hawaii for supplying pineapple juice to the House of Representatives, Regular Session of 1979, was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 843 was adopted.

A resolution (H.R. No. 844) relating to Standing and Special committees authorized to conduct hearings during the interim between the adjournment of the Regular Session of 1979 and the convening of the Regular Session of 1980 was jointly offered by Representatives Peters, K. Yamada, Kunimura, Kamalii and Evans.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 844 was adopted.

A resolution (H.R. No. 845) extending sincere gratitude and thanks to the Honolulu Council of Churches and all of its member churches, the Honpa Hongwanji Mission and Catholic Diocese was jointly offered by Representatives Peters, K. Yamada, Evans and Kamalii.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, H.R. No. 845 was adopted.

At this time, the Chair discharged all the House Conferees on the following

bills:

H.B. No. 1639, HD 1, SD 1; S.B. Nos. 1096, SD 2, HD 1; 1097, SD 2, HD 1; 1098, SD 2, HD 1; 1099, SD 2, HD 1; 1100, SD 2, HD 1; 1101, SD 2, HD 1; 1102, SD 2, HD 1; 1103, SD 2, HD 1; 1104, SD 2, HD 1; 1105, SD 2, HD 1; 1106, SD 2, HD 1; 1108, SD 2, HD 1; 1742, SD 1, HD 1.

At 1:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:23 o'clock p.m.

Representative Kunimura then rose to introduce two women seated in the audience. He introduced the wives of two members of the House of Representatives, Mrs. Wakatsuki and Mrs. Crozier.

Representative Lunasco then rose and moved to recall Senate Concurrent Resolution No. 63, relating to the disapproval of the legislative salary plan submitted by the 1978 Commission on Legislative Salaries.

Representative K. Yamada stated:

"Mr. Speaker, I think the Constitutional provisions are quite clear. The recall provision only applies to bills and not resolutions. Furthermore, the House rules are clear. We do have a recall provision in the House rules, but that, too, only applies to bills.

We do have provisions dealing with resolutions and how they are handled, and they do not permit any recall procedures, Mr. Speaker."

The Chair then ruled that Representative Lunasco's motion was out of order. The Chair concurred with the remarks made by Representative K. Yamada.

Representative Lunasco rose on a point of inquiry, stating:

"Mr. Speaker, I can understand from what you have just said, the rules are silent, the leadership can do whatever they want in determining the disposal of anything in this legislature."

The Chair answered:

"The Chair would like to rule in this fashion. The Constitution provides that a bill referred to a Committee, 20 days thereafter, 17

members are entitled to recall such bill. The Constitution is silent on the question of resolutions. If the convention who wrote such a provision had intended that resolutions be also included, it is reasonable to conclude that they would have done so.

Under our House rules, Rule 34.1 makes reference to any bill referred to a Committee may be recalled by 1/3 of the members after 20 days when such bill was referred to a Committee. If this House intended that resolutions be treated in the same fashion, then the provision would have been included and adopted by this body.

Such being not the case, it is intended, in the Chair's opinion, that resolutions shall not be recalled by this body, and the Chair so rules."

Representative Lunasco:

"Mr. Speaker, I don't think you understood what I just said. Mr. Speaker, I'm not a learned lawyer, but I've been here 8 years and I've seen when the laws are silent just about anything else can be done."

The Chair then recognized Representative K. Yamada on a point of order, who stated:

"I believe the Chair has already ruled, Mr. Speaker."

The Chair:

"That is correct. Representative Lunasco, the Chair has already ruled."

Representative Hagino then moved that the decision of the Chair be appealed, seconded by Representative Uwayne.

The Chair:

"The question before this body is whether the Chair's ruling shall be sustained. All those voting in favor will sustain the Chair's ruling."

The Chair's ruling was sustained by a Roll Call vote of 39 ayes to 10 noes, with Representatives Hagino, Lunasco, Marumoto, Masutani, Sakamoto, Say, Sutton, Takitani, Toguchi and Uechi voting no, and Representatives Garcia and Ushijima being excused.

At 2:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:31 o'clock p.m.

The Chair stated:

"We've had a very long day. The Chair at this time will entertain announcements before entertaining a motion to adjourn sine die."

Representative Peters:

"Mr. Speaker, this being International Year of the Child, I would like to, at this time, yield to Representative Stanley."

Representative Stanley:

"Mr. Speaker, I have some very special news to share with my colleagues. My husband and I are celebrating the International Year of the Child by having our first baby in November."

Representative Sakamoto then rose and stated:

"I rise to express a few words of appreciation to all members of this House for their assistance during this past 60 legislative days.

Mr. Speaker, I believe that all's well that ends well, and I can't help but compare the accomplishments of this body as it stands today with some uncomfortable moments we all experienced shortly after convening this, the Tenth Legislative Session.

I am highly satisfied with the way this session has turned out despite its rough beginning. I believe that next year's session will be even more productive, constructive and interesting.

I would like to thank the senior members of this body, particularly the chairmen in the natural resources area and Finance Committee, for their patience and guidance in allowing me to test my wings.

As a freshman, I felt that the conventional wisdom and practices of this body should be closely examined, and changed if needed, in light of our changing island society. Consequently, I felt I had to try a lot of different things, things which involved change.

Mr. Speaker, this session has been filled with change, and for the better. We have voted to increase the State financial support for diversified agriculture and for the sugar industry, we provided our State energy programs with greater staff and technical capabilities, strengthened county coastal zone management

authority, implemented the Office of Hawaiian Affairs mandated by our recently adopted Constitutional amendments, and clarified the manner in which the State's marine resources will be developed in the future.

Mr. Speaker, of particular importance during this time of fiscal austerity, the Committee on Finance through the guidance and wisdom of its Chairman, has embarked on a new prospective on budgeting for State programs. This new approach and new format clearly identify priority areas of legislative concern which can be funded within the financial constraints of the original budget submitted by the State's chief executive.

I feel that this new approach to budgeting may well be our most important accomplishment this session. I know there are many other accomplishments in other areas, and I have mentioned only those in the program areas of which I am a member. Mr. Speaker, although we all have our own points of view, I deeply respect all the members of this honorable body for keeping the public good firmly fixed as their goal. Our honest disagreements can only lead to the resolution of the complex and changing problems we have been elected to solve.

Thank you all for the opportunity to work with you for a better Hawaii. Mahalo."

Representative Crozier:

"Mr. Speaker, I also would like to say a few words before we adjourn this year. I came in as a freshman and told myself that I would keep an open mind and learn as much as possible during this session, and I have.

These last 3-1/2 months have been one of the most rewarding and fruitful experiences I ever had and, Mr. Speaker, this could not have happened without the help of all the members of the House who always took the time and patience to explain and assist me in the issues. I don't know about the other freshmen, but for me, it was a complete new experience. You could have left me to grope around aimlessly, but you didn't, especially the senior legislators who were always congenial, courteous and willing to extend the benefit of their years experience to me.

I want to especially thank Representative Jack Suwa and the Finance Committee for going through the budget with me. It was an education in itself,

and I greatly appreciate the help and assistance of Representative Suwa's Finance Committee, and also the members who served with me. I really feel that I have expanded my knowledge and awareness of programs and operations of the state government.

In closing, Mr. Speaker, I would like to say that as a result of all this time here, I think that I have become a better person.

Thank you."

Representative de Heer:

"I, too, would like to, speaking as a freshman, echo the comments of the two previous speakers and express my deepest appreciation to all the senior members of this body. I have very few regrets when compared to the tremendous experience that I have gained and the confidence that I have in the political system has been increased.

I guess my only regret is that I can't print the lottery tickets anymore. Aside from that, I want to also express my appreciation for your understanding, Mr. Speaker, and I look forward to coming again next year when we can continue to work for the interests of all the people of our State.

Thank you."

Representative Uwaine also rose to speak:

"Mr. Speaker, as this is the last day of the 1979 Regular Session of the Tenth State Legislature, I would like to share some of my thoughts, if I may, with my colleagues and yourself on these last 60 days.

It is my belief that our basic duty here, as elected representatives of the people, is to do what we perceive to be in the best interest of the electorate. It is a difficult duty, one which carries great responsibility.

Mr. Speaker, it is our duty to sincerely strive toward and pursue our point of view, our assessment of what we believe to be good for the State of Hawaii. It is our right and responsibility to do this because each member in this House of Representatives is equal in the exercise of legislative power. No matter the margin of wealth, intelligence, age, or experience, we are all equal in the conduct of business here,

and should have equal access to and input toward the exercise of power.

As you know, Mr. Speaker, a group of democrats have often disagreed with you and members of the Majority caucus this past session. As equal members of this House, we have simply pursued what we believed to be right and best for those who elected us. We intend to continue to do this. Oftentimes, I and other members have disagreed with you and our position has not prevailed against the Majority.

I would simply like to remind you, Mr. Speaker, that the Majority position is not always correct, that efficiency in House operations should not necessarily be an absolute goal, and that although our democracy is based on majority rule, certain guarantees have been established in our Constitution for the protection of the minority from an overzealous majority.

Mr. Speaker, you know and I know that Hawaii's political structure is in transition. It has been 25 years since the democrats have become the majority party of this House. However, it is a mistake to think that all democrats are alike. There is a new force in democratic politics. It may not be fully represented as yet in our caucus, but it is present, it is real.

Mr. Speaker, I believe that this 'new force' will grow in the years to come and be represented here on this floor. We are nothing more than a reflection of the new hopes and the new aspirations of the people of this State.

Therefore, Mr. Speaker, we intend to continue to do what we believe is right and just, because we believe that a person's efforts are measured not only by what has been accomplished, but more importantly by what he has tried to achieve.

Mr. Speaker, it may be easier and simpler to just go along with the majority on important issues rather than express a dissenting, but equally valid and sincere point of view; however, I believe we are all elected to make difficult decisions involving issues which reasonable men may disagree on. We have a commitment to our constituents to do our best as their representatives, and this is what I intend to continue to do.

Thank you."

Representative Holt also spoke:

"Mr. Speaker, may I close by saying even though the learned Representative from Nuuanu claims they wore helmets when he played football, it is quite obvious he never used one."

Representative Kamalii:

"Mr. Speaker, on behalf of the Republican Caucus, I want to say that at the beginning of this session, 60 days always seems too long, but as we come to the end and realize that no matter how hard we work, not everything is done. The days seem too short. Our first day here, I spoke of the need to keep an open heart and an open mind if we were to complete our session with a sense of pride, and I believe we have.

I first want to say thank you to my staff who were so gracious to present me with this maile lei and I also want to express my sincere thanks to the members of the Republican Caucus. As you know, you have on your desk a long stemmed rose and it's the opinion of your Leader that we, in the Republican Caucus, have come out smelling like a rose.

I also would like to thank you, Mr. Speaker, and the leaders of the Majority party for the fine cooperation that we have received this session. I'm looking forward to working with all of you during the interim because we do have a tremendous amount of work before the next session, and when we end our 1980 session, I hope we can be as proud as we are today.

Aloha Me Ke Aloha Pau Ole."

Representative Kunimura:

"First of all, thank you very much. I tried my best and I think I kind of succeeded in getting along with you, and that doesn't mean that we didn't disagree on some of the issues, but I would like to take my short time here left in this session to thank all of the staff because without our staff, the many hours that they put in, this legislature wouldn't have moved an inch, the backroom staff, the printshop, the Sergeant-at-Arms office and all the staff members in the particular offices, whether they be majority or minority, we should never forget that it's the small things in life that are most important and on the day we forget the small things in life and the little people, that's the day

we should be voted out of office, so I hope we remember that God must have loved the little people because he made so many of them.

Thank you, Mr. Speaker."

Representative Peters:

"On behalf of the Majority Caucus, I would like to thank you personally for your leadership on this floor, your leadership transaction of activities we had to deal with issues that were vitally important to the State, to our people. I would like to thank the Majority members for their cooperation. I know it was kind of bumpy at times and, Mr. Speaker, I have a few scars to prove that point. But, as the Majority Leader in this House, I felt very humble, very pleased, exceptionally pleased, with the kind of leadership that every one of you as majority members have displayed. You've come up over and beyond smelling like a rose. You're fantastic. So, on behalf of the leadership, here, I would like to thank the Minority for their cooperation as well. My aloha goes out to you all.

Thank you."

The Chair then made a few closing remarks:

"The Chair has always attempted to administer his responsibilities and duties to the best of his ability, with fairness and impartiality. I have never intended to divide this House by identifying individuals with cliches or glamorous identities. Whether we are young, whether we are old, whether we're freshmen, sophomores or veterans with 20 years of service, I think we all should look upon ourselves elected as a body to do the best we believe in for the majority, and for the good of our State.

Reference has been made that there is a new force in this body. If there is, I believe 51 members here are the new force because each session, no matter how long your tenure here is, we meet with renewed vigor, renewed ideas, renewed hopes and aspirations, that we are all one here, not 2, 3, 4 bodies within ourselves.

I agree when people say the majority is not always right. I subscribe to that. I also believe the Minority's point of view is not always right, but let me remind all that the legislative process and elective process, whether the majority's point of view is proven wrong later on, the majority view should always prevail. This is why

all of us here have been elected by majority rule.

I would like to thank all of you for the patience and cooperation you have extended the Chair. I do realize that at times I may have shown some displeasure, but it was done at that moment. I believe that all of us here have done his and her job to the best of his and her ability. I think we should all be proud of this session. I would like to thank the Minority leadership and their members for their cooperation and understanding and extend my gratitude to the Majority leadership who have been a tremendous help to the Chair, to the Majority members who have given the respective chairmen support and understanding. I think we all have worked together for a very fine conclusion of this session. The Chair thanks all of you."

Representative K. Yamada:

"Mr. Speaker, before I move for adjournment, I'd like to note some comments that you made in your opening statement this year. You said, Mr. Speaker, that it was not the trees and the forest which were going to

trouble us, but the little vines along the path which would trip us. I'd like to reflect that you were right."

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 104A) informing the House that on April 17, 1979, he signed House Bill No. 1631 as Act 7, entitled: "RELATING TO THE PROGRESSIVE NEIGHBORHOODS PROGRAM", was read by the Clerk and was placed on file.

AJOURNMENT

Representative K. Yamada moved that the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, adjourn Sine Die, seconded by Representative Evans.

At 2:55 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1979, adjourned Sine Die.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Gov. Msg. No. 105 informing the House that on April 23, 1979, he signed the following bills into law:

House Bill No. 158 as Act 8,
entitled: "RELATING TO THE
PRACTICE OF BARBERING";

House Bill No. 286 as Act 9,
entitled: "RELATING TO
ADULT CARE HOMES, FAMILY
BOARDING HOMES, AND OTHER
SIMILAR INSTITUTIONS";

House Bill No. 603 as Act 10,
entitled: "RELATING TO THE
BOARD OF PHARMACY";

House Bill No. 612 as Act 11,
entitled: "RELATING TO PUBLIC
ASSISTANCE";

House Bill No. 614 as Act 12,
entitled: "RELATING TO THE
STATE INFORMATION AGENCY";

House Bill No. 734 as Act 13,
entitled: "RELATING TO LIFE
AND DISABILITY INSURANCE";

House Bill No. 931 as Act 14,
entitled: "RELATING TO THE
BOXING COMMISSION";

Senate Bill No. 1650 as Act 15,
entitled: "RELATING TO
CONSOLIDATION AND MERGER
OF CORPORATIONS".

Gov. Msg. No. 106 informing the House that on May 12, 1979, he signed the following bills into law:

Senate Bill No. 50 as Act 16,
entitled: "RELATING TO DISTRICT
JUDGES (CONSTITUTIONAL AMEND-
MENTS OF ARTICLES VI AND XVIII)";

Senate Bill No. 483 as Act 17,
entitled: "RELATING TO HOLIDAYS";

Senate Bill No. 615 as Act 18,
entitled: "RELATING TO RE-
EMPLOYMENT OF RETIRED PATIENT
EMPLOYEES OF THE DEPARTMENT
OF HEALTH";

Senate Bill No. 625 as Act 19,
entitled: "RELATING TO COMMERCIAL
FISHING";

Senate Bill No. 626 as Act 20,
entitled: "RELATING TO DESIGNA-
TION OF AGENTS TO SELL FRESH-
WATER GAME FISH LICENSES";

Senate Bill No. 683 as Act 21,
entitled: "RELATING TO DUTIES OF
THE DEPARTMENT OF TRANSPORTA-
TION";

Senate Bill No. 691 as Act 22,
entitled: "RELATING TO THE MOTOR
VEHICLE INDUSTRY LICENSING
BOARD";

Senate Bill No. 697 as Act 23,
entitled: "RELATING TO THE BOXING
COMMISSION";

Senate Bill No. 698 as Act 24,
entitled: "RELATING TO THE HAWAII
REGULATORY LICENSING REFORM
ACT";

Senate Bill No. 758 as Act 25,
entitled: "RELATING TO THE STATE-
WIDE TRANSPORTATION COUNCIL";

Senate Bill No. 1117 as Act 26,
entitled: "RELATING TO THE STATE-
WIDE TRANSPORTATION COUNCIL";

Senate Bill No. 1282 as Act 27,
entitled: "RELATING TO PENALTIES
FOR FALSE STATEMENTS AND REPRE-
SENTATIONS IN REGARD TO UNEM-
PLOYMENT COMPENSATION";

Senate Bill No. 1315 as Act 28,
entitled: "RELATING TO INSURANCE";

Senate Bill No. 1438 as Act 29,
entitled: "RELATING TO INDUSTRIAL
LOAN COMPANIES";

Senate Bill No. 1439 as Act 30,
entitled: "RELATING TO INDUSTRIAL
LOAN COMPANIES";

Senate Bill No. 1483 as Act 31,
entitled: "RELATING TO EXEMPTION
FROM CIVIL SERVICE FOR THE HAWAII
HOUSING AUTHORITY TENANT HIRE
PROGRAM";

Senate Bill No. 1492 as Act 32,
entitled: "RELATING TO THE HAWAII
INSURANCE LAW";

Senate Bill No. 1540 as Act 33,
entitled: "RELATING TO EQUIPMENT";

Senate Bill No. 1594 as Act 34,
entitled: "RELATING TO AIR POLLUTION
PERMIT FEES";

Senate Bill No. 1764 as Act 35,
entitled: "RELATING TO THE STATE
IMMIGRANT SERVICES CENTER";

House Bill No. 598 as Act 36,
entitled: "RELATING TO THE
UNIFORM SECURITIES ACT
(MODIFIED)";

House Bill No. 1640 as Act 37,
entitled: "RELATING TO THE
IMPORTATION OF LIQUOR FOR
TRADE SHOWS";

House Bill No. 1355 as Act 38,
entitled: "RELATING TO FISHING";

House Bill No. 1673 as Act 39,
entitled: "RELATING TO THE
INSTITUTE FOR MANAGEMENT AND
ANALYSIS".

Gov. Msg. No. 107 informing the
House that on May 14, 1979, he
signed the following bills into law:

Senate Bill No. 621 as Act 40,
entitled: "RELATING TO WORKERS'
COMPENSATION";

Senate Bill No. 1753 as Act 41,
entitled: "RELATING TO MOTOR
CARRIERS";

House Bill No. 21 as Act 42,
entitled: "RELATING TO THE AUDITOR";

House Bill No. 22 as Act 43,
entitled: "RELATING TO COUNTY
BONDS";

House Bill No. 580 as Act 44,
entitled: "RELATING TO ADULT
EDUCATION PROGRAM";

House Bill No. 738 as Act 45,
entitled: "RELATING TO INHERITANCE
AND ESTATE TAXES";

House Bill No. 866 as Act 46,
entitled: "RELATING TO REVENUE
BONDS";

House Bill No. 1127 as Act 47,
entitled: "RELATING TO THE USE OF
CREDIT CARDS FOR HOSPITAL
CHARGES";

House Bill No. 1186 as Act 48,
entitled: "RELATING TO THE BANK
EXAMINER";

House Bill No. 1649 as Act 49,
entitled: "RELATING TO AUDIT AND
ACCOUNTING";

House Bill No. 1686 as Act 50,
entitled: "RELATING TO THE HAWAII
HOUSING AUTHORITY".

Gov. Msg. No. 108 informing the
House that on May 16, 1979, he
signed the following bills into law:

Senate Bill No. 15 as Act 51,
entitled: "RELATING TO REAPPORTION-
MENT (CONSTITUTIONAL AMEND-
MENTS OF ARTICLE IV)";

Senate Bill No. 31 as Act 52,
entitled: "RELATING TO PUBLIC
ASSISTANCE PAYMENTS (CONSTITU-
TIONAL AMENDMENTS OF ARTICLE
IX, SECTION 3)";

Senate Bill No. 46 as Act 53,
entitled: "RELATING TO PUBLIC
OFFICE AND EMPLOYMENT (CONSTITU-
TIONAL AMENDMENTS OF ARTICLE
XVI, SECTION 3)";

Senate Bill No. 176 as Act 54,
entitled: "RELATING TO ASSISTANCE
TO DISPLACED PERSONS";

Senate Bill No. 1118 as Act 55,
entitled: "RELATING TO FERRIES";

Senate Bill No. 1389 as Act 56,
entitled: "RELATING TO PLANNING
AND DEVELOPMENT OF KAUAI";

House Bill No. 23 as Act 57,
entitled: "RELATING TO STATE
BONDS";

House Bill No. 187 as Act 58,
entitled: "RELATING TO PLANNING";

House Bill No. 581 as Act 59,
entitled: "RELATING TO THE STATE
LIBRARIAN";

House Bill No. 583 as Act 60,
entitled: "RELATING TO ENVIRON-
MENTAL QUALITY AND LITTER
CONTROL";

House Bill No. 588 as Act 61,
entitled: "RELATING TO THE HAWAII
EMPLOYMENT SECURITY LAW";

House Bill No. 1666 as Act 62,
entitled: "RELATING TO TAXATION";

Senate Bill No. 666 as Act 63,
entitled: "RELATING TO RECOVERY
OF OVERPAYMENTS OF PUBLIC
ASSISTANCE";

Senate Bill No. 670 as Act 64,
entitled: "RELATING TO PROCEDURES
FOR ADOPTION, AMENDMENT OR
REPEAL OF RULES";

Senate Bill No. 1303 as Act 65,
entitled: "RELATING TO ADOPTION
OF CHILDREN";

Senate Bill No. 1737 as Act 66,
entitled: "RELATING TO WORKERS'
COMPENSATION";

House Bill No. 498 as Act 67,

entitled: "RELATING TO THE POWERS OF BOARDS OF DIRECTORS";

House Bill No. 936 as Act 68, entitled: "RELATING TO NO-FAULT INSURANCE";

House Bill No. 982 as Act 69, entitled: "RELATING TO THE BUDGET";

House Bill No. 1526 as Act 70, entitled: "RELATING TO BEVERAGE CONTAINER REQUIREMENTS";

House Bill No. 1576 as Act 71, entitled: "RELATING TO SPECIFIC POWERS OF INDUSTRIAL LOAN COMPANIES";

House Bill No. 1659 as Act 72, entitled: "RELATING TO WASTE-WATER TREATMENT PERSONNEL";

House Bill No. 1687 as Act 73, entitled: "RELATING TO CONVEYANCE TAX".

Gov. Msg. No. 109 informing the House that on May 17, 1979, he signed the following bill into law:

House Bill No. 1200 as Act 74, entitled: "RELATING TO TAXATION".

Gov. Msg. No. 110 informing the House that on May 18, 1979, he signed the following bills into law:

Senate Bill No. 692 as Act 75, entitled: "RELATING TO THE BOARD OF MASSAGE";

Senate Bill No. 694 as Act 76, entitled: "RELATING TO THE COLLECTION AGENCY BOARD";

Senate Bill No. 919 as Act 77, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

Senate Bill No. 1043 as Act 78, entitled: "RELATING TO AWARDING OF INTEREST IN CIVIL CASES";

Senate Bill No. 1049 as Act 79, entitled: "RELATING TO NOISE";

Senate Bill No. 1238 as Act 80, entitled: "RELATING TO MEDICAL TORTS";

Senate Bill No. 1539 as Act 81, entitled: "RELATING TO EXCEPTION TO LIABILITY";

Senate Bill No. 1680 as Act 82, entitled: "RELATING TO A CRIME COMMISSION";

Senate Bill No. 1682 as Act 83, entitled: "RELATING TO FORFEITURE OF PROPERTY USED IN ILLEGAL GAMBLING";

Senate Bill No. 1727 as Act 84, entitled: "RELATING TO OFFENSES AGAINST THE PERSON";

House Bill No. 742 as Act 85, entitled: "RELATING TO DRIVER LICENSING";

House Bill No. 1211 as Act 86, entitled: "RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII";

House Bill No. 1653 as Act 87, entitled: "RELATING TO THE SALE OF AGRICULTURAL AND VEGETABLE SEEDS";

House Bill No. 1668 as Act 88, entitled: "RELATING TO THE SALE AND USE OF PESTICIDES".

Gov. Msg. No. 111 informing the House that on May 19, 1979, he signed the following bills into law:

Senate Bill No. 5 as Act 89, entitled: "RELATING TO TWELVE MEMBER JURY (CONSTITUTIONAL AMENDMENT)";

Senate Bill No. 6 as Act 90, entitled: "RELATING TO JURY TRIAL IN CIVIL MATTERS (CONSTITUTIONAL AMENDMENTS OF ARTICLE 1, SECTION 13)";

Senate Bill No. 42 as Act 91, entitled: "RELATING TO CODE OF ETHICS (CONSTITUTIONAL AMENDMENT OF ARTICLE XIV)";

Senate Bill No. 481 as Act 92, entitled: "RELATING TO CRIMINAL INJURIES COMPENSATION";

Senate Bill No. 581 as Act 93, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

House Bill No. 599 as Act 94, entitled: "RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS AND LANDSCAPE ARCHITECTS";

House Bill No. 1206 as Act 95, entitled: "RELATING TO THE LANDLORD-TENANT CODE".

Gov. Msg. No. 112 informing the House that on May 21, 1979, he signed the following bill into law:

House Bill No. 1674 as Act 96, entitled: "RELATING TO DRUGS".

Gov. Msg. No. 113 informing the House that on May 22, 1979, he signed the following bills into law:

Senate Bill No. 45 as Act 97, entitled: "RELATING TO OFFICIAL LANGUAGES (CONSTITUTIONAL AMENDMENTS OF ARTICLE XV)";

Senate Bill No. 182 as Act 98, entitled: "RELATING TO SENTENCING";

Senate Bill No. 1373 as Act 99, entitled: "RELATING TO THE DEPARTMENT OF EDUCATION: MAKING SUPPLEMENTARY APPROPRIATIONS OUT OF GENERAL REVENUES TO COVER CERTAIN DEFICIENCIES FOR THE FISCAL YEAR ENDING JUNE 30, 1979";

House Bill No. 3 as Act 100, entitled: "RELATING TO THE RELIEF OF CERTAIN CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 4 as Act 101, entitled: "RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 1449 as Act 102, entitled: "RELATING TO UNION LABELS";

House Bill No. 1695 as Act 103, entitled: "RELATING TO THE ESTABLISHMENT OF A CENTENNIAL COMMISSION ON SCANDINAVIANS COMING TO HAWAII".

Gov. Msg. No. 114 informing the House that on May 25, 1979, he signed the following bills into law:

Senate Bill No. 181 as Act 104, entitled: "RELATING TO CRIMINAL PROSECUTION";

House Bill No. 1140 as Act 105, entitled: "RELATING TO STATUTORY REVISION; AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS";

House Bill No. 1386 as Act 106, entitled: "RELATING TO CRIMES";

House Bill No. 1432 as Act 107,

entitled: "RELATING TO MOPEDS";

House Bill No. 1646 as Act 108, entitled: "RELATING TO HIGHWAY SAFETY";

House Bill No. 1647 as Act 109, entitled: "RELATING TO ADDITIONAL SUPPORT TO THE UNIVERSITY OF HAWAII FROM EXTRAMURAL FUNDS";

House Bill No. 1716 as Act 110, entitled: "RELATING TO EMBLEMS AND SYMBOLS";

House Bill No. 92 as Act 111, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 451 as Act 112, entitled: "RELATING TO PROMOTING A DANGEROUS DRUG";

House Bill No. 531 as Act 113, entitled: "RELATING TO PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS";

House Bill No. 544 as Act 114, entitled: "RELATING TO INDUSTRIAL CARCINOGENS";

House Bill No. 723 as Act 115, entitled: "RELATING TO FRAUDULENT CLAIMS SUBMITTED AGAINST THE STATE";

House Bill No. 748 as Act 116, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

House Bill No. 923 as Act 117, entitled: "RELATING TO OFFENSES AGAINST PROPERTY RIGHTS";

Senate Bill No. 1409 as Act 118, entitled: "RELATING TO THE GOVERNOR'S AGRICULTURE COORDINATING COMMITTEE";

House Bill No. 1667 as Act 119, entitled: "RELATING TO MOTOR CARRIER SAFETY LAW";

Senate Bill No. 1721 as Act 120, entitled: "ESTABLISHING A TWENTIETH ANNIVERSARY HAWAII STATEHOOD CELEBRATION COMMITTEE";

House Bill No. 82 as Act 121, entitled: "RELATING TO THE HAWAII REGULATORY LICENSING REFORM ACT".

Gov. Msg. No. 115 informing the House that on May 26, 1979, he signed the following bills into law:

Senate Bill No. 11 as Act 122, entitled: "RELATING TO PRIMARY ELECTIONS (CONSTITUTIONAL AMENDMENTS OF ARTICLE II, SECTION 8)";

Senate Bill No. 627 as Act 123,
entitled: "RELATING TO MINIMUM
SIZES OF FISH";

Senate Bill No. 1752 as Act 124,
entitled: "RELATING TO PUBLIC
ACCOUNTANCY";

House Bill No. 38 as Act 125,
entitled: "RELATING TO THE
BOARD OF EDUCATION";

House Bill No. 57 as Act 126,
entitled: "RELATING TO THE
HAWAII COMMUNITY DEVELOP-
MENT AUTHORITY";

House Bill No. 181 as Act 127,
entitled: "RELATING TO MOTOR
CARRIER LAW";

House Bill No. 188 as Act 128,
entitled: "RELATING TO
CORPORATIONS";

House Bill No. 282 as Act 129,
entitled: "RELATING TO
CRIMINAL HISTORY RECORD
INFORMATION";

House Bill No. 288 as Act 130,
entitled: "RELATING TO VITAL
STATISTICS";

House Bill No. 479 as Act 131,
entitled: "RELATING TO
ADVERTISING BY OPTOMETRISTS";

House Bill No. 589 as Act 132,
entitled: "RELATING TO WORKERS'
COMPENSATION";

House Bill No. 643 as Act 133,
entitled: "RELATING TO
ELECTIONS";

House Bill No. 732 as Act 134,
entitled: "RELATING TO THE
HAWAII CAPITAL LOAN PROGRAM";

House Bill No. 1588 as Act 135,
entitled: "RELATING TO DEGREE
GRANTING INSTITUTIONS";

House Bill No. 1627 as Act 136,
entitled: "RELATING TO ELDERLY
AFFAIRS";

House Bill No. 1654 as Act 137,
entitled: "RELATING TO AQUA-
CULTURE LOANS";

House Bill No. 1656 as Act 138,
entitled: "RELATING TO UNAUTHO-
RIZED VEHICLES ON SCHOOL AND
LIBRARY GROUNDS";

Gov. Msg. No. 116 informing the
House that on June 1, 1979, he
signed the following bills into law:

Senate Bill No. 9 as Act 139,
entitled: "RELATING TO PRIMARY
ELECTIONS (CONSTITUTIONAL
AMENDMENT OF ARTICLE II, SECTION
4)";

Senate Bill No. 664 as Act 140,
entitled: "RELATING TO ASSIGNMENT
OF WAGES FOR CHILD SUPPORT";

Senate Bill No. 1169 as Act 141,
entitled: "RELATING TO REGISTRATION
OF VEHICLES";

Senate Bill No. 1375 as Act 142,
entitled: "RELATING TO GASOLINE";

Senate Bill No. 1611 as Act 143,
entitled: "RELATING TO PREMARITAL
EXAMINATIONS";

House Bill No. 48 as Act 144, entitled:
"RELATING TO THE STATE PROGRAM
FOR THE UNEMPLOYED";

House Bill No. 100 as Act 145, entitled:
"RELATING TO THE STATE MOTTO";

House Bill No. 171 as Act 146, entitled:
"RELATING TO MOTOR VEHICLE
ACCIDENT REPARATIONS";

House Bill No. 421 as Act 147, entitled:
"RELATING TO CRIMINAL PROCEDURE:
DEFERRED ACCEPTANCE OF GUILTY
PLEA";

House Bill No. 737 as Act 148, entitled:
"RELATING TO THE CONFIDENTIALITY
OF TAX RETURNS AND INFORMATION
IN TAX RETURNS";

House Bill No. 867 as Act 149, entitled:
"RELATING TO APPEALS FROM THE DE-
CISIONS OF LIQUOR COMMISSION";

House Bill No. 1322 as Act 150,
entitled: "RELATING TO THE STATE
HEALTH PLANNING AND DEVELOPMENT
AGENCY";

House Bill No. 1528 as Act 151,
entitled: "RELATING TO THE
DISPOSAL OF SOLID WASTES";

House Bill No. 1634 as Act 152,
entitled: "RELATING TO COSTS,
ATTORNEY'S FEES AND JURY TRIALS
UNDER THE STATE TORT LIABILITY
ACT";

House Bill No. 1645 as Act 153,
entitled: "RELATING TO ABANDONED
VESSELS";

House Bill No. 1677 as Act 154,
entitled: "RELATING TO AQUARIUM
FISH PERMITS".

Gov. Msg. No. 117 informing the

House that on June 4, 1979, he signed the following bills into law:

Senate Bill No. 393 as Act 155, entitled: "RELATING TO CRIMINAL PROCEDURE: DEFERRED ACCEPTANCE OF GUILTY PLEA";

Senate Bill No. 1091 as Act 156, entitled: "RELATING TO THE LAPSING OF CAPITAL IMPROVEMENT FUNDS";

House Bill No. 102 as Act 157, entitled: "RELATING TO QUIETING TITLE";

House Bill No. 281 as Act 158, entitled: "RELATING TO THE EXPENDITURE OF PUBLIC MONEY AND PUBLIC CONTRACTS";

House Bill No. 287 as Act 159, entitled: "RELATING TO VITAL STATISTICS REGISTRATION";

House Bill No. 595 as Act 160, entitled: "RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPAIRATIONS ACT";

House Bill No. 596 as Act 161, entitled: "RELATING TO MOTOR BIKES";

House Bill No. 600 as Act 162, entitled: "RELATING TO PARTNERSHIP FEES";

House Bill No. 601 as Act 163, entitled: "RELATING TO DISPENSING OPTICIANS";

House Bill No. 604 as Act 164, entitled: "RELATING TO THE HAWAII MEDICAL MALPRACTICE UNDERWRITING PLAN";

House Bill No. 616 as Act 165, entitled: "RELATING TO THE HIGHWAY SUPPLIES AND EQUIPMENT ACCOUNT";

House Bill No. 739 as Act 166, entitled: "RELATING TO STATE HIGHWAY CLEARING ACCOUNTS";

House Bill No. 740 as Act 167, entitled: "RELATING TO STATE HIGHWAY FUND";

House Bill No. 921 as Act 168, entitled: "RELATING TO THE ISSUANCE OF TEMPORARY RESTRAINING ORDERS IN CASES OF SPOUSE ABUSE AND OTHER DOMESTIC VIOLENCE";

House Bill No. 1216 as Act 169,

entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE";

House Bill No. 1665 as Act 170, entitled: "RELATING TO HOUSING".

Gov. Msg. No. 118 informing the House that on June 5, 1979, he signed the following bills into law:

House Bill No. 79 as Act 171, entitled: "RELATING TO CHILD ABUSE";

House Bill No. 93 as Act 172, entitled: "RELATING TO THE SMALL CLAIMS COURT";

House Bill No. 435 as Act 173, entitled: "RELATING TO OFFENSES AFFECTING OCCUPATIONS";

House Bill No. 577 as Act 174, entitled: "RELATING TO SERVICES FOR INDIGENT CRIMINAL DEFENDANTS";

House Bill No. 606 as Act 175, entitled: "RELATING TO PUBLIC ASSISTANCE";

House Bill No. 608 as Act 176, entitled: "RELATING TO INVESTIGATORS OF THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING";

House Bill No. 1039 as Act 177, entitled: "RELATING TO THE STANDARD FORM FIRE INSURANCE POLICY";

Senate Bill No. 1657 as Act 178, entitled: "RELATING TO SUGAR PRODUCERS CROP LOANS";

Senate Bill No. 1760 as Act 179, entitled: "RELATING TO AERONAUTICS";

Senate Bill No. 1771 as Act 180, entitled: "RELATING TO DEVELOPMENTAL DISABILITIES";

House Bill No. 428 as Act 181, entitled: "RELATING TO NUISANCE ABATEMENT";

House Bill No. 511 as Act 182, entitled: "RELATING TO MOTOR VEHICLE INDUSTRY LICENSING";

House Bill No. 1004 as Act 183, entitled: "RELATING TO DURESS";

House Bill No. 1382 as Act 184, entitled: "RELATING TO TERRORISTIC THREATENING";

House Bill No. 1496 as Act 185, entitled: "RELATING TO THE

LIMITATION OF ACTION FOR DAMAGES BASED ON CONSTRUCTION TO IMPROVE REAL PROPERTY";

House Bill No. 1633 as Act 186, entitled: "RELATING TO THE MANUFACTURING AND DISTRIBUTION OF COMMERCIAL FEEDS IN THE STATE OF HAWAII";

House Bill No. 1648 as Act 187, entitled: "RELATING TO THE EXEMPTION OF NUTRITION PROGRAM ASSISTANTS";

House Bill No. 1663 as Act 188, entitled: "RELATING TO VOCATIONAL REHABILITATION";

House Bill No. 1664 as Act 189, entitled: "RELATING TO BLIND AND VISUALLY HANDICAPPED PERSONS".

Gov. Msg. No. 119 informing the House that on June 6, 1979, he signed the following bills into law:

Senate Bill No. 86 as Act 190, entitled: "RELATING TO INSURANCE";

Senate Bill No. 1284 as Act 191, entitled: "RELATING TO THE UNIFORM PROBATE CODE AND TRUSTS";

House Bill No. 173 as Act 192, entitled: "RELATING TO INTOXICATING LIQUOR";

House Bill No. 1657 as Act 193, entitled: "RELATING TO THE DEFINITION OF DEATH";

House Bill No. 1658 as Act 194, entitled: "RELATING TO CONTROLLED SUBSTANCES".

Gov. Msg. No. 120 informing the House that on June 7, 1979, he signed the following bills into law:

House Bill No. 189 as Act 195, entitled: "RELATING TO BOATING";

House Bill No. 890 as Act 196, entitled: "RELATING TO AN OFFICE ON HAWAIIAN AFFAIRS".

Gov. Msg. No. 121 informing the House that on June 8, 1979, he signed the following bills into law:

Senate Bill No. 1591 as Act 197, entitled: "RELATING TO ENVIRONMENTAL QUALITY COMMISSION AND ENVIRONMENTAL IMPACT STATEMENTS";

House Bill No. 177 as Act 198,

entitled: RELATING TO CONSUMER PROTECTION";

House Bill No. 1215 as Act 199, entitled: "TO AMEND SECTION 46-6, HAWAII REVISED STATUTES, RELATING TO PARKS AND PLAY-GROUNDS FOR SUBDIVISIONS";

House Bill No. 1642 as Act 200, entitled: "RELATING TO COASTAL ZONE MANAGEMENT";

Senate Bill No. 599 as Act 201, entitled: "RELATING TO THE PENAL CODE";

Senate Bill No. 1230 as Act 202, entitled: "RELATING TO SENTENCING";

House Bill No. 696 as Act 203, entitled: "RELATING TO THE PREPARATION OF CERTIFICATES OF BIRTH FOR ADOPTED CHILDREN BORN IN A FOREIGN COUNTRY";

House Bill No. 1557 as Act 204, entitled: "RELATING TO COUNTY COMMITTEES ON THE STATUS OF WOMEN";

House Bill No. 1473 as Act 205, entitled: "RELATING TO THE HAWAII WING, CIVIL AIR PATROL";

House Bill No. 80 as Act 206, entitled: "RELATING TO NURSING HOMES";

House Bill No. 160 as Act 207, entitled: "RELATING TO PHYSICIANS COOPERATIVE".

Gov. Msg. No. 122 informing the House that on June 9, 1979, he signed the following bills into law:

House Bill No. 2 as Act 208, entitled: "RELATING TO THE JUDICIARY BUDGET";

House Bill No. 455 as Act 209, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT";

House Bill No. 722 as Act 210, entitled: "RELATING TO AGRICULTURAL LOANS";

House Bill No. 1394 as Act 211, entitled: "RELATING TO INTEREST ON JUDGMENT";

House Bill No. 1581 as Act 212, entitled: "RELATING TO MINIMUM FINANCE CHARGES ON RETAIL INSTALLMENT CONTRACTS";

House Bill No. 1680 as Act 213,

entitled: "RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AND MAKING AN APPROPRIATION THEREFOR".

Gov. Msg. No. 123 informing the House that on June 9, 1979, he signed the following bill into law:

House Bill No. 1 as Act 214, entitled: "RELATING TO THE STATE BUDGET".

Gov. Msg. No. 124 informing the House that on June 18, 1979, he signed the following bill into law:

House Bill No. 988 as Act 215, entitled: "RELATING TO ARSON INVESTIGATION".

Gov. Msg. No. 125 informing the House that on June 21, 1979, he signed the following bills into law:

Senate Bill No. 87 as Act 216, entitled: "RELATING TO THE ADMINISTRATIVE PROCEDURE ACT";

Senate Bill No. 695 as Act 217, entitled: "RELATING TO THE ELEVATOR MECHANICS LICENSING BOARD";

House Bill No. 14 as Act 218, entitled: "RELATING TO THE TAX REVIEW COMMISSION";

House Bill No. 602 as Act 219, entitled: "RELATING TO FINANCIAL INSTITUTIONS";

House Bill No. 605 as Act 220, entitled: "RELATING TO PUBLIC ASSISTANCE";

House Bill No. 1232 as Act 221, entitled: "RELATING TO LAND USE";

House Bill No. 1252 as Act 222, entitled: "RELATING TO FARM LOANS";

House Bill No. 1661 as Act 223, entitled: "RELATING TO CORPORATIONS";

House Bill No. 1671 as Act 224, entitled: "RELATING TO CAMPAIGN SPENDING".

Gov. Msg. No. 126 informing the House that on June 26, 1979, he signed the following bill into law:

House Bill No. 438 as Act 225, entitled: "RELATING TO SEXUAL OFFENSES";

House Bill No. 638 as Act 226, entitled: "RELATING TO AN OKINAWAN CELEBRATION COMMISSION";

House Bill No. 1341 as Act 227, entitled: "RELATING TO RESIDENTIAL LEASEHOLD";

Senate Bill No. 32 as Act 228, entitled: "RELATING TO DOMICILIARY CARE (CONSTITUTIONAL AMENDMENTS OF ARTICLE IX, SECTION 2)";

Senate Bill No. 1430 as Act 229, entitled: "RELATING TO FISHING".

Gov. Msg. No. 127 informing the House that after considerable study and reflection, and after hearing the impressive arguments of those who have favored, and those who have opposed it, he has permitted the following measure to become law without his signature on June 26, 1979:

House Bill No. 520 as Act 230, entitled: "RELATING TO MINORS".

Gov. Msg. No. 128 transmitting his statement of objections to Senate Bill No. 654, which was returned to the Senate without his approval:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

May 12, 1979

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 654

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16, Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 654, entitled, 'A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED).'

Senate Bill No. 654, which relates to the Uniform Securities Act (Modified), is identical in all respects to House Bill No. 598. Since it is my intention to approve and to sign said House Bill No. 598, I am returning Senate Bill No. 654 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article

III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his disapproval of any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, Senate Bill No. 654, entitled, 'A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT (MODIFIED)', passed by the legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 654 is identical in all respects to House Bill No. 598, which latter bill I intend to approve and to sign into law; and

WHEREAS, my signing of House Bill No. 598 into law will render Senate Bill No. 654 unnecessary;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution, giving notice of my plan to return Senate Bill No. 654 with my objections thereon to the legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 12th day of May, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 129 transmitting his statement of objections to Senate Bill No. 1634, which he has returned to the Senate without his approval:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

May 30, 1979

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1634

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1634, entitled, 'A BILL FOR AN ACT RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT.'

The purpose of this bill is to amend Part III, 'FROZEN FOOD PRODUCTS', of Chapter 328, Hawaii Revised Statutes, to add a new section to define the phrase, 'thawed food', and to amend the consumer notification requirements for the sale of 'thawed food.' Although I have no objection to the clarifications attempted to be made by this bill, the title of this bill expressly states that this bill relates to the 'Hawaii Food, Drug, and Cosmetic Act,' which is Part I (Sections 328-1 to 328-29, inclusive) of Chapter 328, Hawaii Revised Statutes. Since the body of this bill relates to Part III and not to Part I of Chapter 328, it appears that this bill does not embrace but one subject as expressed in its title and, therefore, does not meet the requirements of Section 14 of Article III of the Constitution of the State of Hawaii.

Because of the constitutional objection, I believe that this bill cannot become law and I am herewith returning Senate Bill No. 1634.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, Section 16 of Article III of the Constitution of the State of Hawaii requires the Governor to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature;

WHEREAS, Senate Bill No. 1634, entitled, 'A BILL FOR AN ACT RELATING TO THE HAWAII FOOD, DRUG, AND COSMETIC ACT', considered by the Legislature during the 1979 Regular Session, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1634, not embracing but one subject as expressed in its title as required by the Constitution of the State of Hawaii, is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1634 with my objections.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 30th day of May, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 130 transmitting
his statement of objections to Senate
Bill No. 1451, which he has returned
to the Senate without his approval:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 4, 1979

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 1451

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article
III of the Constitution of the State
of Hawaii, I am returning herewith,
without my approval, Senate Bill
No. 1451, entitled, 'A BILL FOR
AN ACT RELATING TO HOUSING.'

Senate Bill No. 1451, which
relates to housing, is almost
identical to House Bill No. 1665,
and approval of both bills would in
effect constitute approval of duplicate
measures. Since it is my intention
to approve and to sign House Bill
No. 1665, I am returning Senate
Bill No. 1451 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article
III of the Constitution of the State of
Hawaii, the Governor is required to
give notice, by a proclamation, of
his disapproval of any bill presented
to him less than ten days before adjourn-
ment sine die or presented to him after
adjournment sine die of the legislature;
and

WHEREAS, Senate Bill No. 1451,
entitled, 'A BILL FOR AN ACT RELATING
TO HOUSING', passed by the Legislature,
was presented to the Governor within the
foregoing period; and

WHEREAS, Senate Bill No. 1451 is
almost identical to House Bill No. 1665;

and

WHEREAS, my signing of House Bill
No. 1665 into law will render Senate
Bill No. 1451 unnecessary;

NOW, THEREFORE, I, GEORGE R.
ARIYOSHI, Governor of the State of
Hawaii, do hereby issue this proclamation
pursuant to the provisions of Section 16
of Article III of the Constitution of the
State of Hawaii, giving notice of my
intention to return Senate Bill No. 1451
with my objections thereon to the
legislature of Hawaii as provided for by
said section 16 of Article III of the Consti-
tution of the State of Hawaii.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 4th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 131 returning House
Bill No. 98, without his approval, together
with his statement of objections relating to
the measure:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 6, 1979

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 98

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of
the Constitution of the State of Hawaii, I
am returning herewith without my
approval, House Bill No. 98, entitled,
'A BILL FOR AN ACT RELATING TO THE
JUDICIAL SALARY COMMISSION.'

House Bill No. 98 establishes a judicial
salary commission consisting of five
members to be appointed by the Governor
on or before September 30, 1979 and every
five years thereafter, which appointments
would be subject to confirmation by the
State Senate. Under the bill, the
commission would be required, within
ninety days after appointment, to submit
to the Governor, Legislature and Chief
Justice, its recommendations for salaries
or a salary plan for justices and judges
of all state courts. The commission's
functions would be purely advisory, and
after its recommendations were made, the
commission would dissolve.

Under the provisions of the bill, unless
the Senate were called into special session

to confirm the Governor's appointments to the commission, the commission would dissolve before any member of the commission could be confirmed, since the commission would be required to submit its recommended salary plan within ninety days from September 30, 1979 (or September 30 every five years thereafter) at the latest. If the Governor were to make temporary appointments to the commission, it would seem to violate the intent of the bill that the members thereof be confirmed by the Senate. Further, pursuant to Article V, Section 6 of the State Constitution, even if the Governor were to make temporary appointments to the commission, the commissioners could never be confirmed by the Senate at a regular session of the Legislature, since their appointments would have expired prior to commencement of any regular session.

For the foregoing reasons, I am returning House Bill No. 98 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 98, entitled, 'A BILL FOR AN ACT RELATING TO THE JUDICIAL SALARY COMMISSION', passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 98 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 98 with my objections thereon to the Legislature as provided by said Section 16 of

Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 132 returning House Bill No. 99, without his approval, together with his statement of objections relating to the measure:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 6, 1979

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 99

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith without my approval, House Bill No. 99, entitled, 'A BILL FOR AN ACT RELATING TO THE JUDICIARY.'

House Bill No. 99 establishes a Commission on Judicial Discipline 'which shall investigate and conduct hearings concerning allegations of judicial misconduct or disability and make recommendations to the supreme court concerning reprisal, discipline, suspension, retirement or removal of any justice or judge.' However, under Article VI, Section 5 of the State Constitution, as recently amended, it is provided that the Supreme Court, and not the Legislature, shall create the Commission. Therefore, to the extent that House Bill No. 99 legislatively establishes the Commission and provides for its structure, the bill appears to be unconstitutional.

Further, under House Bill No. 99, Section 1 of the proposed chapter which would establish the Commission does not accurately quote the Constitutional provision relative to part of the Commission's functions. Under the Constitution, the Commission is authorized 'to make recommendations to the supreme court concerning reprimand, discipline, suspension, retirement or removal of any justice or judge.' Under the bill, the word 'reprisal' is used instead of 'reprimand.' The two terms, however, have different connotations and are not interchangeable. A 'reprimand' has been defined as a 'public and formal

censure or severe reproof, administered to a person in fault by his superior officer or by a body to which he belongs.' The definitions of the word 'reprisal', on the other hand, indicate that it is a retaliatory action, an action involving the payment or giving of restitution. To construe the word 'reprisal', in its normal sense, therefore, would render the statutory provision unconstitutional.

House Bill No. 99 also seeks to delete from Section 604-2, Hawaii Revised Statutes, the proviso that a district judge may be summarily removed from office by the Supreme Court. The deletion is being made to conform with that portion of Article VI, Section 5 of the State Constitution, as recently amended, which provides that:

'The supreme court shall have the power to reprimand, discipline, suspend with or without salary, retire or remove from office any justice or judge for misconduct or disability, as provided by rules adopted by the supreme court.'

However, the Legislature has already passed Senate Bill No. 50, which also amended Section 604-2, Hawaii Revised Statutes, to reflect the new constitutional changes relative to district judges.

For the foregoing reasons, I am returning House Bill No. 99 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 99, entitled, 'A BILL FOR AN ACT RELATING TO THE JUDICIARY', passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 99 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 99 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 133 returning House Bill No. 1499, without his approval, together with his statement of objections relating to the measure:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 6, 1979

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1499

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1499, entitled, 'A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE AND TRUSTS.'

House Bill No. 1499 is practically identical to Senate Bill No. 1284, and approval of both bills would in effect constitute approval of duplicate measures. Since it is my intention to approve and to sign Senate Bill No. 1284, I am returning House Bill No. 1499 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his disapproval of any bill presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1499, entitled,

'A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE AND TRUSTS', passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1499 is practically identical to Senate Bill No. 1284; and

WHEREAS, my signing of Senate Bill No. 1284 into law will render House Bill No. 1499 unnecessary;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my intention to return House Bill No. 1499 with my objections thereon to the Legislature of Hawaii as provided for by said Section 16 of Article III of the Constitution of the State of Hawaii.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 6th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 134 returning House Bill No. 95, without his approval, together with his statement of objections relating to the measure:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 8, 1979

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 95

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith House Bill No. 95, entitled, 'RELATING TO THE GRAND JURY.'

The purpose of this bill is to implement Article I, Section 11, of the Constitution of the State of Hawaii, as amended by the Hawaii Constitutional Convention of 1978, by providing for the grand jury counsel, and to provide a statutory framework for grand jury proceedings.

The specific language of the Constitution to which H.B. No. 95 is addressed reads:

'Whenever a grand jury is impaneled, there shall be an independent counsel appointed as provided by law to advise the members of the grand jury regarding matters brought before it. Independent counsel shall be selected from among those persons licensed to practice law by the supreme court of the State and shall not be a public employee. The term and compensation for independent counsel shall be as provided by law.'

On its face, H.B. No. 95 satisfies the constitutional mandate by providing that: (a) each grand jury proceeding conducted under the authority of the State shall be aided by grand jury counsel; (b) grand jury counsel shall be appointed and removed by the Chief Justice of the Supreme Court; (c) grand jury counsel shall be licensed to practice law before the Supreme Court of the State, and shall not be a public employee; (d) the term of grand jury counsel is for one year following appointment, with provision for extension of term and limitation on reappointment; (e) grand jury counsel shall be compensated on a daily basis at the same rate as per diem judges of the District Court; and (f) grand jury counsel shall serve as independent legal counsel to the grand jury, whose function is to advise the grand jury but prohibiting grand jury counsel from engaging in direct questioning of the witnesses or the prosecution.

The word 'advise' is not defined, qualified or limited in the subject legislation, nor is there any provision that would confine grand jury counsel's duties to advise or assist the grand jury by providing the grand jury with information as to the law in such cases as may come before them.

The Due Process Clauses of the Federal and State Constitutions circumscribe the extent of 'advice' or 'aid' that any attorney attending the grand jury may provide to the grand jury.

'Advise' is a broad term and as ordinarily used includes recommendations regarding a decision or course of conduct.

Due process requires that where the indictment mechanism is employed, it must be through an unprejudiced grand jury. Any advice or aid that would tend to induce action other than which the grand jurors in their uninfluenced judgment would deem warranted on the evidence fairly presented before them

is deemed prejudicial and would result in tainted indictments.

Absent a limitation on the type of advice or aid grand jury counsel may provide to the grand jury, H.B. No. 95 is vulnerable to unconstitutional application.

Because of the foregoing constitutional problem, I am returning House Bill No. 95 without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 95, entitled, 'RELATING TO THE GRAND JURY' passed by the Legislature was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 95 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 95 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 8th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 135 returning House Bill No. 166, without his approval, together with his statement of objections relating to the measure:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 8, 1979

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 166

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 166, entitled, 'A BILL FOR AN ACT RELATING TO FOOD, DRUGS, AND COSMETICS.'

The purpose of this bill is to provide to consumers the opportunity to obtain prescription drugs at a cost savings by requiring dispensing pharmacists to substitute cheaper equivalent drugs for prescribed brand name drugs when filling prescriptions. I am strongly in favor of having a law that accomplishes such a worthwhile purpose and, in fact, my administration also submitted a bill on the same matter.

As originally introduced and passed by the House of Representatives, House Bill No. 166 would have designated the Department of Health as the agency responsible for establishment of the state drug formulary listing the equivalent drug products that the dispensing pharmacists could substitute. However, the Senate Committee on Health amended the bill to establish a new "Generic Substitution Board" that had the authority to establish the state drug formulary of equivalent drug products. Unfortunately, the Senate Committee on Health failed to allocate and place the new "Generic Substitution Board" within a principal department as is required by Section 6 of Article V (formerly Article IV) of the Constitution of the State of Hawaii and, therefore, the new board cannot be considered to be validly established. Since the new board will not be validly established by the bill, if it were enacted, a state drug formulary of equivalent drug products cannot be validly adopted and the worthwhile purpose of this bill cannot be achieved through the provisions of this bill.

Because of the constitutional objection, I believe that this bill cannot become effective law and I am herewith regretfully returning House Bill No. 166.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, Section 16 of Article III of the Constitution of the State of Hawaii requires the Governor to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature;

WHEREAS, House Bill No. 166, entitled, 'A BILL FOR AN ACT RELATING TO FOOD, DRUGS, AND COSMETICS', considered by the Legislature during the 1979 Regular Session, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 166, establishing a new administrative board without allocating that board within a principal department as required by the Constitution of the State of Hawaii, in unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 166 with my objections.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 8th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 136 returning House Bill No. 424, without his approval, together with his statement of objections relating to the measure:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 8, 1979

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 424

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16, Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 424, entitled, 'A BILL FOR AN ACT

RELATING TO CRIMINAL TAMPERING.'

As written, House Bill No. 424 permits the owner, operator, or passenger of one motor vehicle to release the brakes and move any unlocked, standing, unattended vehicle blocking or otherwise preventing the first vehicle from entering or leaving a parking location. In this form, House Bill No. 424 is overbroad in permitting tampering with any unlocked, standing, unattended vehicle, including those lawfully occupying the parking location which is 'blocked' for purposes of this bill. In this posture, House Bill No. 424 authorizes actions which are clearly violative of due process protections afforded the owners of lawfully parked vehicles under both Federal and State Constitutions.

In light of the foregoing constitutional infirmity, I am returning House Bill No. 424 without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice by a proclamation of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 424, entitled, 'A BILL FOR AN ACT RELATING TO CRIMINAL TAMPERING', passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 424 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 424 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 8th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 137 returning House Bill No. 1459, without his approval, together with his statement of objections relating to the measure:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 8, 1979

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1459

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16, Article III of the Constitution of the State of Hawaii, I am returning herewith House Bill No. 1459, entitled, 'A BILL FOR AN ACT RELATING TO TOWING COMPANIES OR REPAIR BUSINESSES.'

The purpose of House Bill No. 1459 is to prevent the accumulation and the assessment of excessive storage fees by a towing company or a repair shop by limiting assessment of fees, unless the registered and legal owners of towed vehicles or vehicles left for repair are notified of the location of their vehicles.

Although the purpose and intent of the bill have merit, I am nevertheless constrained to return this bill without my approval for the following reasons:

(1) The bill requires towing companies and repair shops to notify registered owners, on the sixth day, of the location of their vehicles.

Failure to comply with the notification requirement bars the towing companies and repair shops from assessing fees beyond the day that they were required and failed to so notify the registered owner of the location of his vehicle.

The notification requirement is very precise and demands that notice be given on the sixth day, not before and not after. This places a tremendous burden on the towing companies and repair shops to comply on that particular date in order to avoid being precluded from assessing further storage fees.

No provision is made for prior or subsequent notification given to the registered owner. Prior notification should not result in precluding further charges, but the bill appears to do this. Subsequent notification should also cure any previous failure to notify inasmuch as the failure to claim the vehicle in such instance is attributable to the registered owner, but the bill does not so provide.

(2) Notification must be given on the sixth day by certified mail, restricted delivery, return receipt requested. Notwithstanding this strict requirement, the bill fails to state whether notice is effective on mailing or receipt.

(3) This bill requires that a second notice be sent to the legal owner on the sixteenth day. Yet, failure to do so does not result in any penalty, not even in arresting the continued assessment of storage fees. The only penalty results from failure to notify the registered owner.

(4) An undue burden is placed on towing companies and repair shops, since vehicle registration information has been declared to be confidential and the bill does not require disclosure for this purpose. The towing companies and repair shops may thus be unable to secure the necessary information in order to comply with the notification requirements.

(5) The bill also penalizes a repair shop, if it fails to give notice, even when a vehicle has been left at a shop without giving the shop authorization to initiate repairs. In this instance the bill puts a burden on the shop to issue a notice in a situation where storage was initiated by the owner and repair delayed by the owner's failure to authorize repairs.

For the foregoing reasons, I am herewith returning House Bill No. 1459 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1459, entitled, 'A BILL FOR AN ACT RELATING TO TOWING

COMPANIES OR REPAIR BUSINESSES', passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1459 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1459 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution of the State of Hawaii.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 8th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 138 transmitting his statement of objections to Senate Bill No. 77, which he has returned to the Senate without his approval:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 8, 1979

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 77

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16, Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 77, entitled, 'A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS.'

The purpose of this bill is to designate the Department of Agriculture (DOA) as the lead agency responsible for management, operation and coordination of the agricultural park program and to establish a revolving fund for implementation of these responsibilities.

I am constrained to return the bill without my approval for the following reasons:

- (1) Section 171-3 of the Hawaii

Revised Statutes requires the Department of Land and Natural Resources (DLNR) to manage, administer and exercise control over public lands. This bill would impliedly repeal a portion of Section 171-3 by authorizing the DOA to manage, administer and exercise control over public lands used for agricultural parks. Moreover, these provisions would conflict with the provisions of Section 171-114, H.R.S., which allow the Board of Land and Natural Resources (BLNR) to lease lands for agricultural purposes to farmers. Due to the possible conflicts between the DOA and the BLNR which Senate Bill No. 77 engenders by its ambiguous provisions, further legislation is required to more clearly delineate responsibilities, including clarification as to which statutes would be controlling.

(2) Senate Bill No. 77 establishes an agricultural park revolving fund which requires that 'all receipts and revenues available for purposes directly relating to . . . the management, operation and coordination of agricultural parks', be deposited to this revolving fund. There is, however, no express revenue sources statutorily authorized for these purposes. Accordingly, there is uncertainty as to the types of revenues that will be deposited to this fund.

(3) The 1978 amendment to Article VII, Section 11 of the Hawaii State Constitution requires that all general fund appropriations shall be for specified periods. In an Attorney General's opinion dated March 9, 1979, it is stated that 'unless a specified term can be found in the language of the bill making the appropriation, such an appropriation is invalid under . . . Section 11.' Since the \$60,000 general fund appropriation authorized by this bill is not for a specified period, the appropriation appears to be in violation of Section 11.

For the foregoing reasons, I am returning Senate Bill No. 77 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice by a proclamation of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 77, entitled, 'A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS', passed by the Legislature, was presented to the Governor within the aforementioned period; and

of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 77 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

WHEREAS, Senate Bill No. 77 is unacceptable to the Governor of the State of Hawaii;

DONE at the State Capitol, Honolulu, State of Hawaii, this 8th day of June, 1979.

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 139 returning a copy of House Bill No. 1, with his statement of objections relating to the measure:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 9, 1979

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 1

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith House Bill No. 1, entitled, 'A BILL FOR AN ACT RELATING TO THE STATE BUDGET.'

The purposes of this bill are to appropriate funds to the Executive Branch for operating and capital improvement expenditures for the 1979-81 fiscal biennium, and to authorize the issuance of bonds to fund capital improvement projects.

Although the purpose and intent have merit, I find certain items in House Bill No. 1 to be objectionable.

A. The following item is for a maintenance type project which is to be financed through general obligation bond funding. However, bond funds should not be utilized to fund such projects unless long-term benefits are involved. Therefore, I find unacceptable the following item:

	Fiscal Year 1979-80	Total Biennium 1979-81
(1) Part V, Section 120, item K-6, page 227:		
'Hanalei River Project, Kauai. Design and construction for clearing of hau trees above the Hanalei bridge.'		
Construction	75	75
Total Funding	75C	75C

To the extent that the following item includes the appropriation for item A(1) above, I find it unacceptable and recommend that it be adjusted accordingly.

	<u>Fiscal Year</u> <u>1979-80</u>	<u>Total Biennium</u> <u>1979-81</u>
(2) Part III, Section 4, item K-22, page 45:		
Public Lands Management (LNR 101)		
Investment: Capital	371,000C	371,000C

B. The Board of Education, in exercising their control over the public school system, formulates the statewide policies and priorities for the development of public library programs and facilities to help improve and enrich the intellectual development and to provide for leisure time activities for the public. These policies and priorities, which are adopted only after extensive review and hearings, presently do not include a commitment for the development of a library program in the Makiki area. It is through such programmed developmental plans, such as those proposed under the State General Plans, that logical, orderly, rational and efficient allocation of resources can be made to provide for equal services to the communities served. Therefore, I find unacceptable the following items:

- (1) Part IV B, Section 107, page 88:

'Provided, that the general fund appropriation for Public Libraries (EDN 407) includes \$6,338 in fiscal year 1979-80 and \$6,338 in fiscal year 1980-81 to hire a library assistant for the Makiki Library.'

	<u>Fiscal Year</u> <u>1979-80</u>	<u>Total Biennium</u> <u>1979-81</u>
(2) Part V, Section 120, item G-285, page 200:		
'Makiki Library, Oahu Design and construction for renovations to the main floor mezzanine, including a second stairway, strengthening of railings and repair of light fixtures.'		
Construction	20	20
Total Funding	20C	20C

To the extent that the following items include the appropriations for items B(1) and (2) above, I find them unacceptable and recommend that they be adjusted accordingly.

- (3) Part III, Section 5, item G-15, page 52:

	<u>Fiscal Year</u> <u>1979-80</u>	<u>Fiscal Year</u> <u>1980-81</u>	<u>Total Biennium</u> <u>1979-81</u>
Public Libraries (EDN 407)			
Operating	234,241A	101,634A	335,875A

- (4) Part III, Section 4, item G-19, page 29:

Public Libraries (EDN 407)		
Investment: Capital	209,000C	209,000C

C. Among the many projects authorized in House Bill No. 1 which bear semblance to maintenance type projects, the following projects have been singled out as items constituting clear examples of repairs and maintenance projects. Such projects involve operational activities and should not be funded from general obligation bond fund sources. Bond fund financing should be utilized only for projects from which long-term benefits accrue. Therefore, the following items bordering on repair and maintenance are not acceptable:

	<u>Fiscal Year</u> <u>1979-80</u>	<u>Total Biennium</u> <u>1979-81</u>
(1) Part V, Section 120, item G-192, page 184:		
'Anuenue Elementary School, Oahu Design and construction for painting of the entire school.'		
Construction	46	46
Total Funding	46C	46C
(2) Part V, Section 120, item G-135, page 173:		
'Kailua High School, Oahu Plans and construction for repaving of courtyard area.'		
Construction	5	5
Total Funding	5C	5C
(3) Part V, Section 120, item G-210, page 187:		
'Kalani High School, Oahu Design and construction for painting entire school.'		
Construction	135	135
Total Funding	135C	135C
(4) Part V, Section 120, item G-211, page 187:		
'Koko Head Elementary School, Oahu Design and construction for painting of interior and exterior of entire school except library.'		
Construction	60	60
Total Funding	60C	60C
(5) Part V, Section 120, item G-284, page 200:		
'Kailua Library, Oahu Plans and construction for repaving of the Kailua Library parking lot.'		
Plans	1	1
Construction	9	9
Total Funding	10C	10C

To the extent that the following items include the appropriations for items C(1) through C(5) above, I find them unacceptable and recommend that they be adjusted accordingly:

	<u>Fiscal Year</u> <u>1979-80</u>	<u>Total Biennium</u> <u>1979-81</u>
(6) Part III, Section 4, item G-1, page 28:		
Regular Instruction Program (EDN 105)		
Investment: Capital	19,276,000C	19,276,000C

D. The construction and operation of a new leprosy facility at the Hale Mohalu site is an inappropriate use of public monies. At the present time, more than adequate accommodations and services are available for all leprosy patients. The current patient census does not warrant the construction of a new facility and would not serve the best interests of all leprosy patients, particularly those requiring higher levels of care. It would result in the fragmentation of services and would cost far more than what was appropriated in fiscal year 1980-81 to operate. For these reasons, the following items are unacceptable:

	<u>Fiscal Year</u> <u>1979-80</u>	<u>Fiscal Year</u> <u>1980-81</u>	<u>Total Biennium</u> <u>1979-81</u>
(1) Part IV A, Section 17, page 60:			
'Provided, that the general fund appropriation for Leprosy (HTH 111) includes \$255,791 in fiscal year 1980-81 for Hale Mohalu. Provided further, that the Department of Health may contract with private organizations.'			
(2) Part V, Section 120, item E-2, page 131:			
'Hale Mohalu, Pearl City, Oahu Plans, design and construction of leprosy facility. Unencumbered balances from Item 3H008 of 244/78 may be used to supplement this appropriation.'			
Design	25		25
Construction	325		325
Total Funding	350C		350C

To the extent that the following item includes the appropriations for items D(1) and (2) above, I find it unacceptable and recommend that it be reduced accordingly:

	<u>Fiscal Year</u> <u>1979-80</u>	<u>Fiscal Year</u> <u>1980-81</u>	<u>Total Biennium</u> <u>1979-81</u>
(3) Part III, Section 4, item E-2, page 19:			
Leprosy (HTH 111)			
Operating		2,302,626A	4,299,632A
Investment: Capital	353,000C		353,000C

Because of the objections aforementioned, I am returning House Bill No. 1 without my approval of the stated items.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1, entitled, 'A BILL FOR AN ACT RELATING TO THE STATE BUDGET', passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor may veto or reduce any specific item or items in any bill which appropriates money for specific purposes; and

WHEREAS, House Bill No. 1 appropriates money for specific purposes; and

WHEREAS, certain items in House Bill No. 1 are unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1 with my objections to certain items thereof to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 140 returning
House Bill No. 1338, without his
approval, together with his
statement of objections relating to
the measure:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 9, 1979

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1338

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III
of the Constitution of the State of Hawaii,
I am returning herewith House Bill No.
1338, entitled, 'A BILL FOR AN ACT
RELATING TO THE AQUARIUM.'

The purpose of House Bill No. 1338 is
to eliminate all fees charged to the public
for admission to the Waikiki Aquarium, to
allow the aquarium to accept donations
and to utilize moneys so received for
the maintenance, operation and expansion
of the aquarium.

Although the purpose and intent of
House Bill No. 1338 have merit, I find
certain ambiguities in the bill, which I
feel will give rise to administrative
difficulties. For example, this bill
authorizes the receipt of donations
'by a nonprofit, educational foundation
approved by the board of regents of the
University of Hawaii. The nonprofit,
educational foundation so approved shall
establish a board of directors and a special
fund for the purpose of receiving
donations. . . ' As the bill is presently
worded, it is unclear whether this
nonprofit, educational foundation would

be a private or public entity. If this is a public entity, impliedly the special fund must meet the requirements of chapter 37, Hawaii Revised Statutes.

Whether the foundation is a private or public entity, there is also an ambiguity as to who has ultimate responsibility over the foundation, the board of regents or the legislature. If the bill is construed as placing the responsibility for the foundation in the legislature, a constitutional question arises because the board of regents under the State Constitution has 'exclusive jurisdiction over the internal organization and management of the university.'

I also note that under existing law, the board of regents already has the authority to eliminate admission fees, so that further statutory authorization is not required. In that regard, because I favor the elimination of the admission fee, I hope the board of regents will take appropriate action to do so and to establish the mechanism and organization to handle the receipt of donations and to insure the proper handling of funds for the management and operation of the aquarium.

In view of the ambiguities above-mentioned and because the board of regents is empowered under existing law to eliminate the fee for admission to the aquarium, I am returning House Bill No. 1338 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of

Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1338, entitled, 'A BILL FOR AN ACT RELATING TO THE AQUARIUM', passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1338 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1338 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 9th day of June, 1979.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 141 transmitting copies of reports prepared by the Department of Education in response to Senate Resolution No. 31, requesting reports on violence, vandalism, and fires; and Senate Resolution No. 32, requesting a status report on the asbestos situation in public schools.

Gov. Msg. No. 142 transmitting copies of the Annual Report for the State Department of Labor and Industrial Relations, pursuant to HRS Sections 371-7 and 26-20.

DEPARTMENTAL COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Dept. Com. No. 17 from William R. Furtick, Dean, College of Tropical Agriculture, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 285, urging establishment of intern work-experience programs in the agricultural curricula at the Manoa and Hilo campuses of the University of Hawaii.

Dept. Com. No. 18 from William R. Furtick, Dean, College of Tropical Agriculture, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 513, requesting governmental agencies to refrain from imposing additional requirements and to review existing requirements that add to operational costs with a view toward reducing production-related costs of the Hilo Coast Processing Company.

Dept. Com. No. 19 from William R. Furtick, Dean, College of Tropical Agriculture, University of Hawaii at Manoa, acknowledging receipt of House Resolutions 153 and 351, dealing with agriculture cooperatives.

Dept. Com. No. 20 from William R. Furtick, Dean, College of Tropical Agriculture, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 244, urging expansion of the program of tropical agriculture of the College of Agriculture, University of Hawaii at Hilo.

Dept. Com. No. 21 from William R. Furtick, Dean, College of Tropical Agriculture, University of Hawaii at Manoa, acknowledging receipt of and responding to House Resolution No. 661 and House Concurrent Resolution No. 162.

Dept. Com. No. 22 from the Honorable William S. Richardson, Chief Justice, Supreme Court of Hawaii, acknowledging receipt of House Resolution No. 796, extending congratulations and commending the Hawaii Judiciary under Chief Justice William S. Richardson for being recognized and rated as the nation's most unified judicial system and for its model operation.

Dept. Com. No. 23 from Wayne Minami, Attorney General, State of Hawaii, acknowledging receipt of a copy of House Resolution No. 396.

Dept. Com. No. 24 from the Honorable William S. Richardson, Chief Justice, Supreme Court of Hawaii, acknowledging receipt of a copy of House Concurrent Resolution No. 179, commemorating May 1, 1979, as Law Day U.S.A.

Dept. Com. No. 25 from Wayne Minami, Attorney General, State of Hawaii, acknowledging receipt of a copy of House Resolution No. 207.

Dept. Com. No. 26 from Howard P. McKaughan, Acting Chancellor, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 726, requesting the formulation of a proposed plan for the organization of marine programs at the University of Hawaii.

Dept. Com. No. 27 from Howard P. McKaughan, Acting Chancellor, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 554, relating to the creation of a film-making and television degree program at the University of Hawaii and the community colleges.

Dept. Com. No. 28 from Howard P. McKaughan, Acting Chancellor, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 488, requesting a study of the feasibility of separating the School of Travel Industry Management from the College of Business Administration of the University of Hawaii.

Dept. Com. No. 29 from Wayne Minami, Attorney General, State of Hawaii, acknowledging receipt of a copy of House Resolution No. 840.

Dept. Com. No. 30 from Howard P. McKaughan, Acting Chancellor, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 581, requesting that the University of Hawaii, together with the Department of Budget and Finance, conduct a study to determine overhead support needs for research and training at the University of Hawaii.

MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Misc. Com. No. 94 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 275, requesting Congress to maintain the waiver in the Airline Deregulation Act of 1978 which prevents automatic market entry into Hawaii's interisland routes.

Misc. Com. No. 95 from the Honorable Spark Matsunaga, United States Senator, responding to House Resolution No. 565, requesting the United States Department of Labor to increase the average annual wage limitations for Hawaii's service employment participants under the Comprehensive Employment and Training Act.

Misc. Com. No. 96 from Patrick H. De Leon, Executive Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Concurrent Resolution No. 52, requesting Hawaii's Congressional delegation to pursue the establishment of an Olympic Training Center and Sports-Medicine Clinic in Hawaii with the U.S. Olympic Committee.

Misc. Com. No. 97 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 184.

Misc. Com. No. 98 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of a copy of House Resolution No. 184, Bellows Field.

Misc. Com. No. 99 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of a copy of House Resolution No. 641, CETA.

Misc. Com. No. 100 from Gordon Cavanaugh, Administrator, U.S. Department of Agriculture, acknowledging receipt of House Resolution No. 297.

Misc. Com. No. 101 from Fowler C. West, Staff Director, acknowledging receipt of a copy of House Concurrent Resolution No. 44, relating to the Farm Ownership Program Loans of the Farmers Home Administration.

Misc. Com. No. 102 from the Honorable Thomas P. O'Neill, Jr., Speaker, U.S. House of Representatives, acknowledging receipt of House Concurrent Resolution Nos. 22 and 435.

Misc. Com. No. 103 from Jack H. Watson, Jr., The White House, acknowledging receipt of certain resolutions.

Misc. Com. No. 104 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 278, requesting President Carter to invoke the Pelly amendment to the Fisherman's Protective Act to prevent illegal slaughter of whales.

Misc. Com. No. 105 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 297, concerning the farm ownership program of the Farmer's Home Administration, U.S. Department of Agriculture.

Misc. Com. No. 106 from James E. Lee, Assistant Administrator, Farmer Programs, United States Department of Agriculture, acknowledging receipt of House Concurrent Resolution No. 44.

Misc. Com. No. 107 from the Honorable Spark Matsunaga, United States Senator, responding to House Resolution No. 641, requesting certain waivers of limitations under the Comprehensive Employment and Training Act, the release of funds, and other legislative and administrative action.

Misc. Com. No. 108 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 224, requesting the Hawaii Congressional delegation to support the passage of federal legislation establishing reemployment rights for federal employees who are ordered to National Guard duty by their state governor.

Misc. Com. No. 109 from Roger C. Thompson, Secretary of the Senate, State of New York, acknowledging receipt of House Resolution No. 470, supporting the Hawaii coalition of labor organizations in their boycott of J.P. Stevens and Company products.

Misc. Com. No. 110 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Resolution No. 435, relating to seabed mining operations.

Misc. Com. No. 111 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Concurrent Resolution No. 22, relating to Hawaii's banks.

Misc. Com. No. 112 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Resolution No. 548, relating to aircraft noise.

Misc. Com. No. 113 from Toshio Ishikawa, Acting Mayor, County of Maui, acknowledging receipt of a copy of House Resolution No. 797, regarding the Fiftieth Anniversary of the Future Farmers of America, and a copy of House Concurrent Resolution No. 179, commemorating May 1, 1979 as Law Day U.S.A.

Misc. Com. No. 114 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Concurrent Resolution No. 22, requesting the Congress of the United States to exempt Hawaii's banks from the reserve requirement provision of any federal reserve membership legislation which it should pass.

Misc. Com. No. 115 from Elizabeth A. Abramowitz, Assistant Director, Domestic Policy Staff, The White House, acknowledging receipt of a copy of House Resolution No. 436, regarding full funding for P.L. 94-142, education for all handicapped children.

Misc. Com. No. 116 from Claro R. Capili, Sr., Acting Mayor, County of Maui, acknowledging receipt of a copy of House Concurrent Resolution No. 120, requesting the acquisition of federal grants for bicycle projects under the Federal-Aid Highway Act of 1978.

Misc. Com. No. 117 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Concurrent Resolution No. 120, relating to bicycle projects.

Misc. Com. No. 118 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Concurrent Resolution No. 37, relating to the illegal slaughter of whales.

Misc. Com. No. 119 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Concurrent Resolution No. 168, relating to care of immigrant children.

Misc. Com. No. 120 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Concurrent Resolution No. 7, relating to vocational/social

rehabilitation services.

Misc. Com. No. 121 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Concurrent Resolution No. 23, relating to reemployment rights.

Misc. Com. No. 122 from Jack H. Watson, Jr., The White House, acknowledging certain resolutions.

Misc. Com. No. 123 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Concurrent Resolution No. 89, relating to educational programs for the handicapped.

Misc. Com. No. 124 from the Honorable Thomas P. O'Neill, Jr., Speaker, United States House of Representatives, acknowledging receipt of House Concurrent Resolution Nos. 23 and 7.

Misc. Com. No. 125 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 120.

Misc. Com. No. 126 from Joseph J.F. Clark, Associate Director, Legislative Liaison, Department of the Air Force, responding to House Resolution No. 184, relating to Bellows Air Force Base.

Misc. Com. No. 127 from the Honorable Thomas P. O'Neill, Jr., Speaker, United States House of Representatives, acknowledging receipt of a copy of House Concurrent Resolution No. 89.

Misc. Com. No. 128 from Edward Hidalgo, Assistant Secretary of the Navy, Department of the Navy, acknowledging receipt and responding to House Resolution No. 177, relating to the utilization of Leilehua Golf Course and the Navy-Marine Golf Course by the general public.

Misc. Com. No. 129 from D.R. Keeney, Colonel, United States Air Force, acknowledging receipt of House Resolution No. 184, relating to Bellows Air Force Base.

Misc. Com. No. 130 from the Honorable William Proxmire, acknowledging receipt of a copy of House Concurrent Resolution No. 22.

Misc. Com. No. 131 from Claro R. Capili, Acting Mayor, County of Maui, acknowledging receipt of a copy of House Resolution No. 330, requesting a study on the taro industry to determine those methods which are best suited for taro.

Misc. Com. No. 132 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Resolution No. 672, relating to intergovernmental planning commission.

Misc. Com. No. 133 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Resolution No. 231, relating to aid to states with high immigration.

Misc. Com. No. 134 from the Honorable Spark Matsunaga, United States Senator, responding to House Resolution No. 177, requesting examination of the feasibility of allowing the general public to utilize the Leilehua and Navy-Marine Golf Courses.

Misc. Com. No. 135 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 177.

Misc. Com. No. 136 from Beverly H. Hamby, International President, The National Secretaries Association, acknowledging receipt of a copy of House Resolution No. 777.

Misc. Com. No. 137 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Resolution No. 548, relating to aircraft noise abatement.

Misc. Com. No. 138 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 23.

Misc. Com. No. 139 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 435, urging support for legislation to allow the manganese nodule industry to proceed with seabed mining operations.

Misc. Com. No. 140 from Patrick H. De Leon, Executive Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Resolution No. 231.

Misc. Com. No. 141 from Patrick H. De Leon, Executive Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Concurrent Resolution Nos. 7, 89 and 168.

Misc. Com. No. 142 from George H. Williams, Executive Vice President, American Judicature Society, acknowledging receipt of a copy of House Resolution

No. 796.

Misc. Com. No. 143 from Stanley M. Umstead, Jr., Major General, United States Air Force, acknowledging receipt and responding to House Resolution No. 177.

Misc. Com. No. 144 from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye, acknowledging receipt of House Resolution No. 672, requesting authorization and approval of a Temporary Federal Intergovernmental Planning Commission for Hawaii.

Misc. Com. No. 145 from Edward B. McConnell, Director, National Center for State Courts, acknowledging receipt of a copy of House Resolution No. 796, congratulating Chief Justice Richardson and the Hawaii Judiciary.

Misc. Com. No. 146 from Maggie Bunson, Public Relations Director, Roman Catholic Diocese of Honolulu, acknowledging receipt of House Resolution No. 845.

Misc. Com. No. 147 from Ray Marshall, Secretary of Labor, U.S. Department of Labor, acknowledging receipt of House Resolution No. 565, relating to the average wage requirements under the Comprehensive Employment and Training Act (CETA).

Misc. Com. No. 148 from Ms. C. Matano, Administrative Assistant to Senator Spark Matsunaga, acknowledging receipt of House Resolution No. 696, relating to crippled children services program.

Misc. Com. No. 149 from the Honorable Thomas P. O'Neill, Speaker, United States House of Representatives, acknowledging receipt of House Resolution Nos. 672 and 231.

Misc. Com. No. 150 from the Honorable Thomas P. O'Neill, Speaker, United States House of Representatives, acknowledging receipt of House Resolution No. 696.

Misc. Com. No. 151 from Kathryn E. Cade, Director of Projects for Rosalynn Carter, acknowledging receipt of a copy of resolution regarding increased funding under the Vocational Rehabilitation Act and Title XX of the Social Security Act.

Misc. Com. No. 152 from Robert Anderson, Administrator, Office of Comprehensive Employment Development, responding to House Resolution No. 641 and House Concurrent Resolution No. 159 concerning waivers to the participants time limitations placed on participation in programs funded under the Comprehensive Employment and

Training Act Amendments of 1978.

Misc. Com. No. 153 from Robert Anderson, Administrator, Office of Comprehensive Employment Development, responding to House Resolution No. 565 regarding the Comprehensive Employment and Training Act (CETA) average wage requirements.

Misc. Com. No. 154 from Ernest L. Boyer, U.S. Commissioner of Education, Department of Health, Education, and Welfare, acknowledging receipt of a copy of House Resolution No. 436.

Misc. Com. No. 155 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 44, concerning the farm ownership program of the Farmer's Home Administration of the U.S. Department of Agriculture (USDA).

Misc. Com. No. 156 from C.O. Hunt, Lieutenant Colonel (Ret.), Manager, Department of Music, Canadian National Exhibition Association, acknowledging receipt of a copy of resolution, extending congratulations to the Royal Hawaiian Band regarding their 1978 tour of Canada.

Misc. Com. No. 157 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 696.

Misc. Com. No. 158 from Harold W. Chase, Deputy Assistant Secretary (Reserve Affairs), Office of the Assistant Secretary of Defense, responding to House Concurrent Resolution No. 23.

Misc. Com. No. 159 from Susan Di Giacomo, Assistant to Dr. H.H.A. Cooper, Nuevevidas International, Inc., acknowledging receipt of House Concurrent Resolution No. 181.

Misc. Com. No. 160 from Robert Higashino, Executive Director, Palama Settlement, expressing appreciation for providing a pick-up box in the House print shop.

Misc. Com. No. 161 from the Honorable Peter W. Rodino, Jr., acknowledging receipt of House Resolution No. 231, requesting Congress to provide financial assistance to states disproportionately affected by immigration.

Misc. Com. No. 162 from the Honorable Peter W. Rodino, Jr., acknowledging

receipt of House Resolution No. 696, requesting Congress to grant additional funds to the State of Hawaii Crippled Children Services Program for the treatment and care of immigrant children.

Misc. Com. No. 163 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt and responding to House Concurrent Resolution No. 7, concerning increased federal funding of social and vocational rehabilitation programs.

Misc. Com. No. 164 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 37, requesting President Carter to invoke the Pelly amendment to the Fishermen's Protective Act to prevent the illegal slaughter of whales.

Misc. Com. No. 165 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt and responding to House Resolution No. 696 and House Concurrent Resolution No. 168, requesting the United States Congress to grant additional funds to the State of Hawaii Crippled Children Services Program for the treatment and care of immigrant children.

Misc. Com. No. 166 from the Honorable Daniel K. Inouye, United States Senator, enclosing a copy of letter from Senator Bayh concerning House Concurrent Resolution No. 120.

Misc. Com. No. 167 from the Honorable Daniel K. Inouye, United States Senator, enclosing a copy of letter he has received from the Department of the Navy in response to House Resolution No. 177.

Misc. Com. No. 168 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt and responding to House Concurrent Resolution No. 89 and House Resolution No. 436, requesting Congress to provide more funding for education of the handicapped.

Misc. Com. No. 169 from the Honorable Daniel K. Inouye, United States Senator, enclosing a copy of letter from Harold W. Chase, Deputy Assistant Secretary, commenting on House Resolution No. 23.

Misc. Com. No. 170 from Stanley M. Umstead, Jr., Major General, USAF, Deputy Assistant Secretary, Office of the Assistant Secretary of Defense, responding to House Resolution No. 177.

Misc. Com. No. 171 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 120 and House Concurrent Resolution No. 516.

Misc. Com. No. 172 from the Honorable Spark Matsunaga, United States Senator, enclosing a copy of letter from Mr. Terry L. Leitzell, Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, commenting on House Resolution No. 278, requesting President Carter to invoke the Pelly amendment to the Fishermen's Protective Act to prevent the illegal slaughter of whales.

Misc. Com. No. 173 from D.K. Newbigging, Chairman, Jardine, Matheson and Co., Ltd., acknowledging receipt of a copy of House Resolution

No. 816.

Misc. Com. No. 174 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt and responding to House Resolution No. 548, relating to aircraft noise abatement.

Misc. Com. No. 175 from the Honorable Spark Matsunaga, United States Senator, enclosing a copy of letter from R.J. Fleeson, Captain, USN, Director, Personnel Administration and Services, Office of the Assistant Secretary of Defense, commenting on House Resolution No. 177.