

THIRTY-FIFTH DAY

Wednesday, March 12, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 12:00 o'clock noon, with the Speaker presiding.

The Divine Blessing was invoked by Reverend Charles Hasegawa from Honpa Hongwanji Church, after which the Roll was called showing all members present with the exception of Representatives Blair and Garcia, who were excused.

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

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journal was dispensed with and the Journal of the Thirty-First Day was approved.

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

Representative Evans introduced Mrs. Frances Ordenstein and her guests from Santa Barbara, California, Mr. and Mrs. Sid Smith, noting that Mr. Smith is the Kiwanis Governor of the California-Nevada-Hawaii District.

Representative Kunimura then introduced forty seniors from the American Problems Class of Waimea High School, accompanied by their chaperone, Mrs. Mitsue Ibara and their teacher, Mrs. Frances Moriguchi.

ORDER OF THE DAY

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Stand. Com. Rep. No. 616-80 on H.B. No. 2645-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 2645-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", passed Third Reading by a vote of 48 ayes, with Representatives Blair, Garcia and Nakamura being excused.

The Chair directed the Clerk to note that H.B. No. 2645-80, HD2, passed Third Reading at 12:10 o'clock p.m.

Stand. Com. Rep. No. 617-80 on H.B. No. 1852-80

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 1852-80 pass Third Reading, seconded by Representative Inaba.

Representative Sutton then rose to speak on H.B. No. 1852-80:

"Mr. Speaker, somehow or other in defining the duty of the Administrator of the Office of Hawaiian Affairs, there was a salary which was not commensurate with the duties or responsibilities indicated in the job description. Now, we have remedied this and I would like to have your vote, Mr. Speaker, and that of this high body."

Representative Kawakami also rose to speak in favor of this bill:

"Notwithstanding the endorsement of the previous speaker, to all of my colleagues here, this is a good bill. Thank you."

Representative Holt rose to speak in favor of H.B. No. 1852-80:

"Mr. Speaker, H.B. No. 1852-80, amends Act 196 by increasing

the salary of the Administrator of the Office of Hawaiian Affairs to equal that of a department head employed by the state. Mr. Speaker, such a change in the law is necessary if we are to attract the kind of individual who will possess those skills required to direct an office which will adequately respond to the needs and problems of native Hawaiians.

Mr. Speaker, the Office of Hawaiian Affairs lays a foundation for eventual self-governance and self-sufficiency for all the state's native Hawaiians.

Much has been written concerning the economic and social disorganization of native Hawaiians. The declining numbers coupled with contemporary problems, such as crime and inadequate housing, have pronounced certain unfavorable trends, especially among young native Hawaiians.

Mr. Speaker, some affirmative action is clearly needed to reverse this unfortunate trend and to set native Hawaiians on the path toward ultimate self-determination.

Mr. Speaker, passage of H.B. No. 1852-80 will allow us to provide the kind of leadership and strength necessary to reverse this trend. I urge all of my colleagues to vote in favor of this bill. Thank you."

Representative Kamalii also rose to speak in favor of H.B. No. 1852-80, but with certain reservations:

"Mr. Speaker, last year this House passed what is now 'chapter 10' of our statutes to implement the Office of Hawaiian Affairs. At that time, I voted against H.B. No. 890-79 because of what I thought were serious flaws and omissions in the legislation. Today's bill addresses one of my concerns: that the salary of the Director of the Office of Hawaiian Affairs should be the equivalent of a departmental head.

I wholeheartedly endorse this needed change. However, I am very disappointed because there are other flaws in the fiscal organization of the Office which have not been corrected. Flaws which, I feel, will be burdens to the Office

not so much administratively as psychologically.

Mr. Speaker, the continued insistence that the Office of Hawaiian Affairs will be subject to an annual audit by the legislature and will have to go through a system of vouchers in order to spend money all smack of distrust and unreasonable interference.

Hawaiians are not delightful children who are to be humored and always watched; and the primary responsibility of the Office will not and never should be to this legislature. Its obligations are to the Hawaiian people.

I will try again next year to make those changes which will assure the primacy of that responsibility. Thank you."

Representative Peters then rose to speak in favor of H.B. No. 1852-80:

"I would like to share some additional remarks or observations as a spin-off of the Minority Leader's observations.

Certainly, the responsibility of this state who has a contractual obligation to the federal government regarding section 5F, and that context this legislature is responsible for assuring that the Office of Hawaiian Affairs is administered in such a fashion that is consistent with that judiciary responsibility and consistent with the interest and welfare of all Hawaiians.

As a consequence, we should review, on an on-going basis, those activities that the Office of Hawaiian Affairs expects to entertain, as soon as it gets implemented, and as soon as it gets off the ground, not only at that point in time, but in the future, as well; because it is very clear the state has that contractual obligation and that responsibility should not be shunned.

Thank you, Mr. Speaker."

The motion was put by the Chair, and the report of the Committee was adopted and H.B. No. 1852-80,

entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS", passed Third Reading by a vote of 48 ayes, with Representatives Blair, Garcia and Nakamura being excused.

Stand. Com. Rep. No. 618-80
on H.B. No. 2217-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2217-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO DISPLACED HOME-MAKERS", passed Third Reading by a vote of 48 ayes, with Representatives Blair, Garcia and Nakamura being excused.

The Chair directed the Clerk to note that H.B. Nos. 1852-80 and 2217-80, HD1, passed Third Reading at 12:17 o'clock p.m.

At this time, the Chair noted the presence of Representative Nakamura.

Stand. Com. Rep. No. 619-80
on H.B. No. 2294-80

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2294-80 pass Third Reading, seconded by Representative Inaba.

Representative Say then rose to speak in favor of H.B. No. 2294-80:

"The phrase 'alternative education for alienated students' is not some educator's fanciful concoction of a special project to leech funds from the legislature. It is, in fact, an extremely vital link between the school system and the community. No specialist in alternative education, though, will say that his or her program is the panacea in education. He or she will admit that, without this program, we raise more problems in the community than resolve them.

For one thing, the target population for alternative education, or in what the educators call the 'alternative learning center', is small. The

bill calls for the establishment of not more than 10 alternative learning centers in the Honolulu and Leeward education districts. Each learning center would accommodate a handful of students, just about a maximum of 25 or so, but these 25 are often what we label the 'hard-core drop-out potential'. These are the so-called 'worst' kids on campus. They are the troublemakers, they're the ones who vandalize the latrines, hijack their classmates, threaten teachers and usually get into trouble with the police off-campus and with their parents at home.

Forcing these kids through a mainstreaming approach, without specialized guidance and counseling, vocational preparation, and citizenship training, the regular curricula and school programs are bound to fail. We, therefore, create delinquency and drop-out problems on campus and in the community. Yes, we create these problems simply because we fail to acknowledge that these kids need special attention.

Secondly, critics of this bill might argue that the appropriation is too large for such a small target population. That is more than \$373,000 for about 250 kids. The vocal criticism would sound like this, 'We can't afford to spend an extra \$1,500 per student in this program. We're already spending too much for the entire school system.'

Well, we can't afford NOT to support this bill. I don't intend to rebut these arguments, since they don't deserve credence nor consideration. Let us assume that there are 250 potentially destructive drop-outs who shall deface or damage property, and hurt individuals and the general public. They become nuisances and eventually wards of the state, not only the possibility of becoming potential criminals or welfare recipients but also the reality that there is an economic burden imposed upon the taxpayer. After all, consider vandalism in our schools and other public facilities. Who must pay for these damages? And consider damages, of course, to the individual citizens. How much does this cost all of us, individually and collectively? I

shudder to weigh the odds against us. So, this bill allocates \$373,350 and yet, the benefit to be accrued would be immeasurably higher.

We have heard testimonies in our committees that support this appropriation bill. Some who testified were the recipients themselves, the students and parents. They acknowledged that the smaller-budgeted pilot projects of alternative learning centers in Honolulu district have proven quite successful. The few students participating in these centers' activities have altered their attitudes and behavior toward the school system, their families, their communities and most of all, toward themselves.

This appropriation bill is not going to fund a newfangled concept and the pilot project. The concepts of alternative education were experimented upon before, elsewhere on the U.S. mainland and even here in Hawaii. Now, we are ready to proceed in making these pilot projects a larger scope of normal responsibility for the Department of Education, whose personnel, by the way, also testified in support of the bill.

Thirdly, the alternative education programs are not surrogate to the regular curricula set by the Department of Education. All of the alternative learning centers have remained within the confines of established curricula but expanded flexibly to allow specialized services to these targeted students. Moreover, the program isn't intended to remedy a single focal weakness of a group of students, such as remedial reading. It is a comprehensive attack on a student's weaknesses and obstacles. Therefore, the program requires a staff at each learning center who can provide academic curricula as required by the Department, guidance and counseling as needed by these targeted students, and community education and improvement in line with the center's activities.

Lastly, let me re-emphasize a major point. It is easy for us to avoid this bill. After all, we may be guilty of thinking that the small target population doesn't need this assistance. The smallness of the

population is beautiful, but the smallness of our thinking would not be, when we have to expend more public funds year after year repairing and maintaining our public facilities that were defaced or damaged by the very group of students who should have been helped to change their ways through this program called alternative education.

We're not trying to support this bill just because it sounds nice. It's worked before. It's been proven successful. Now, let us support an expansion of this project into two school districts. Someday, the whole of Hawaii will be beneficiary to the program."

Representative Silva also rose to speak in favor of this bill:

"Mr. Speaker, here we have an alternative program where we can get intermediate and high school students involved and back into the system that we have created. Also, I really would like to see this program involve our elementary schools because, as my colleague said, if we could stop the vandalism and other incidents that are happening around our schools at the elementary level, maybe these students would become better citizens and for this reason, I ask all of my colleagues to vote yes. Thank you."

Representative Kunimura then stated:

"May I request that the statement made by Mr. Say be incorporated as to what I would have said and what I would like to say and if I may add, Mr. Speaker, this is only the beginning because our job is to educate the students in our public schools. But, truthfully, we should be educating ourselves as legislators because so often we cannot see beyond our noses the sordid cases of lack of books, lack of equipment, antiquated rooms and many of the inequities that exist in our educational system.

We must re-think, re-educate ourselves and someday, Mr. Speaker, I hope when you are on the bench, that the legislature of the State of Hawaii will re-direct its emphasis

on education to lower education and to early childhood education, because this is the area where we lack.

We know the depths of the solar system and some parts of the deepest ocean, but we do not understand the real problem that we have in our school system because we fail to see that when the child, from the time he or she is born until he or she is about 7 or 8 years old, he or she will have learned the habits that will last his or her entire lifetime and we must reach in, during this early period of the person's childhood, to help that person enjoy some form of success in this world. Thank you, Mr. Speaker."

The motion was put by the Chair, and the report of the Committee was adopted and H.B. No. 2294-80, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATIVE EDUCATION FOR ALIENATED STUDENTS IN THE HONOLULU AND LEEWARD EDUCATION DISTRICTS", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 620-80 on H.B. No. 1961-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 1961-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO VACATION OF PUBLIC OFFICERS AND EMPLOYEES", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 621-80 on H.B. No. 2945-80

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2945-80 pass Third Reading, seconded by Representative Inaba.

Representative de Heer requested that the following remarks in favor of H.B. No. 2294-80 be inserted into the Journal:

"We can all be proud of a bill, whose significance and importance will be recognized for many generations to come.

I say this because without question the effectiveness of a health care system as with any system is directly related to the extent of access and availability of accurate, comprehensive, integrated and timely information.

As it now stands, there are many diverse health related information sources and data bases. However, as was clearly identified in the precursor to this bill, data bases are under various public and private control and auspices that are geographically dispersed. Consequently, the key element is this data accessing and linkage as opposed to collection; in other words, a network of information systems that allow health professionals greater precision in combining resources in any situation, and from any location, to meet the information needs that satisfy the problems at hand.

I consider this act to be another landmark pioneering effort by our state for others to emulate. We can benefit and learn something about networks and information systems as applied to the socio-economic care system from those in the health care system."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2945-80, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2945-80 passed Third Reading at 12:28 o'clock p.m.

Stand. Com. Rep. No. 622-80 on H.B. No. 2672-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2672-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE STUDENT TRANSPORTATION PROGRAM", passed Third Reading

by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2672-80, HD1, passed Third Reading at 12:28 o'clock p.m.

Stand. Com. Rep. No. 623-80 on H.B. No. 2215-80, HD1

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2215-80, HD1, pass Third Reading, seconded by Representative Inaba.

Representative Evans then rose to speak in favor of H.B. No. 2215-80, HD1:

"Mr. Speaker, I do have some reservations, however, that the elimination of the requirement for registered professional nurses at the entry or next level at public schools, may cause some problems.

This bill would give the Department of Health discretionary powers to reclassify the school nurse position in the event job responsibilities change.

The Department has argued that such flexibility is needed to allow greater mobility for these personnel.

There are currently nurses at level three and I understand that they would have upward mobility at the schools with this bill.

Mr. Speaker, while I agree that there is a need to have some flexibility to reclassify positions, I am concerned that the high quality so necessary for school nurses may be diminished in some way and I am concerned that there must be certain criteria and standards that should be used in classifying school nurse positions.

The American Nurses Association has specific criteria and qualifications for school health nurses, and I believe that the multi-faceted demands for nursing services at the schools are pressed even more by federal laws requiring public education

for handicapped children.

School nurses have to have the knowledge to meet these many and varied demands beyond just taking someone's temperature.

It is important that we recognize that in the future every school should have a professional nurse and also a school health aid to provide comprehensive school health services.

Presently, there is a school nurse in every school complex who is responsible for the school health aides at all the schools within that complex.

In any case, with these reservations in mind, I will vote aye on this bill. Thank you."

Representative Evans then asked for a ruling on a potential conflict of interest stating that she was a registered professional nurse, if this bill passes, she will be eligible for the entry level as a school health nurse.

The Chair then stated:

"The Chair has ruled, and one could argue, that in fact you may have an apparent conflict of interest or potential conflict of interest, but my ruling has always been that if this measure, pecuniarily or otherwise, benefits you or can be construed as a detriment to you only directly, then the Chair will rule that you would be in conflict. That not being the case, the Chair rules you not in conflict."

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

"The previous speaker referred to the bill and the staffing of health nurses in a school complex. I want to correct that. The nurses are assigned to a school health complex which differs from a school complex. Just for clarification, a school complex is the high school complex which would have intermediate and elementary feeder schools which comprise a school complex. However, for the purpose of staffing these schools, a school

health complex is organized in a different manner to take care of the geographical distances in order to provide a more efficient manner in manning the schools with health aides.

I just wanted to clarify that there is a difference between a school complex and a school health complex."

Representative Evans then stated:

"Mr. Speaker, I really don't rise in rebuttal, but I stand corrected. However, the previous speaker has made a very complex situation even more complexed."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2215-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL HEALTH SERVICES", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2215-80, HD1, passed Third Reading at 12:34 o'clock p.m.

Stand. Com. Rep. No. 624-80 on H.B. No. 2343-80, HD2

Representative Morioka moved that the report of the majority of the Committee be adopted and that H.B. No. 2343-80, HD2, pass Third Reading, seconded by Representative Inaba.

Representative Sutton then rose to speak against H.B. No. 2343-80, HD2:

"Mr. Speaker, this is probably the most complicated measure that we have had come before us, and it's unfortunate that so few people really understand what is involved.

Because of that, I am going to try to indicate the gravity of what we are doing here. If you will turn, Mr. Speaker, to 88-122, determination of employer normal cost in accrued liability contribution, you will find that based on regular

interest and such mortality and other tables as adopted by the Board of Trustees, the actuary engaged by the Board shall, on the basis of successive annual actuarial evaluation, determine the employer's normal cost and accrued liability contribution for each fiscal year.

The Board has met and the Board raised their basic assumption for actuarial purposes to include an inflationary figure of an increment in the salaries of all state employees and county employees in the retirement system, up to 4%.

In turn, this actuarial assumption forces the legislature to now raise the interest rate assumption. It was raised before it came to the Finance Committee to 7%, and that was HD1, and in the bill that is before you, Mr. Speaker, it appears as 6%.

This is talking in terms, not in thousands of dollars, not in terms of millions of dollars, but in terms of quarter billions of dollars. It is the largest bill we have ever had come before us, the largest contingent liability that has ever come before us.

This last summer, we had the benefit of actuaries coming down and talking to us. At that time, I was the only one who had taken actuarial studies, who was able to look at these records and comprehend them. I have not since then been able to even convey my message to my own colleagues. This is of such gravity, of such immense cost, of such a burden to the other taxpayers of this state who are not a member of the retirement system, that I would hereby make a motion to recommend this bill for further study. May I have a second?"

By unanimous consent, the motion died for lack of a second.

Representative Lacy then rose to speak in favor of H.B. No. 2343-80, HD2:

"Mr. Speaker, after hearing the other gentleman speak, I am going to follow my speech although it may contradict and may cross some

lines. I think I have a message to give you that might be a little different.

I believe we are in possession of the most magnanimous pension program in the world. We are in excellent actuarial condition today, but I am worried about the many years down the road.

First, I want to assure you, Mr. Speaker, and my colleagues, that my following remarks might be subject to debate on a philosophical difference, but they are not offered today for that purpose. Rather, they are made to awaken in each of you who may not have spent much time in reviewing our pension program, a desire to do so before another year passes by.

The program is based on the premise that we, the state, were \$250,000,000 in debt actuarially in the early 1970's and we will amortize this to zero in 50 years. In other words, we had to have a large amount of money credited to start the program in an actuarial manner. That's on paper. We also agreed to meet the cost, plus our actuarial responsibilities each year, assuming that our employees made their contribution and any yield on the accumulated pension funds investment, which were over 4-1/2% would be returned to the general fund.

In the early to mid 1970's, we were talking about three to four million dollars being returned to the state, in the sense that we had to pay that much less from the general fund to meet our obligations to keep the actuarial soundness of the program.

Today, that yield, which is over 4-1/2% has grown from three to four million up to thirty-seven million dollars last year. If we raise the 4-1/2% to 6%, in accordance with this bill before us, we will be putting a greater percentage of our dividends from the pension fund investment into more investments, thus allowing a build-up of our fund assets and reduce our unfunded actuarial deficit more rapidly. But, this requires us to pay more per year from our general fund to our pension fund.

In other words, approach a more nearly a pay-as-you-go program.

If everything stays rosy, economically, we will have no trouble under our present plan, but our pension plan could, like a few other states, become bankrupt unless we face the facts and plan our future without keeping on our rose-colored glasses. We need to begin to pay more of our obligations while we have surplus funds. We need to increase the guaranteed solvency of this present pension plan, and at the same time, seriously look at grandfathering, pardon me, grandpersoning, in all our present employees while starting a new pension system we can afford in the future. If we don't, our general fund expenditure for keeping us actuarially solvent will approach medicaid in the battle to see which one usurps the general fund first.

I repeat, Mr. Speaker, our pension fund is sound right now, but our future course is cloudy. If some of our colleagues don't understand fully what I'm talking about, I urge them to study the program during this year, and maybe we can more realistically attack this problem next year.

I, personally, would have felt much better had we raised the 4-1/2% to 7%, but I do appreciate my colleagues who will lend their support to this bill and move it to a new value of 6%. Thank you, Mr. Speaker."

Representative Sutton then rose in rebuttal:

"There are two basic assumptions here. That is the complicated part, Mr. Speaker.

One is an assumption that the Board of Trustees made, as to the inflationary rate of increase of the salaries and the stipend of all state and county employees. Once they raise their assumption, then from an actuarial point of view, it forces legislature to raise what is an actuarial assumption.

We know, today, that interest rates are 15% to 16%. We are not

talking about that. We are talking about how to use actuarial tables. The actuarial tables are discussed very thoroughly in 88-122.

With respect for each of the aforesaid two groups of employees, the normal cost for each year after June 30, 1976, shall be the percentage of the aggregate annual compensation of employees as of March 31 of the preceding year which, if contributed over each employee's prospective period of service and added to his prospective contribution, will be sufficient to provide for the payment of future benefits after subtracting the sum of unfunded accrued liability.

Our accrued liability as of July 1, 1976, was fixed at \$249,000,000 and was allocated as follows: \$42,000,000 to police officers, fire fighters and correction officers, the latter after the actual transfer of all county jails; \$207,000,000 to all other employees.

With respect to each of the aforesaid two groups of employees, the accrued liability contribution for each year after June 30, 1976, shall be the level annual payment required to liquidate such unfunded accrued liability. In other words, bringing to your attention what the Board of Trustees did in making an actuarial assumption and raising it so that they have an inflation factor of 4%, they force this legislature into an action which, in the use of actuarial tables, they will now, under this, have to use 6%.

It is unfortunate that nobody in the media has written this up properly. We had three days of hearings, we brought the top actuaries from the United State of America down here to explain it, it was an immensely complicated subject and it was one that, unfortunately, did not have the attendance of many of those in this room. Were they to recognize the significance of their actions, they would not in any way, shape or manner, proceed as hastily as they are doing.

Therefore, I ask you, Mr. Speaker, to please vote no; and I would ask my colleagues to also vote no. Thank you."

Representative Kunimura then rose in support of H.B. No. 2343-80, HD2:

"We have heard two honest, learned and dedicated public servants address this chamber this morning. One is an attorney, the other an admiral. Mr. Speaker, I would tend to support the admiral because he has been charged with the responsibility of taking the American submarine into the depths of the ocean and with all the sailors entrusting their lives to this one man, and bringing them back everytime, not a miss, because one miss is Aloha.

Mr. Speaker, it's proven this morning that you can make a very simple matter very complicated when an attorney tries to explain it, but when an admiral explains a very complicated subject, it becomes very simple because there is no adulteration of the facts; and, therefore, I urge all members of this House to support the admiral."

Representative Stanley also rose to speak in favor of this bill:

"Mr. Speaker, I think if the previous speaker from Nuuanu listened carefully to his arguments and then examined very carefully the bill before him, he will realize that, indeed, this legislature has taken a very cautious approach to the complicated subject that he has disussed with us this morning.

In doing that, he would realize that there is ample time to give further consideration to the actuary's recommendations made to us and that what we are doing is indeed the cautious and prudent approach.

With that in mind, I would urge all members to vote in favor of this bill."

Representative Narvaes then stated:

"Mr. Speaker, I would like to commend the Committees that have worked on this bill, and especially the Chairmen of the Finance Committee and the Public Employment Committee.

Mr. Speaker, I had introduced a bill early this session that did, in effect, suggest that we do this, but I can't take the credit for that because my recommendations had come from the actuary. The actuary had recommended that we raise what is called 'regular interest rate' from 4-1/2% to 6%. He also stated that he is making this recommendation that we raise the regular interest rate from 4-1/2% to 6% because of the kind of political process that we are in. He also stated that he wished that we could completely wipe out the system that we have now whereby the excess interest earnings over and above what is called the regular interest earnings goes to reduce the employer's contribution. It goes to reduce the state's contribution to the system.

Last year, the excess interest earnings over and above the regular interest earnings was something like \$37,000,000. Mr. Speaker, I see those funds as being the funds of the retirees. Yet, it is going to reduce the contribution of the state.

Mr. Speaker, I signed the Committee report with reservations even though I had introduced the measure that does in effect do what this bill does. Mr. Speaker, my concern has to deal with the economy today. We are seeing 20% inflation. We may have hyper-inflation hitting our country in the future. If that does happen, this 6% and the excess interest is not even going to matter. What I'm worried about is that often when we stick a figure in statute, it becomes concrete.

We may see the day when interest may be back to 4% and this may be stuck at 6%, so we may be setting up something that is stuck and concrete, and I'm worried about that.

Mr. Speaker, I would prefer that we would have been able to do what the actuary would have loved us to have done, and that is send all of the interest earnings, not only the 6%, but also the excess interest earnings that would be above 6%, to go into the system, and the state will make its own contribution.

I would suggest that we look at that more seriously in the future, and I believe that the Committees will have to bird-dog this bill through or any other bills dealing with the employee retirement system in the future.

It's a good bill, it's a movement in the right direction and I urge all members to vote aye."

The motion was put by the Chair and the report of the majority of the Committee was adopted and H.B. No. 2343-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES RETIREMENT SYSTEM", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no and Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 625-80 on H.B. No. 2141-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2141-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2343-80, HD2, and 2141-80, HD2, passed Third Reading at 12:50 o'clock p.m.

Stand. Com. Rep. No. 626-80 on H.B. No. 2216-80

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2216-80, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 627-80 on H.B. No. 2647-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba,

the report of the Committee was adopted and H.B. No. 2647-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2216-80 and 2647-80, HD2, passed Third Reading at 12:51 o'clock p.m.

Stand. Com. Rep. No. 628-80 on H.B. No. 2723-80, HD2

Representative Morioka moved that the report of the majority of the Committee be adopted and that H.B. No. 2723-80, HD2, pass Third Reading, seconded by Representative Inaba.

Representative Sutton then rose to speak against H.B. No. 2723-80, HD2:

"Mr. Speaker, we have here a bill for an act relating to the Hawaiian Housing Authority authorizing a separate appropriation of 122.5 million tax exempt revenue bonds to fund this particular program. We are making a transfer here, so that the proceeds from the revenue bonds can be used to make interim and permanent mortgage loans through certain local mortgage lenders to eligible developers and owners.

In other words, Mr. Speaker, this does not go to the individual. This goes to the developer and the owner of the land.

What we are trying to do, in this day and age, is get the fee simple and get the houses into the hands of the people. Here, we are talking in terms of getting into the hands of the developer.

We define the developer or owner to mean any person or partnership or cooperative firm, non profit limited dividend or profit corporation or public agency, determined by the authority, to be qualified, and then by experience, to submit a plan for the project, to be fully capable on the basis of experience

and reputation to complete the project, meet other qualifications as established by rules and regulations.

Project loan is defined as meaning an interim or permanent loan made to a qualified developer or owner for the development of construction of rental housing, provided the project to be financed meets other requirements.

In other words, we're going to take the 122.5 million of tax free bonds, money, and the revenue therefrom, and transfer it for a program for these developers who we have not really adequately defined. We use the term 'qualified developer' but we have seen in the past that we've picked up very unqualified developers; for instance, out at Waianae where we had a bankruptcy and \$10,000,000 of these types of funds just evaporated. We have not had a good history. We have not had an adequate definition of qualified developer in this bill to assure that we will not have further losses.

What we want to do here in Hawaii is get the fee simple and the house into the hands of the individual who is going to own the house. There is no reason why we have to work in such a way that when there is a bankruptcy, the funds that were intended for this purpose should be completely lost.

But bodies are strewn, Mr. Speaker, all over the place in the history of this thing and we go merrily on and take another 122.5 million. I recognize that some of the finest brains in this state are now brought into this subject. The man that was the right-hand man to Henry Kaiser, David Slipper, is now an aide to the Governor, no finer man could you find, no man more qualified. But, Mr. Speaker, one man cannot control these things and I say to you that this is premature and therefore, I ask that you vote against it."

Representative Shito then rose to speak in favor of this measure and in rebuttal to some of the statements made by the speaker from Nuuanu:

"We recognize the fact that we

have stressed home ownership; however, also, we might recognize that 50% of the people of Hawaii are on rentals. With the conversion process that has taken place here in the state of Hawaii, and the dwindling of supply of rental units down to 1%, the government must react to the situation here.

As far as the qualified developers are concerned, there is all of the safeguard in this particular bill because it must conform to the FHA requirements. There is also a safeguard in reference to what was said. There cannot be any prepayment for 20 years. There is a buy-back provision that has to be exercised by the Hawaii Housing Authority so that no developer can build, convert or sell.

Twenty-two point five million of this particular bill was enacted in 1978, but there were some loopholes in this particular bill. It was strictly geared for Section 8 programs. What we have intended on this particular bill is to incorporate it into one revenue bond bill so that we will be able to have the private sector now participate in providing the necessary funds to build rental housing with stringent controls to it, and I urge all members to vote for this bill."

Representative Sutton then rose in rebuttal:

"The previous speaker made an excellent presentation, but he failed in any way, shape or manner to cover the two bases that I brought up. The bankruptcy of Keystone and the bankruptcy of Reliance were the same type of government money, using a developer in between what we, the state of Hawaii, tried to get into the hands of the people, were completely gone and completely lost and, furthermore, have never been recovered in any way, shape or manner through a Title 10 or Title 11 bankruptcy. Two of them remain in our federal courts right now under bankruptcy. This should be a red light, Mr. Speaker, but the previous speaker did not address as a caution. Thank you."

Representative Shito then rose in rebuttal:

"I think if you read the bill, it is FHA insured and that's the situation here that addresses your concern."

The motion was put by the Chair and the report of the majority of the Committee was adopted and H.B. No. 2723-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no and Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2723-80, HD2, passed Third Reading at 1:00 o'clock p.m.

At 1:01 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:10 o'clock p.m.

Stand. Com. Rep. No. 629-80 on H.B. No. 1772-80, HD2

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 1772-80, HD2, pass Third Reading, seconded by Representative Inaba.

Representative Lacy then rose to speak against H.B. No. 1772-80, HD2:

"Mr. Speaker, when we reviewed this bill with testimony, HD2 was developed on the basis that an unemployment program was possibly needed. For those of you who have not looked into the problem, we're doing very well in finding employment for the personnel of our state.

The governor has made a decision that this program will be phased out as of June 30, 1980. In December, there were approximately 400 persons being assisted in this program, and the estimate would be that there would be no more than 250 in June.

I believe that we should follow programs like this and give the governor a chance to carry out his planned program of using not only a back-up of employment within state positions, but to have the private sector generate more and more jobs for our people.

This program was instigated in order to help our people get proper training. At times, we are moving people into jobs which really is not the basic skill training. I think that we ought to cooperate with the governor's intent to phase out the program, bring pressure upon the private sector to create more and more jobs and, therefore, I ask my colleagues to vote no on this bill and let the program die in June. Thank you, Mr. Speaker."

The motion was put by the Chair and the report of the majority of the Committee was adopted and H.B. No. 1772-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED", passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Evans, Kamalii and Lacy voting no and Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 630-80 on H.B. No. 2752-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2752-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE INITIAL APPOINTMENT OF CIVIL SERVICE EMPLOYEES", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 1772-80, HD2, and 2752-80, HD2, passed Third Reading at 1:22 o'clock p.m.

Stand. Com. Rep. No. 631-80 on H.B. No. 2633-80

On motion by Representative Morioka, seconded by Representative Inaba,

the report of the Committee was adopted and H.B. No. 2633-80, entitled: "A BILL FOR AN ACT RELATING TO THE JOB SHARING PILOT PROJECT IN THE DEPARTMENT OF EDUCATION", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 632-80 on H.B. No. 584, HD1

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 584, HD1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH SERVICES FOR CHILDREN AND YOUTH", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2633-80 and 584, HD1, passed Third Reading at 1:23 o'clock p.m.

Stand. Com. Rep. No. 633-80 on H.B. No. 1933-80, HD2

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 1933-80, HD2, pass Third Reading, seconded by Representative Inaba.

Representative Holt rose to speak in favor of H.B. No. 1933-80, HD2:

"Mr. Speaker, this bill addresses a very real problem in our schools. I've always believed that our public school system is not providing the necessary counseling and guidance services to our students who seek information on careers, vocations and post-high school opportunities.

I have spent a good deal of my time this session examining this problem, and I have found that one of the causes is that we don't have enough counselors to do the job. Many of our public high school counselors are too overworked and overburdened. They get tied up with reviewing and updating student records, assisting students who

are having academic difficulties or school related problems, and providing one-to-one personal counseling for students who have personal and emotional problems.

Under these conditions, it's impossible to expect our high school students to receive the necessary attention and assistance they need when leaving high school. Mr. Speaker, this is for many students, the last opportunity to get professional guidance and assistance from adults. After they leave school, who do they have to turn to? In most instances, our public high school students are left on their own to discover 'what they should do' after high school.

This bill, if adopted by this legislature, will establish a pilot project career planning and employment counseling program. If adopted, it will place a full-time career planning and employment counselor and a full-time clerk at one public high school in each of our seven school districts.

The Department of Labor and Industrial Relations was selected to implement this program because of their experience and knowledge of career and employment opportunities. The Department will provide information and counsel students on the following: (1) career fields and occupations, including minimum job requirements and current and future job opportunities in these occupations; (2) the types of post-high school educational and vocational training programs available on the market; and (3) the kinds of financial aid programs available for post high school education and training.

Mr. Speaker, I believe this bill is a move in the right direction. It will complement our present state efforts to establish a career information delivery system contained in a bill we acted on earlier this week. And I might add right here that on Monday, we passed H.B. No. 2625-80, HD2, which appropriated \$39,000 for the Career Kokua program.

I think, in answer to some of

the concerns that were raised by our representative from the seventh district, Representative Ikeda, this bill complements the Career Kokua program. The Career Kokua program is a system which uses computer terminals at school campuses, allowing students to quickly obtain needed information regarding academic and skill requirements for a specific profession and vocation. This bill before us today will provide a full-time career planning and employment counselor at the high school level to provide the follow-up that most students will need after receiving initial help from the career information delivery program.

Mr. Speaker, this is a good bill and I urge all my fellow representatives to vote in favor of it. Thank you."

The motion was put by the Chair, and the report of the Committee was adopted and H.B. No. 1933-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO CAREER PLANNING AND EMPLOYMENT COUNSELING", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 634-80 on H.B. No. 2296-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2296-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO AGENTS OF PRIVATE SCHOOLS AND CORRESPONDENCE SCHOOLS", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 635-80 on H.B. No. 3052-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 3052-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 1933-80, HD2; 2296-80, HD1; and 3052-80, HD2, passed Third Reading at 1:27 o'clock p.m.

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 1:29 o'clock p.m.

Stand. Com. Rep. No. 636-80 on H.B. No. 2983-80, HD1

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2983-80, HD1, pass Third Reading, seconded by Representative Inaba.

Representative Ikeda then rose to speak in favor of this bill but with very strong reservations:

"Mr. Speaker, I am deeply concerned with the fact that this bill does not address the problem of status offenders, those children who have committed no criminal act, but simply have no place to go. This is a problem that has been hanging over our heads for several years, and I am extremely disappointed that we have done nothing to address it.

The way we handle status offenders under our juvenile justice system is appalling. Status offenders are placed in detention homes with hard-core juvenile delinquents if alternate facilities are filled. And, more often than not, Mr. Speaker, they are. An example of this and the injustice of our system is the case of a child who was raped by her father. For some reason the family did not want to force the father out of the house, so the child was placed in the detention home. The child found the conditions unbearable there so she ran away. Later, the police picked her up as a status offender and returned her to the detention home.

Should this child, and others like her, be forced to stay in detention homes with hard-core delinquents because the state ignores this need

for more alternative facilities? I think not. Half-way houses are a much better environment for status offenders to be in, yet there has been no expansion of half-way houses in Hawaii over the years.

Obviously, status offenders need help. Locking them up in detention homes is not the answer and yet, it is one that we have accepted for quite some time. I urge my colleagues to keep in mind the special problems of the status offender and the special treatment they should be receiving. This bill does not address this problem and that is a serious flaw that we all must consider. If the bill passes, it is a flaw that we all must take responsibility for. Thank you."

Representative Lee then rose to speak against this bill:

"As a member of the Majority, the only one I think who will vote against the bill, could you incorporate every word of what Representative Ikeda said for my record."

The Speaker, noting no objections, so ordered.

The motion was put by the Chair, and the report of the Committee was adopted and H.B. No. 2983-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPLEMENTATION OF THE JUVENILE JUSTICE PLAN", passed Third Reading by a vote of 47 ayes to 1 no, with Representative Lee voting no and Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2153-80, HD1, passed Third Reading at 1:32 o'clock p.m.

Stand. Com. Rep. No. 637-80 on H.B. No. 2153-80, HD1

Representative Morioka moved that the report of the majority of the Committee be adopted and that H.B. No. 2153-80, HD1, pass Third Reading, seconded by Representative Inaba.

At this time, Representative Sutton rose to speak in favor of this bill,

but with very grave reservations:

"Mr. Speaker, the learned Chairman of our Transportation Committee attempted to address a very serious problem, but he did not put a limitation on the number of pedicabs in the various counties. When you don't put a limitation, you can't achieve anything.

A history of this is the city council going in one direction and the mayor going in the other direction, for the city and county of Honolulu. These pedicabs have become a gross nuisance. They've committed gross fraud and they have been a source of great irritation."

Representative Sutton then stated that he had a potential conflict of interest because he owned a hotel where the pedicabs mess everything up.

The Chair declared no conflict and Representative Sutton continued:

"Mr. Speaker, the definition of a pedicab was a difficult thing. They compared it to a rickshaw, a vehicle with two wheels, pulled or propelled by a human power. Nowhere in the dictionary do you find a proper definition. I have one right here, and I was hoping I could give a better one, but this is better than any that Webster has, but the great difficulty has been that we don't have a posting of how much it costs.

People would get into what they think is a cheap means of transportation. They think they are going to get something considerably less than a cab. I have seen tourists who have been charged two or three times what a taxi would have cost for the same distance.

Furthermore, Mr. Speaker, this bill does not address the grave question of what we have in Waikiki, and that is the transportation problem that this causes because they get in the way of vehicles and force the vehicles to travel at the rate of speed of a human being carrying a rickshaw behind him.

Therefore, Mr. Speaker, I would urge everybody here to vote in favor, but to keep these grave restrictions in mind, and when we come back, that is, if we do come back next year, we'll see if we can remedy this."

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

"Mr. Speaker, just to address the concerns of the previous speaker, if you read the bill on page 3, it addresses both of his concerns. Pedicabs have to be in compliance with traffic codes and regulation and posting of the fares of the pedicabs will be taken care of by this bill. Thank you."

Representative Ikeda also rose to speak in favor of this bill:

"Mr. Speaker, the regulation of pedicabs has been a problem for a number of years as indicated by my colleague from Nuuanu. The difficulties in the past were centered on the definition of a pedicab, the nature of licensing and the concern for the geographical and numerical range of such pedicab operations.

This bill clarifies those areas and adds the weight of state statute to efforts by county councils to forge responsible regulation. In particular, the city and county of Honolulu council devised what I consider to be an effective and comprehensive ordinance on this subject. However, as has happened in the past, council action was ignored by the mayor of Honolulu.

According to Ordinance No. 78-74, the city Department of Transportation was to study and report back to the council recommended levels of pedicab numbers and the general scope of their operations. Although these recommendations were to be submitted by July 1, 1979, the study has not even been initiated. For those who argue persuasively for homerule, all I can say is that homerule is dependent on keeping a house in order. Mayor Fasi has only created disorder by denying the mandates of a county ordinance.

This bill, though, does maintain the integrity of the council to legislate the details of pedicab regulation. Although regulation itself is now required, there is permissive language in the bill which, again, delegates to the counties the establishment of a limit on the number of pedicabs and the specifics of all other facets of regulation.

I urge my colleagues to support this measure as a needed reinforcement of county powers, powers which will not be eroded by state action, but have been undermined by the mayor. Thank you."

Representative Kunimura then rose to speak in favor of this measure:

"Mr. Speaker, I shall make this very short because I may become emotional and make some bad reference to the administration of the city and county of Honolulu; thereby invoking the wrath of my family.

Mr. Speaker, this is a good bill and everything that Representative Ikeda said is the truth, the whole truth and nothing but the truth except, I wish she would have used some stronger words. Thank you."

The motion was put by the Chair and the report of the majority of the Committee was adopted and H.B. No. 2153-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO PEDICABS", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 643-80 on H.B. No. 2634-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2634-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no and Representatives Blair and Garcia being excused.

The Chair directed the Clerk to

note that H.B. Nos. 2153-80, HD1 and 2634-80, HD2, passed Third Reading at 1:40 o'clock p.m.

Stand. Com. Rep. No. 644-80 on H.B. No. 2496-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2496-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE PARKS", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2496-80, HD2, passed Third Reading at 1:41 o'clock p.m.

Stand. Com. Rep. No. 645-80 on H.B. No. 2344-80, HD2

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2344-80, HD2, pass Third Reading, seconded by Representative Inaba.

Representative Lunasco then rose to speak against this bill:

"Mr. Speaker, let me start by saying at the beginning that I am not against the program per se, but I am against the way it's been handled.

Several years ago we raised the ceiling to \$5,000,000 to accommodate the Hawaiian Homestead Educational Program within the homestead area. Here again, we are raising the ceiling to accommodate those programs.

What I am against, Mr. Speaker, if we feel that this is a good program, then it should be included in the educational budget; but yet, Mr. Speaker, every year we come back and fight and try to raise ceilings to accommodate those programs.

Mr. Speaker, more importantly, this money that we are taking from the homesteaders can be used for home-replacement loans. Also, Mr. Speaker, Hawaiian Homes Commission

has no jurisdiction over those funds set aside; actually the Homestead Commission is only an agency to collect the money and pass through the DOE, and the DOE is the expending agency.

On that basis, Mr. Speaker, if we feel that this is a good program for the Homesteaders, then by all means, we should make it an on-going program within the DOE budget and not take needed money away from the Homesteaders."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2344-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Lunasco voting no and Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 646-80 on H.B. No. 1610, HD1

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 1610, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2344-80, HD2 and 1610, HD1 passed Third Reading at 1:43 o'clock p.m.

Stand. Com. Rep. No. 647-80 on H.B. No. 2072-80, HD1

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2072-80, HD1, pass Third Reading, seconded by Representative Inaba.

Representative Sutton then rose to speak in favor of this measure, but with certain reservations:

"Mr. Speaker, this whole concept of tax exemption is something that

we have deferred for the handicapped, deferred for the elderly and now, all of a sudden, we take care of an exception here, when it comes to the developers working on building housing.

It is very important that we recognize the position of our own Mr. Freitas. On something of this sort, Mr. Freitas has stated in so many words that we should not attack something of this nature piecemeal, on exemptions, but that we should make an interim committee and study the whole concept of whether or not we wish to have a favorable tax treatment to the many groups that deserve it.

Therefore, I urge my colleagues to vote for this, keeping this reservation in mind."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2072-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2072-80, HD1, passed Third Reading at 1:45 o'clock p.m.

Stand. Com. Rep. No. 648-80 on H.B. No. 2753-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2753-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES COVERED BY CHAPTER 77, HAWAII REVISED STATUTES", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no and Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2753-80, HD2, passed Third Reading at 1:46 o'clock p.m.

Stand. Com. Rep. No. 649-80
on H.B. No. 1853-80

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 1853-80 pass Third Reading, seconded by Representative Inaba.

Representative Sutton then rose to speak against this bill:

"Mr. Speaker, I feel that it is inequitable that we give only 20% of all funds derived from the public land trust. If you will go back, Mr. Speaker, in article 5 of the Admission Act, you will find a basic concept that these lands belonged to the Hawaiian people, they were ceded lands, that the condition of the native Hawaiians who were here originally was something of sufficient concern to the Congress of the United States that they passed a Hawaiian Homes Act.

When we come to a question of this Act relating to the Office of Hawaiian Affairs, we must recognize that these were the people on these islands before any of us arrived, that they have the indiginous quality of the American Indian, the indiginous quality of the Alaskan Eskimo.

We have, through the years, been, I would say, rather selfish in our attitudes toward them. I feel that making it only 20% is poor, that it's a very inadequate amount considering that they really, in truth, are the owners thereof, and that we should have increased it.

Therefore, I shall vote against this hoping that nobody will misconstrue that my vote against is not for; but I just don't feel that the half-a-loaf concept is appropriate."

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

"Mr. Speaker, I have always been very proud to be a Hawaiian, and maybe it is that pride which now makes me feel this bill is a personal insult. I am disappointed by the 20% pro rata set by this bill. I am disappointed even more by those who testified in favor of this

bill.

The reasoning behind this 20% pro rata is that the 'ceded lands trust' created by the Statehood Act of 1959 lists five possible beneficiaries for the trust, and five divided into 100 is 20%. Very simple arithmetic, and very poor legislation.

Mr. Speaker, immediately after enumerating the possible beneficiaries of the trust, the Statehood Act continues, and I quote: 'such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the Constitution and laws of said State may provide and their use for any other object shall constitute a breach of trust for which suit may be brought by the United States...'

There is only one beneficiary - the native Hawaiian - who has been properly designated by the state constitution and by law to receive funds from that trust. There is only, as allowed by the terms of the Statehood Act, only one recognized beneficiary. The practice of the Department of Land and Natural Resources, however, has been to transfer the entire annual proceeds of the trust into the general fund.

I believe that is a breach of trust.

There is no state constitutional or statutory provision to allow that transfer.

In the twenty years since statehood, there was little understanding of or genuine interest in the nature and terms of the 'ceded lands trust'. That has changed. I now expect DLNR to maintain the trust intact until its proper dispersal can be established.

Further, the trust has been compromised by the co-mingling of funds from the 'special land and development fund'. Again, that is a breach of trust.

I am not here to argue that native Hawaiians should receive a pro rata share of 100%. I am not politically naive, and I am not advocating that we ignore what I believe are implied

congressional indications that the appropriate pro rata should be 30% for the 'betterment of native Hawaiians'.

Let me share, Mr. Speaker, some historical background as to why I feel so strongly on this pro rata.

Basically, I believe that the 30% of sugarcane leases and water revenues set by Congress in 1920 as the share for the Hawaiian Homestead Program provides an historical and moral model for our actions.

All American territories and states admitted into the Union from 1864 to 1958 had 'disclaimer provisions' protecting the tribal and ancestral lands of aboriginal peoples. Only Hawaii and Hawaiians were denied that organic guarantee.

At the time of annexation, the 'newlands resolution' promised that Congress would 'enact special laws' for public lands in Hawaii. That promise was broken and a Library of Congress report published in 1974 on the parallels between Alaskan native claims and Hawaiian efforts for reparations recommended favorable action on restitution because of that very, very serious omission.

From the congressional records, however, there is evidence that the inclusion of 'native Hawaiians' as explicit beneficiaries of the 'ceded lands trust' was at the least, a partial recognition of past wrong.

Why even name native Hawaiians unless there was clearly a legal claim and a right to such revenues?

Maybe the significance of that question will be clearer if we consider what the 'ceded lands' are. As defined by the Resolution of Annexation, they are the 'public, government and crown lands' of the illegally deposed kingdom of Hawaii.

Those lands which may be called tribal or ancestral, and must in some way be recognized as Hawaiian lands. That recognition does not lend itself to a simple division of five into 100 percent.

Nana I Ke Kumu, look to the source.

Look, not just to the traditions and beliefs of a people, but even more significantly, look to the historical and legal basis for setting the pro rata.

The Office of Hawaiian Affairs is the most profound opportunity for Hawaiians to respond as a people, a genuine opportunity for us to right historical wrong and to assert ourselves as a proud and significant part of the islands' future.

For too long, Hawaiians have been treated as victims of our own culture. Beginning with the missionaries and continuing through the Hawaiian Homestead Act, we have been seen as a handicapped people in need of social rehabilitation.

For once, though, this pro rata share of the trust and the Office of Hawaiian Affairs will speak to the 'betterment' of Hawaiians and will let Hawaiians decide what that means.

The entire state rejoiced in the renewed pride and identity of Hawaiians, as long as we were talking about music, dance and the arts. When that same pride assumes new dimensions of confidence and political expression, I detect fear.

A free society should never fear expanding the meaning of justice. It is only continued injustice which creates anger and resentment.

Hawaiians gave freely of their love and trust. All we're asking is for the same in return, and to set the pro rata at 20% instead of 30% is to again ask Hawaiians to accept less than what is legally their right. We are, by this bill, only adding another wrong to the too-long list of injustices done against Hawaiians. It is only because we are used to getting nothing that we settle for anything. Thank you, Mr. Speaker."

At 1:56 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:01 o'clock p.m.

Representative Sutton then stated:

"Mr. Speaker, after hearing the eloquent remarks of the representative from the resort area of Waikiki, I would like to change my vote to a 'yes' and since it's not been cast, I assume you will allow that."

The Chair responded:

"You are entitled to change your vote."

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

"Mr. Speaker, notwithstanding the remarks of the previous speaker, the one before Representative Sutton, I would like to speak in favor of this bill.

Mr. Speaker, H.B. No. 1853 amends Act 196 by earmarking 20% of the funds derived from the Public Land Trust Fund for the Office of Hawaiian Affairs. Mr. Speaker, the rationale for establishing the pro rata share for the Office of Hawaiian Affairs at 20% of the revenues derived from the public land trust is embodied in Section 5F of the Admissions Act.

Essentially, Section 5F provides that revenue derived from the Public Land Trust shall be disposed of for one or more of the following five purposes: support of the public schools and other public educational institutions; betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920, as amended; the development of farms and home ownership on as widespread a basis as possible; the making of public improvements; and the provisions of land for public use.

If each of the above purposes was treated equally, the portion transferred to the Office of Hawaiian Affairs would be 20% of the revenues from the Public Land Trust. Mr. Speaker, a pro rata share set at 20% of the revenues derived from the Public Land Trust will benefit the Office in the following ways: long range program planning can be based on and related to anticipated

revenues from the pro rata share; with the base income, additional revenue sources can be developed in the private sector as well as at the federal level; spending priorities among programs can be established.

Mr. Speaker, passage of H.B. No. 1853-80 will assist the state's native Hawaiians in the quest for the attainment of effective participation and decisions relating to their future. An appropriately funded Office of Hawaiian Affairs, as will be provided by this bill, will provide native Hawaiians full opportunity to participate in the programs and activities that will be developed by the Board of Trustees, once elected.

Therefore, Mr. Speaker, I urge all of my colleagues, both on this side and the other side of the chamber, to vote in favor of this bill. Thank you."

Representative Kamalii then spoke in rebuttal:

"Mr. Speaker, I just want to clarify a few things. It is true that there are listed five beneficiaries, but let me tell you, none of that has ever been implemented. There is only one in existence today, two if you want to stretch it, the native Hawaiians and the educational program. The rest, this state has done nothing about and if that's what we're basing the 20% on, then we are getting nothing."

The motion was put by the Chair, and the report of the Committee was adopted and H.B. No. 1853-80, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 1853-80 passed Third Reading at 2:05 o'clock p.m.

STANDING COMMITTEE REPORT

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 670-80) informing the House that House Resolution

Nos. 306 to 310, House Concurrent Resolution Nos. 99 and 100 and Standing Committee Report Nos. 613-80 to 668-80 have been printed and distributed.

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

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 316 and 317) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 316) congratulating the Lahainaluna High School Lunas basketball team on capturing the 1980 Maui Interscholastic League basketball championship was jointly offered by Representatives Takitani, Honda, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Toguchi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Honda, seconded by Representative Andrews and carried, H.R. No. 316 was adopted.

A resolution (H.R. No. 317) in memory of Robert Perkins Griffing, Jr., was jointly offered by Representatives Marumoto, Say, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Lacy, Larsen, Lee, Lunasco, Marumoto, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Segawa, Silva, Stanley, Sutton, Takamine, Toguchi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Marumoto, seconded by Representative Say and carried, H.R. No. 317 was adopted by a rising vote.

By unanimous consent, the following resolutions (H.R. Nos. 311 to 315) and concurrent resolution (H.C.R. No. 101) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 13, 1980:

A resolution (H.R. No. 311) requesting the development and implementation of plans to control the relevancy of coursework used for the reclassification of teachers in the Department of Education was offered by Representative Lunasco.

A resolution (H.R. No. 312) requesting the development and implementation of plans to promote sound resource management practices within the Department of Education was offered by Representative Lunasco.

A resolution (H.R. No. 313) requesting a review of security at the Oahu Community Correctional Center and the Oahu High Security Facility was jointly offered by Representatives Nakamura, Aki, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Kunimura, Lee, Marumoto, Masutani, Medeiros, Sakamoto, Say, Silva and Takamine.

A resolution (H.R. No. 314) requesting the Department of Social Services and Housing to recommend alternative funding for social services programs was offered by Representative Baker.

A resolution (H.R. No. 315) requesting a study on the various states of mind definitions was offered by Representative Evans.

A concurrent resolution (H.C.R. No. 101) requesting the Department of Social Services and Housing to recommend alternative funding for social services programs was offered by Representative Baker.

THIRD READING

H.B. No. 2167-80, HD1

On motion by Representative D. Yamada, seconded by Representative Honda, H.B. No. 2167-80, HD1,

entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2167-80, HD1, passed Third Reading at 2:08 o'clock p.m.

H.B. No. 501, HD1

Representative D. Yamada moved that H.B. No. 501, HD1, pass Third Reading, seconded by Representative Honda.

Representative Sutton then rose to speak against this bill:

"Mr. Speaker, this is a bill relating to the right of privacy and basically speaking, the 1978 amendment to the Hawaii State Constitution relating to the right of privacy mandated something more than this bill gives.

This bill only permits a limited addition of the Freedom of Information Act which is on the federal books. It would have been so easy to follow the Freedom of Information Act and put that on the books. Instead, this is a limited right. It allows you and me, when our names are up for high office, to subsequently find out what individuals had put in the record, but it does not allow third parties to come in and get that information. It only allows the individual. This means that the media is bereft of the opportunity to get information which would be essential if they are going to have the type of journalism where they get information similar to what is gotten under the federal statute.

Therefore, it is not a complete definition of the rights of privacy. It is not a definition that allows the individual to make corrective action by anybody but himself. Because of this limitation on the individual, himself, on receiving defamatory information that has been spread elsewhere, he might find himself in a position where defamation had occurred, he did

not have the mobility, he might be sick or in the hospital, to go down and get this himself.

We must not make our statutes ones that are just available to people who know the law and who have an access to the law because that's their practice. We must try to make the Freedom of Information Act the next goal of this body.

Because this bill so inadequately attacks the problem, I would urge you, Mr. Speaker, and all the members to vote against it."

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

"Mr. Speaker, it was never the intention of the Committee that this bill is the total answer to the constitutional amendment that was ratified last year.

As far as the statements that it would be very easy to follow the Freedom of Information Act, during the interim we heard bills which were based on the Freedom of Information Act, trying to conform it to our state situation. As I recall, at that time, I think all the testimony we received was against it. We tried re-drafting other types of measures to implement the right of privacy, but we had not been successful. Therefore, instead of trying to create and pass an omnibus type of bill, we have decided instead to view the right to privacy as contained in our constitution, as a tremendous piece of legislation and which, because we have no ready answers, that instead we take a slower approach and start with measures like this and continue with future legislation and legislators in trying to implement fully that constitutional amendment."

Representative Kamalii then rose to speak in favor of this bill, with reservations:

"Mr. Speaker, one of the more confusing and potentially conflicting amendments to the state constitution two years ago was the addition of the right to privacy.

As addressed by this bill, such a right would be interpreted as citizen access to and correction of personal records held by the state government agencies. I have no disagreement with that intent. I do have some questions, though, as to whether this bill really implements the constitutional amendment. There have been as many interpretations of privacy and of necessary safeguards or difficulties as there are individuals willing to express an opinion.

What frustrates me is that an article of our Bill of Rights as expressed by the state constitution was not discussed properly.

What most distinguishes the constitution from statute is underlying philosophy and purpose. A constitution, especially the Bill of Rights section, may be interpreted as guaranteeing the rights of the people from the intrusion or infringement of the government. Our laws, on the other hand, define those areas in which a people is subject to the government.

The bill does not restrict government's power to keep records on individuals or limit the areas in which it is proper to even have such records.

What real use is it to a citizen to know that certain records may be 'correct' but should not be filed at all. For me, that is the truest sense of protecting privacy, and I believe this bill fails to offer that protection. Thank you."

The motion was put by the Chair and H.B. No. 501, HD1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL RECORDS", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no and Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 501, HD1, passed Third Reading at 2:15 o'clock p.m.

At 2:16 o'clock p.m., the Chair declared a recess subject to the

call of the Chair.

The House of Representatives reconvened at 2:17 o'clock p.m.

H.B. No. 2897-80, HD3

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2897-80, HD3, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL FACILITY REVENUE BONDS", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2897-80, HD3, passed Third Reading at 2:18 o'clock p.m.

H.B. No. 1611

Representative Morioka moved that H.B. No. 1611 pass Third Reading, seconded by Representative Inaba.

Representative Larsen then rose to speak against H.B. No. 1611:

"Mr. Speaker, this bill is one additional leaf in the history of granting additional privileges to the various people working in our state and county governments. I see nothing wrong with people earning a fair share for the work they've done. I see nothing wrong with guaranteeing a fair retirement fund after they've spent years working for the various governments in our state. The problem that is before us is an insidious creeping problem that I have expressed myself on before, that we keep expanding inch by inch the privileges of retiring after 25 years of work for the state or the county.

There has to be some limit to this thing because I believe the cost to the state retirement fund, as we've heard earlier today, is in jeopardy in the future. This type of bill, although I've heard that it covers only eight people, is only another page in the history of giving this idea of after 25 years of work you can retire on 75% of your pay.

Now, this is an extraordinary benefit because it gives a man who starts work at 20 years of age the privilege of retiring at 45, still in the vigor of his health and taking on any other job with no restrictions on his retirement pay. This is the kind of thing that I don't believe we are equipped to pay for and continue on in perpetuity.

Each year it gets a little larger. The idea that 8 or 10 or 12 more people is not the point in issue, it's the point that when we come here and meet every year, some other group is given an expansion of the privilege of 25 years and out. We have heard it discussed as the solution for the problem of DOE, taking care of deadwood in other areas of the government. Just let them retire after 25 years, it's all right, we can afford it.

I beg to differ. We cannot afford it. I believe that through the process of evolution, if we keep granting these little increments, one by one, it becomes the center of the state that everybody should work 25 years and then retire.

Now, if all of these measures that have come before me, and if they had said they had a step-wise actuarial gradation for their retirement fund, I would not be standing up here talking. If we could put on the actuarial level of funding people who retire, I'm perfectly willing to do that, but our state constitution already states that once granted, no funds or benefits will be reduced for the employee.

This is a critical issue, then, to start granting this type of non-actuarial retirement pay for individuals still in the peak of their life.

Now, the other issue at point here, is how this measure comes before us. H.B. No. 1611 appears to me to be a definite government employee related benefit and yet it did not get referred to the Employee Benefit Committee. I feel that some able executive, or colleague of mine, that is, prepared this bill and put it before us by

very carefully wording the title so it would avoid being referred to the Employee Benefit Committee; thereby, bypassing one of the critical reasons why we should regard each one of these new pages of history to be looked at and considered in reference to the whole.

I really believe that this is only one more step, Mr. Speaker, and I urge you as a man with judicial standing to regard this and consider it as just another point of reference in which we will have to consider the future of our state. I urge all members not to vote for this issue because it is one more wave coming into our canoe. Thank you."

Representative Kobayashi also rose to speak against this bill:

"Mr. Speaker, I speak in opposition to this bill as a matter of principle for what the legislature stands for. I believe that there should be a distinction between what the legislature authorizes and what the attorney general authorizes. Presently, investigators with the county prosecutor receive retirement benefits similar to that of police officers because of an attorney general's opinion, not because of any specific legislative approval. This bill would grant benefits and privileges to investigators in the Attorney General's Office similar to benefits and privileges to police officers and deputy sheriffs.

Nowhere in the bill is there any specific mention made of investigators with the county prosecutors. I believe that if the legislature specifically intends to give retirement benefits to investigators, either in the Attorney General's Office or the City Prosecutor's Office, that that should be so stated in the bill. I do not believe that the Attorney General's opinion should be allowed to give retirement benefits to any individual in the state of Hawaii. Thank you."

Representative Stanley then stated:

"Mr. Speaker, may I have the remarks of Representative Larsen and Representative Kobayashi incorporated

in the record as my own."

The Chair, noting no objection, so ordered.

Representative Sutton stated:

"Mr. Speaker, may I have the remarks of State Representative Larsen incorporated in the record as my own."

The Chair, noting no objection, so ordered.

Representative Lacy then rose and spoke against H.B. No. 1611:

"Mr. Speaker and fellow colleagues, my remarks here are to a specific point. Not at all do I want to take away any rightful increase in pay that might be involved. The cost has nothing to do with my remarks.

My remarks center around the principle that throughout the government system, the legislature passes a law that sets up an organization and then we permit a number of administrative acts to guide us and to rule us; rules of people not in the legislature.

This is an example of an action that took place in sort of a round about way where human beings are involved and don't want to hurt other human beings, so we pass the law and, therefore, we approve of the action previously taken. My point is that the persons involved are going to be able to receive privileges because they referred to others who got the same privileges; but you and your predecessors and me and my predecessors did not give them those privileges. Those privileges were granted by the Attorney General.

Now, we come back and say because the others got it, they deserve it. Think about it. I'm really not asking you to say that these people should be deprived of an income or privilege, but I think we ought to be looking at it seriously.

I think we ought to look into this and we ought to cover the subject

by action of the legislature in the next session to be sure that we are looking closely at each of these privileges and place control.

I also request that the remarks made by Representative Kobayashi be included with my remarks."

The Chair, noting no objection, so ordered.

Representative Toguchi then rose to speak in favor of H.B. No. 1611:

"Mr. Speaker, the previous speaker from Waiialae-Kahala had several reservations that he talked about. I have to admit that a lot of those reservations are reservations that I raised in the Majority Caucus. I also have some reservations, but I feel that as far as the investigators in the Attorney General's Office, I noticed that any time we have crisis situations, that they are called upon to do a lot of things that I consider duties that are similar to the police officers of the city and county.

For example, the situation at Sand Island, Hale Mohalu and I think some of you know of other situations when they have been called upon.

I don't think it's a question of comparing the Attorney General's investigators with the police to determine whether they have, right down the line, similar duties and functions. I think it's a question of do they really, it sounds like I am contradicting myself but I'm really not because, let me finish. What I'm saying is that you should look at what they do, and then based on that, decide if you think they deserve the benefits that are being granted in this bill. I think it should be done on that basis.

The only reason I raise this comparison is because this is what others are raising in opposition to this bill. Remarks were also made about the county investigators. It is true that in terms of benefits the county investigators do have the 25 year and out benefit.

I say I have reservations with

this bill, although I am supporting it. I'm saying this because we have also had other bills come before us and as the honorable representative from Waialae-Kahala stated, these bills went to other Committees and I think that next year we should look at all of these bills that have come before us and again, on the merits of each one, either grant them the privileges that are being asked here and I agree that we have to be concerned about what it will do to the retirement system.

Even with these reservations, I will be supporting this bill."

Representative Lee rose to speak in favor of H.B. No. 1611:

"I want to support the remarks of Representative Kobayashi, but I'm for the bill. The point I want to bring out is that as Chairman of subject matter Committee since 1975, we thought about this 25 year early retirement and as the conference manager that year, in my mind I had absolutely no intention to include investigators. What I do not like and what I resent is that the Attorney General could bring about this Act to include investigators.

In the future, I think we, as legislators, should be even more careful so that we do not lose the powers that we have of legislating and leave the making of so-called laws, you know, into the hands of the Attorney General or the Executive by rules or regulations or by lieu of opinions.

In conclusion, I do support this bill. Thank you."

Representative Kamalii then rose to speak in opposition to H.B. No. 1611:

"Mr. Speaker, as I understand it, the primary purpose of this bill is to provide the investigators in the Attorney General's Office the same retirement benefits as the police officers. As I recall, we heard from the State Retirement System recently some dire warnings about further additions of special categories to the retirement system.

We were told that its finances are in need of serious review and that a complete evaluation must be made of all the benefits and categories in order to plan for the future. It would seem to me that for this reason primarily, we should defer action on this bill until we have a better idea of what we should do about all the categories, not just investigators.

I am unconvinced that we should simply approve this measure only because someone is pointing to another agency and saying they deserve the same benefits. I'm not against giving these personnel whatever benefits are fair and equitable. I am concerned, however, that we should hold off on such changes and benefits until we have completed the retirement system evaluation. Therefore, I urge that we defeat this bill."

Representative Kunimura rose to speak in favor of H.B. No. 1611:

"Mr. Speaker, I'm compelled, by listening to the honorable Minority Leader, why this bill should be passed.

Mr. Speaker, long ago, not in these chambers here, but across the street in the Iolani Palace, there was a gentleman residing from the county of Hilo, a beautiful person, a person of high integrity and impeccable honesty. That gentleman, Mr. Speaker, was the dearest friend of mine although he was of the opposite party, and that was Senator Julian Yates. He was the prime architect of what we enjoy in this state as the first state in the union to enact the legislation of government employment called equal pay for equal work.

It preceded, long before even the germination of this sperm or the ovary of ERA. Mr. Speaker, this bill is trying to live up to the standards set forth in equal pay for equal work. I hate, Mr. Speaker, to let things ride when facts are not presented as they should be because we are not changing any category, we are only correcting the wrong that was created by the Attorney General's opinion. The language in H.B. No. 1611, Mr. Speaker, is the language

that is existing in the county charters.

I agree wholeheartedly with my colleague from Kaimuki, Mr. Kobayashi, young but wise. We should not enact legislation in a piecemeal manner, but certainly, Mr. Speaker, if we were to follow the recommendation by the Minority Leader, that because of finances, giving a group of people what is their just due, equal treatment under our laws, is unthinkable and unconscionable.

Mr. Speaker, the Attorney General's investigators do not do identical work with county prosecutors or investigators, they do more. They are more truly representative of some police system. I don't want to refer to them as the state police, but they do the job of the police on the county level, to a large extent, because many times we have experienced the refusal of the county police to come in and do some of the things that are required. Mr. Speaker, the Attorney General's investigators are called upon to do these tasks.

We are not, Mr. Speaker, changing any category. We did, however, change a large category only a few years past when we afforded the sewer workers the kind of benefits they enjoy. That's changing the category. This one is to conform to a legislation by the Attorney General's opinion. If anyone disagrees that the county prosecutor's investigators should not have been given that, then they should have taken that matter to the courts of the state of Hawaii for declaratory judgment.

I want the facts straight, Mr. Speaker. We're not legislating to create a new category, only carrying out the intents and purpose of Act 188, I believe it was, that Senator Julian Yates started, equal pay for equal work, and to extend the principle of equal pay for equal work, equal treatment under the stars and stripes. Thank you, Mr. Speaker."

At 2:36 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:47 o'clock p.m.

Representative Crozier then rose and stated:

"Mr. Speaker I rise to speak in favor of this bill. Can the remarks of the representative from Kauai be included in the Journal as my own."

The Chair, noting no objection, so ordered.

Representative Larsen then rose in rebuttal:

"It's not the question between individuals, it's the problem of trying to say no when it gets to the floor of the House.

I believe that it's just another chapter and I think we should wait on any more spreading of the 25 year and out benefits to any employees in the state until the study has been completed on the retirement system which the Chairman of the PEGO Committee has indicated to me is going to take place.

Once we get that picture clearly in mind, then we can start talking about balancing off the remaining assets of the state.

As I recall, the former chairman of the PEGO Committee indicated that in no way did he conceive of investigators falling under the auspices of 25 years and out. No one conceived of it. It was a 25 year and out benefit that was put specifically on a small group who are facing hazards and dangers everyday, the police. Before that bill hit the floor it had been increased to firemen. Then we've got it spread into other areas of our state. I can stand here and relate to you that there are many areas, workers in this state who are facing hazards and responsibilities a lot greater than some of those that we are now covered with this 25 year and out provision. That's the issue we have here. Where do we draw the line.

Every time the eraser is brought

out and the line is moved another notch further, it becomes harder and harder to justify any limitation. Originally, we talked about severe hazards and the fact that as one gets older, one slows down. Not in my case, Mr. Speaker, but in many cases. I would like to say that on that basis I hope that we will reconsider our support of this measure and vote no. Thank you."

Representative Stanley then rose and stated:

"Mr. Speaker, may I just clarify a point with regard to our retirement system and the study of it. There has been some discussion in the House, but we are still looking at that matter. Perhaps the Retirement Board, itself, will be initiating further studies of the benefit system."

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

"Mr. Speaker, I can understand the headaches that these investigators go through and the stress that is placed upon them. If you had to go and investigate something and, as a judge or becoming a judge, I'm sure this point would be very important to you, too.

Stress. What do these guys have to go through.

Mr. Speaker, one of the things that has not been brought up by all the previous speakers is that, in effect, these Attorney General investigators very often are called by the city prosecutor's office to aid and work alongside the city prosecutor's investigators. It's kind of an interesting point when you consider the fact that the state investigators working immediately on the side of the county investigators and one has the retirement benefits and the other one doesn't have the retirement benefits.

Mr. Speaker, regarding the concern that the Attorney General is circumventing the legislature, I feel that any time the Attorney General can interpret what we have done in the past and show us, perhaps, where we have been lacking or missed

something such as this, then they should do so.

Mr. Speaker, I recommend that everybody vote aye on this measure."

Representative Kunimura rose in rebuttal:

"Mr. Speaker, the gentleman from Waiialae-Kahala stated that there is going to be a study on the retirement system. You know, that's what they told the slaves many, many years ago, to wait, wait, wait. What would America be like if we continued to wait and study and study and study what is human right. Mr. Speaker, there may be only eight people involved, but there are three jurisdictions in the state of Hawaii and employees in that jurisdiction who are at this very moment enjoying what these eight people are trying and striving to have equity with. For us to say, wait, because a study is going to be made; a justice delayed, as Mr. Sutton would have said, is justice denied. Thank you very much."

Representative Evans then requested that the following remarks be inserted into the Journal:

"Mr. Speaker, I rise to speak against this bill. With the ratification of the work of the Constitutional Convention in 1978, we have found ourselves in the midst of a period of reassessment, of reevaluation of our goals and priorities. We are having to make this exercise in introspection, I think, primarily because of the new mandates of the constitutional amendments calling for special attention to certain concerns and for spending and debt limitations.

In this introspection comes also the call for a comprehensive study of the benefits of the state retirement system. This call, by the directors and advisors of the system, was predicated by a concern for fiscal stability and the realization that unless the legislature was properly apprised of certain problems arising in the employees retirement system, the dangerous trend toward liberalizing benefits would encompass more and more special employee divisions.

This measure comes to us at a particularly inappropriate time, at a time when we have a greater need for caution in such matters.

If these individuals are entitled to these benefits, we can deal with that at a later time. Right now, it is much more compelling that we take no such action and move with caution.

I urge that you vote against this bill. Thank you."

At this time, the Chair stated:

"The Chair feels compelled to straighten the record in the question of referral. Remarks were made questioning the referral of H.B. No. 1611. All the members here are aware of the appeal procedure followed in this body; furthermore, the record shows that H.B. No. 1611 was, on February 15, 1979, referred to your Committee on Judiciary and then to your Committee on Finance and that Standing Committee Report No. 232, submitted to this body, approved by the Judiciary Committee, referred said bill to your Committee on Finance and in its report, and I quote, 'your Committee finds that under the concept of equal compensation and benefits for equal work, investigators of the Attorney General's Office should receive the same benefits and privileges as do investigators for county prosecutors. Accordingly, your Committee recommends favorable consideration of this bill. Your Committee on Judiciary is in accord with the intent and purposes of H.B. No. 1611 and recommends that said bill be referred to your Committee on Finance'. This is not to say that anyone does not have the right to change his mind, but the gentleman from Waialae-Kahala signed the Committee report favorably."

Representative Larsen then stated:

"Mr. Speaker, I appreciate those barbed comments and I would like to say that I have heard on this floor that the right to change one's mind is included in your comments and I recognize that. Thank you very much. "

The motion to pass H.B. No. 1611, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATORS IN THE DEPARTMENT OF THE ATTORNEY GENERAL", on Third Reading was put by the Chair and carried by a vote of 35 ayes to 14 noes, with Representatives Anderson, Andrews, Evans, Hashimoto, Honda, Ikeda, Kamalii, Kobayashi, Lacy, Larsen, Marumoto, Masutani, Stanley and Sutton voting no and Representatives Blair and Garcia being excused.

H.B. No. 2980-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2980-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

H.B. No. 2552-80

Representative Morioka moved that H.B. No. 2552-80 pass Third Reading, seconded by Representative Inaba.

Representative Say then requested the following remarks be inserted into the Journal and the Chair, noting no objections, so ordered:

"H.B. No. 2552-80 calls for statutory amendment of Hawaii's income tax law, and I support it. Please allow me a brief opportunity to explain why I support it.

First of all, the U. S. Congress in 1978 increased the personal exemption for income tax from \$750 to \$1,000. A simple question should suffice: Why has it taken us two years hence to conform with the federal Internal Revenue Code? Our responsibility now lies with the public good and benefit. Let us pass this bill such that Hawaii's citizens can also prepare their state income tax returns in conformance with their federal tax returns.

Secondly, in the past year or so, and in the projected year or two, inflation is expected to remain in

the two-digit percentage increase. We cannot afford to impose any undue hardship upon our citizenry in Hawaii. The additional \$250 exemption is the barest minimum we should and must afford our people. By passing this bill, the legislature recognizes the inevitable responsibility to face reality and to offset any unnecessary hardship upon the taxpayer."

The motion to pass H.B. No. 2552-80, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTIONS", on Third Reading was put by the Chair and carried by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 1611; 2980-80, HD1 and 2552-80 passed Third Reading at 2:58 o'clock p.m.

H.B. No. 2444-80

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2444-80, entitled: "A BILL FOR AN ACT RELATING TO INDEXING OF THE HAWAII REVISED STATUTES", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

H.B. No. 2409-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2409-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO A RADIOLOGICAL SAFETY TASK FORCE", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Ikeda voting no and Representatives Blair and Garcia being excused.

H.B. No. 2222-80, HD2

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2222-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT PARKING CONTROL", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no and Representatives

Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2444-80, 2409-80, HD2 and 2222-80, HD2 passed Third Reading at 2:59 o'clock p.m.

At 3:00 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives recessed until 5:00 o'clock p.m. this evening.

EVENING SESSION

The House of Representatives reconvened at 5:40 o'clock p.m.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 654-80 on H.B. No. 2023-80, HD2

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2023-80, HD2, pass Third Reading, seconded by Representative Inaba.

Representative de Heer then rose to speak in favor of this bill:

"Mr. Speaker, for several years now the legislature has been approaching this area of humanity and we've yet to reach a fair solution. What we have right now is several groups fighting amongst each other with no real solution and no real purpose defined.

If the state is to have an effective humanities program, and I believe it is the responsibility of the state to have an effective humanities program, then it is incumbent upon these programs as we have delineated in the budget which we are going to be considering later today, to get together and work together for the benefit of all our people.

My hope, that after these harrowing experiences, you can check the records of the Finance Committee hearings on how long and how many hours we spent on this, and the patience of the Chairman and the members of the Committee was stretched beyond

imagination, I believe that those agencies that are affected by this legislation have got to get together and come next year before the legislature and tell us that yes, they've gotten together and yes, we have a program that all of us in the legislature can agree to.

This entire area has had more politics, more back-biting, more back-stabbing than almost any other program in the state. And, for such a relatively small amount of state dollars, I think it's just ridiculous. It is my hope that the individuals involved will get together and work for all the people all of the time. Thank you, Mr. Speaker."

Representative Say also rose in support of H.B. No. 2023-80, HD2:

"Mr. Speaker and members of this honorable body, being the Chairman of this Committee on Culture and the Arts this past four years, I've learned a lot. I have here this afternoon, written testimony in support of this measure, but I would like to say a few words in addition to this particular testimony.

During these past four years as the Chairman of the Committee on Culture and the Arts, I've learned a lot and I've gained a lot of knowledge and information in this particular area. I remember when I was first elected in 1976, an audit was conducted by the Auditor's Office and in the auditor's report it really criticized the Hawaii Foundation for History and the Humanities in terms of its administration and operation.

H.B. No. 2023-80, HD2, requires our speedy review and passage today. Further delays in dissolving the Hawaii Foundation for History and the Humanities are both unnecessary and unrealistic.

For one thing, a quick review of what has already been happening to much of the Hawaii Foundation's responsibilities should suffice. Last year, the bulk of the Foundation's projects were transferred to the State Foundation on Culture and the Arts. The major areas that

were transferred were the Multi-Cultural Center, the Polynesian Voyaging Society and the Ethnic Studies Oral History Project. Even the historic preservation program under the jurisdiction of the Hawaii Foundation has been assumed by the Department of Land and Natural Resources.

If all the members here would remember this past Monday's Star Bulletin, there was an article where 537 historic sites were wiped off the state's register. I do not blame the present chairman and the executive director or those before him and their predecessors, if the intent of the legislature from 1968 to now had their objectives as far as this Foundation being quasi-public-private. I am very sad that it had to come out this way.

I've also believed in the Foundation for History and the Humanities and during my first term in office I gave the Foundation two years to shape up. The groups mentioned here, in this testimony, testified before this Committee on Culture and the Arts these past four years in saying they would not like to come under the umbrella concept of the Hawaii Foundation for History and the Humanities.

There was a lot of conflict and disagreement between these two groups, those that were legislatively provided for in the state budget and then through the expending agency known as the Hawaii Foundation for History and the Humanities.

Maybe it was because of the status, being a quasi-public-private, the membership electing the Board of Trustees and the Board of Trustees selecting the Executive Director.

As the Chairman for these past four years, what the Chairman and the Committee has done is basically, legislatively tried to take care of these three particular programs through the state budget. All the Foundation for History and the Humanities had to do, basically, was to draft up the contracts and have the contracts signed by these three parties.

I believe the legislative appropriations were somewhat directly a grant-in-aid to these particular groups who were going to do these particular responsibilities and duties.

As the Chairman these past four years, also, I have given the Foundation the flexibility of using \$70,000 which they have told the Committee these past four years that they would generate. \$20,000 was from the membership dues and from private organizations. \$50,000 was supposed to be generated from the National Endowment for the Humanities. I know I've been criticized these past four years as taking it as a personal attack upon the Foundation's Executive Director, but that wasn't true. In simple language, the Hawaii Foundation, in its present structure, has failed the legislative intent, the intent being that being quasi-public, the legislature was supposed to give the Foundation the seed money to begin the projects on the humanities.

At this particular time, there are two organizations that are non-profit, one is the Hawaii Committee for the Humanities which has generated over one-half million dollars for federal funding. Why hasn't the Foundation for History and the Humanities done that?

A second point I would like to bring up is in the area of historic preservation. At the present time, we also have another organization which has really done well - the Historic Hawaii Foundation or the Hawaii Historic Society, which has done a lot of surveys for some of the members here in their particular districts in regard to what would qualify for historic sites in the state and, maybe sometime in the near future, on the National Register.

These concerns are the concerns I have voiced these past four years in an uphill battle. I would like to make one statement before I ask that this honorable body support this measure and that is that this is not a political ploy or a political attack upon anyone. All I'm trying to do is just the best I can as the Chairman of the Committee in regard to public accountability of how funds

should be used in state government.

Yes, the previous speaker talked about the Foundation being on the bottom of the totem pole in terms of generating revenue. It is correct. But I believe it was up to the Board of Trustees and the Executive Director to also apply for this legislative appropriation.

At this time, I would like to say to the members of this House that you support this measure based on the merit of the bill and not on what people have been talking behind my back as far as the political attack on other persons. Thank you."

Representative Sutton rose to speak against H.B. No. 2023-80, HD2:

"Mr. Speaker, never since I've sat in these chambers, five and a half long years, with you there giving us direction and guidance, have I been a party to such legislative surgery as we have before us. Legislative surgery that was not necessary if we had done our jobs. Legislative surgery which was caused by inept legislation on our part, and I include myself. Legislative surgery that leaves two bodies strewn dead upon the deck.

Mr. Speaker, you have heard the previous speaker talk about 550 miscarriages of historic places that have now been deleted and are no longer properly on the review. May I say to you that there is but one reason for that. They lack due process and adequate notice. But, these were not attorneys, these were not people skilled in what constitutes due process. These were people who should have been guided by the Attorney General to whom we just gave eight positions who will have immense privileges and retirement privileges and everything.

The Attorney General of this state is supposed to have the inherent power to supervise something of this nature and tell them whether or not they are using due process of law. I say that the type of individual who is in arts and culture is not so skilled.

Now, Mr. Speaker, you have heard that the Foundation was on the bottom of the totem pole. This was one of the first state's, led by your own Jack Burns, governor of this state, to have a concept of Culture and the Arts, to have an appropriation of 1% of all building which had art, to have the basic concept of preserving by all records and then, what did we do, I'll tell you what we did. We made something quasi-public, that means that it was neither fish nor fowl. We did not define it adequately and yet we sit here, in our imperial thrones, and sit down and say, 'execute those two, execute them', then their faults will not come upon us. I cannot be a party to this, Mr. Speaker, and I ask you to join me in voting no."

Representative Evans then rose to speak in favor of H.B. No. 2023-80, HD2:

"Mr. Speaker, before I go on, I did not know that the honorable representative who spoke before me had a M.D. after his name.

This bill transfers the administration and responsibilities of the Review Board for the Hawaii Register of Historic Places from the Hawaii Foundation for History and the Humanities to the Department of Land and Natural Resources and dissolves the Foundation.

Unfortunately, this administrative change is long overdue, judging from the way the Review Board has been conducting its activities."

Representative Say then requested a recess.

The Chair then stated:

"Representative Say, the Chair will allow Representative Evans to continue."

Representative Say responded:

"Mr. Speaker, I don't want to embarrass my colleague right now. She is speaking on the wrong bill. This is just dealing with the transfer

of the Foundation for History and the Humanities."

The Chair asked Representative Evans if she would consent to a recess.

Representative Evans answered:

"I'll consent to the recess, but I'm correct."

At 5:53 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:54 o'clock p.m.

Representative Evans then continued:

"Mr. Speaker, I appreciate what the honorable representative was trying to do across the way, but I feel personally aggrieved when any person is speaking on the floor of this House and is interrupted, for whatever reason, and I will not continue with my speech."

Representative K. Yamada rose on a point of order.

Representative Evans stated:

"There is no point of order."

The Chair then stated:

"Representative Evans, the point is well taken; however, the Chair asked whether you were willing to consent to the recess. Your answer was in the affirmative and if your answer was in the negative, the Chair would have allowed you to continue."

Representative Evans:

"Mr. Speaker, when one is interrupted on the floor in the middle of a speech, the consent to recess seems to be the most appropriate thing at that point."

The Chair responded:

"The Chair would also like to remind Representative Evans that, I believe, two parties asked for the recess."

The Chair then recognized Representative Evans for the purpose of speaking on the bill if she so desired.

Representative Evans stated:

"I do not desire to. Thank you."

Representative Toguchi then rose to support H.B. No. 2023-80, HD1:

"Mr. Speaker, the purpose of this bill is to dissolve the Hawaii Foundation for History and Humanities as an organized structure and to transfer its functions and programs to the State Foundation on Culture and the Arts.

In March of 1976, the Legislative Auditor completed a management and financial audit in response to H.R. No. 646, Regular Session of 1975. The Legislative Auditor said that, and I quote: 'the Foundation has not effectively implemented the programs over which it has responsibility. Progress has been extremely slow in meeting legislative expectation in virtually all program areas'.

In its March 1976 audit, the auditor concluded that the legislature should (1) strive to redirect the Foundation's efforts to its statutory duties, or (2) reassign program responsibilities along the lines that the auditor had suggested.

As the Chairman of the Culture and Arts Committee stated, for the past four years we pursued the first choice which was to redirect the Foundation's effort to its statutory duties. At this time, I can say that the Foundation has not succeeded.

Mr. Speaker, having pursued the first choice, we must now pursue the second which is to reassign program responsibilities. We can no longer rely on the Foundation to carry out its purposes as mandated by statute.

I want it clearly understood that the intent is not to destroy or eliminate the programs of the Hawaii Foundation for History and the Humanities,

but to transfer their administrative activities wholly to the State Foundation on Culture and the Arts.

Mr. Speaker, before I close, I would like to say that in the four years that I have served on the Culture and Arts Committee, the Chairman, Representative Calvin Say, has done an outstanding job. We have no alternative but to support this bill. Thank you."

Representative Sutton rose in rebuttal:

"Mr. Speaker, they still have time to save the careers of two individuals who would be totally destroyed by this bill. There is still time.

Mr. Speaker, the legislative surgery here has just been shown by these two gentlemen to be something which they sat back and allowed to occur. We have a doctrine in the law called estoppel, a reliance upon a certain inducement and then action thereupon, and I say that they legislatively estopped to proceed in this way because they saw this problem four years ago and did nothing. I ask for injunctive relief from your honor, to estop them from this destruction and I ask you, sir, to please look with great care upon their arguments. Here's what they say."

Representative Kunimura then rose on a point of order stating:

"The gentleman from Nuuanu is trying to inject a courtroom scene upon this legislative body."

The Chair responded:

"I am presuming that he is addressing the Chair as Your Honor in reference to the Speaker's position."

Representative Sutton continued:

"Mr. Speaker, this has an immense gravity upon the lives of two individuals who have devoted themselves to try to do something where there were no guidelines. They were cutting a trail through the forest on their own. They were not following

other paths.

Such things as recalling Hawaii's social and cultural history through collection and preservation of oral or written communications, who to make the oral studies on, the immense jealousies that came out because one oral study was made from one person and not another, tremendous difficulties in encouraging the ethno-historical multi-cultural activities of all ethnic groups and having one ethnic group feel that they were left out, creating a centralized responsibility for multi-cultural studies and materials when they had no path to follow.

Four years ago, this gentleman said, he saw the problem. We in Finance, and at that time the Chairman was Jack Suwa, and we had a diagram put on the wall, and believe me Mr. Speaker, Rube Goldberg couldn't have made a diagram of that nature. One of the people said to me, 'State Representative Sutton, you don't have an M.D.'. Well, I have a J.D. and I also had one year at Stanford Business School prior to the Law with joint secretary of the logistic staff and in administration. We were the ones responsible. I put a postal system in for the Chief of the entire Pacific Command, Commander in Chief, Nimitz. We put the first zip code that you use on your mail today; then we gave them organization because we had what we called then a snafu.

We have a snafu here and we're blaming the wrong party. There is no need for this legislative surgery. Let us recommit the bill."

Representative Kunimura then rose and stated:

"It behooves me not to rise now to speak in favor of this bill. This bill will fly on its own merit, but I want to correct some of the statements made here.

Number one, some kind of insidious picture has been painted of the Chairman of the Committee on Culture and the Arts. I have been here for quite a few years now, Mr. Speaker,

and I'm one of the few that share with you this long tenure here and we must agree, those of us who have been here for about 16 years or more, that it's very rare to see a gentleman, young as he is, but fair and objective and not subjective.

Mr. Say has shown many of us, on many occasions, that he will stand alone, if necessary, for what his conviction dictates. He has shown us that he is a man of integrity, a man that will not strike back because of his hurt or his displeasure of not being recognized. He takes a very low profile, he's not one who will push his weight around, and Mr. Speaker, it is saddening when he is accused of not giving people an opportunity. I think he has given this group of people more opportunity to correct themselves than I've seen the courts of the state of Hawaii give to some of the common criminals.

The testimonies heard in the Committee on Finance, and which the gentleman from Nuuanu is also a member of, clearly will bear out that those involved in the Hawaii Foundation for History and the Humanities testified before the Committee that they will be satisfied with grafting this organization under the wings of the Hawaii Foundation for Culture and the Arts if we will, Mr. Speaker, preserve the Hawaiian Values Program which they started. So, I see no reason why there should be such a controversy over this bill. Those who are directly involved have voluntarily recommended to the Committee that as long as the Hawaiian Values Program is preserved, they will go along.

I cannot understand why a member of the Committee who, I assume, was awake at the time the testimony was given, would now come over here and I believe, Mr. Speaker, I hate to go behind the Committee report, but if he was so set against it, I don't know why he didn't sign 'I do not concur'.

This is a mystery. I've said this many times over on the floor of this House that wise men change their minds, fools don't. But, that's

not always the case, I believe. Thank you."

Representative de Heer again rose in favor of this bill:

"Mr. Speaker, I still intend to speak in favor of this bill, with reservations, as I signed the Committee report, but I want to make it absolutely clear that my reservations with this bill in no manner, shape or form are in any way to be construed as a personal attack on the Chairman of the Committee on Culture and Arts.

As I've stated before in the House Finance Committee, and I'll state today that I'm proud to be a colleague of his. I believe him to be a most competent individual and I believe that, in his own way, given it the best shot.

That doesn't necessarily mean that I agree with all his decisions because I believe that some of the assumptions are wrong, but that is his opinion and he, as a member of this body, is entitled to it just as I am entitled to mine.

I want to separate and divorce myself from any personal tack, but rather emphasize that my concern is with the three entities involved as was expressed at the hearing. I believe that it takes three to tango in this case and the fact was they didn't get together, for whatever the circumstances. I believe that, perhaps, a lot of egos were involved; and in this field when you are dealing with people of intelligence they sometimes get a little too smart for their own good.

We, as political animals, have to look beyond that. Sometimes we get entrapped in it too, but I believe that even though this bill attempts to solve this problem constructively and positively, that the problem really isn't going to get solved ultimately.

If we just shift the problems over to another body and say that the problem is gone, there is really no guarantee that the problem is

gone and I just hope and pray that in the years ahead we don't have to discuss at this level this program anymore because it's a waste of the Chairman of Culture and Art's time. It is really a waste of all of my colleague's time, and it's a waste of my time when considering the variety of state programs that we have.

This program is not a burning interest of mine, to be honest with you. I have other interests that I have pursued here in the legislature, but because of the individuals and my respect for them, because I perceive the facts to be a certain way, I have no other choice but to get involved, and I have no other regret, for that matter.

Those of us who are interested in humanity should look to the definition that's been prescribed in the bill. At this point, I want to commend the various staff people that worked on the draft of the bill because I believe that the concept of humanities is incorporated in HD2.

Now, the bill goes over to the Senate and I hope they can come back with an improved version on this; but more importantly, and I want to reemphasize, that I hope this is the last time that we even discuss this problem and that the humanities program of this state, which is I believe what we all want, continues in a constructive and positive manner and that the undue politics is removed and that people involved in humanities programs on all parties, quit coming down to the legislature to lobby and instead get out into the community and do the work that we all want them to do. Thank you very much."

Representative Anderson then rose to speak in favor of H.B. No. 2023-80, HD2:

"Mr. Speaker, I don't believe that any of us here are wasting our time on any such program. To say that it's a waste to try to accomplish something, I think is wrong.

I got very involved this year with

History and the Humanities and I went to the Chairman and every concern that I had, he had done his research, he had taken up the audit, and in his own mind, he felt that he was doing the right thing. Every one of us who signed the Committee report, signed it free and clear, other than Representative de Heer.

If we didn't believe that it was worthwhile, I don't think that any of us would have bothered with it in the first place. It was worthwhile enough to put your time in and I think that for that reason alone, it was time well spent. Thank you very much."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2023-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO CULTURE AND THE ARTS", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no and Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 655-80
on H.B. No. 2673-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2673-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2023-80, HD2 and 2673-80, HD1 passed Third Reading at 6:11 o'clock p.m.

Stand. Com. Rep. No. 656-80
on H.B. No. 2574-80, HD2

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2574-80, HD2, pass Third Reading, seconded by Representative Inaba.

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

"Mr. Speaker, I have some reservations on it which I'd like to flag out, so that perhaps the Senate could tighten it up.

This bill would establish a state land bank with \$30,000,000. I'm very much for the concept of the state land bank, I think it's a good idea for housing or to acquire open space, park lands, it's a noble concept which has been floating around for quite some time. However, I feel that this bill is too loosely written. I think we're giving control of this land bank to eleven people and turning them loose.

Administratively, it will be placed in the Department of Land and Natural Resources; however, the head of the Land Department is not one of the commissioners. The language of the bill reads that it is expected to yield benefits to the public, but it also gives them power to make policies which I think is a very long leash. I don't think they even have to follow the state plan under this language.

There is no legislative control that I could see except in the area of reclassification of land. They merely must report in an annual report to the legislature once a year. They can acquire land, manage land and dispose of land in any manner they choose.

I feel that the reins should be in the hands of the legislature because we are the ones who are visible and we are the ones who are accountable.

I think an eleven member commission is not that easy to follow. These are my reservations, Mr. Speaker, and I hope that the Senate will heed these words. Thank you very much."

Representative Uechi also rose to speak in favor of H.B. No. 2574-80, HD2:

"Mr. Speaker, the purpose of

this bill is simple and straight forward. Its intent is to establish a State Land Bank. Lands to be acquired which form the land bank are to be used for a genuine public purpose. Examples of specific public purpose uses are discussed in Section 1 of the bill. These public purposes include the preservation of our prime agricultural lands, preservation of scenic and historic areas, protection of watersheds and water resources, assuring the availability of lands for development of park and recreational lands and beach reserves and the maintenance of our remaining open spaces.

I think we all know that Hawaii is the true paradise of the Pacific but, Mr. Speaker, we need to pause and reflect on why Hawaii is so attractive. I submit that the basic and real reason is our greenery and open spaces, our beautiful mountains, our unmatched beaches, the clear ocean areas adjacent to the beach and our green fields of sugarcane and pineapple.

Mr. Speaker, there are several rationales which prompted my joint introduction of this most significant land bank bill. The rationales are tied to several amendments to the state constitution approved by Hawaii's voters in November, 1978. One of the amendments authorizes the establishment of a state land bank program. Another mandates the preservation of agricultural lands and the protection and development of Hawaiian agriculture. The third establishes spending ceilings of the general fund and other public monies. The fourth provides for the use of surplus general funds for various public purposes as shall be determined by statutory action of the state legislature.

Mr. Speaker, we know about the rapid and seemingly endless spiral of land costs in Hawaii. Some of us may remember the days when land was sold by the acre or for as little as a few cents a square foot. The situation today is drastically changed. The time is rapidly approaching, if not already here, when many, in fact, most of us living here, can

no longer afford to buy land. The reason is simple. Land is just too expensive. Some of us assembled here today are familiar with some of the land bank programs existing elsewhere in the United States or other nations in the world. There are variances in the specific purposes of the respective land banks, but there is a common thread running through them. This common thread is to acquire private lands and use them for some future public use. I dare say that the real and basic reason for advance land acquisition is to minimize the effects of inflation. The idea is to buy now when the land is affordable.

Mr. Speaker, the projected cumulative general fund surplus of the state of Hawaii as of July 1, 1980, is some \$112 million.

I do not need to dwell on the attractiveness and politically desirable suggestion to give a rebate to the taxpayers of the state. I, too, were I to take a hard look at the effects of inflation, could use a few extra dollars to help with the family finances.

Mr. Speaker, I submit to this honorable body that there is a nobler purpose for which surplus general funds can be used. This purpose is to acquire land to become part of Hawaii's land bank program which, in turn, is used for the various public purposes which I touched on earlier and which are enumerated in the bill.

Mr. Speaker, the bill in its present form calls for an outlay of \$30 million to initiate the land acquisition program. The location and value of the lands are contained in Standing Committee Report No. 210-80. Personally, I would like to see \$70.7 million appropriated. This is what is requested in HD1. Perhaps a way will be found before the end of the session to restore the amounts deleted by HD2.

Mr. Speaker, \$30 million is a lot of money. It must not be used for the satisfying of short term selfish or personal interests. It should be used prudently. One such use

is to begin obtaining the lands which future generations of Hawaii's people and visitors can all enjoy.

Mr. Speaker, I believe that a relatively small personal sacrifice from all the tax-paying residents of Hawaii will yield benefits which we can all proudly enjoy and share. If we were to divide the anticipated surplus to Hawaii's taxpayers, the per capita share might be equal to sacrificing one or two family dinners out, foregoing a new dress or new suit or, possibly, a sacrifice as small as foregoing a few cases of beer.

Mr. Speaker, in summary I'd like to say again that the time has come for action. We have a mandate from the people of Hawaii to preserve our agricultural lands and our other natural resources. We also have a clear constitutional authority to begin to create a state land bank program. Finally, we now have the means of financing and buying private lands to become a part of the state land bank program.

Mr. Speaker, in conclusion, I'd like to ask for the favorable consideration of the members of this House to pass this most important bill. Thank you."

Representative Larsen then rose to speak in favor of this measure:

"Mr. Speaker, I believe this is one of the most significant measures that we have before us this year and maybe for the six years that I have been here. I think it changes around the concept that we can use money in government to protect our future. This doesn't have to show a public purpose as an immediate flow of our tax dollars. I think this is a concept that we need to state because we are limited in land. I believe that our colleagues who put this measure together should be complimented very highly on it.

I believe there is one thing that will make me more comfortable with it and that is to include in this legislation that any purchase of land would

have to come back for a veto by either House and I hope that this could be included during the conference committee sessions.

The other point that I would like to make is that I agree with the Chairman of the Agriculture Committee that we could use and should use much more than \$30 million proposed here. Going back to the \$70 million in the original draft would be an absolute minimum to really get started on this program at this time.

I'm for it and I hope all my colleagues will vote for it. Thank you."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2574-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF A STATE LAND BANK", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2574-80, HD2 passed Third Reading at 6:22 o'clock p.m.

Stand. Com. Rep. No. 657-80 on H.B. No. 2022-80, HD1

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2022-80, HD1, pass Third Reading, seconded by Representative Inaba.

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

"Mr. Speaker, before I begin my speech, I want to preface my remarks by saying I bear the gentleman across the way no grudge as I know he meant no ill, but when you talk about the Review Board and the Foundation, the problems have become so similar that sometimes speeches sound the same.

Mr. Speaker, this bill transfers the administration and responsibilities of the Review Board for the Hawaii Register of Historic Places from the Hawaii Foundation for History

and the Humanities to the Department of Land and Natural Resources.

Unfortunately, this administrative change, perhaps, is long overdue judging from the way the Review Board has been conducting its activities.

It's no small mistake for this Board to have mishandled the listing of 597 historic sites on the State Register.

We are only now unraveling the tangled mess that has been made of this situation and the ramifications are certain to be with us for a long time to come. We may even lose the possibility of protecting some of our most precious historic sites if the relocated Board does not act on them in time.

I am wondering why such a serious oversight was not detected much sooner, and why the Board itself did not take proper precautions to follow statutory requirements on notification of the owners.

With the rapid progress that has been taking place in this state during the past two decades, we have been constantly pressed into fighting for the protection of certain buildings or pieces of land which were of historic value to our community. We have watched with concern and dismay when 'progress' has meant the destruction of a particular historic site that had not been placed on the Register of Historic Places. We were relieved when some of these sites were placed on the list.

And now we find that this has all been for naught. Because of a technicality, because of what I consider to be an inexcusable administrative oversight, some of these sites may not be restored to the Register in time.

We're not simply talking about minor or inconsequential old buildings. We are talking about almost 600 heeiaus, churches, petroglyphs, missions, burial caves, not to mention a large number of fine old buildings throughout this state which played

a major role in the history of the Hawaiian islands.

These reflections of history, these visual documentations of Hawaii's evolution, are virtually up for grabs now if adequate protection is not rendered.

I find this not only disheartening but disgraceful. Much of what we love about Hawaii rests in the beauty and grace of these sites.

It's too bad we did not uncover this problem earlier.

I believe it's not too late to take a valuable lesson from all this historic mess. We have to keep an especially close eye on those 'legislative creations' which are supposed to be protecting the public good. The Legislative Auditor's report was a good start, but I think we need to have this kind of perusal more regularly.

I can only say that I am much relieved that this Board will now be placed with a state agency which must report regularly to the legislature. Perhaps we can be more assured of greater care in this area in the future.

I urge my colleagues to support this bill. Thank you."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2022-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE HISTORIC PRESERVATION PROGRAM", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no and Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 658-80
on H.B. No. 2815-80

On motion by Representative Morioka, seconded by Representative Inaba, the report of the majority of the Committee was adopted and H.B. No. 2815-80, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Third Reading by a vote of 48 ayes to 1 no, with

Representative Sutton voting no and Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2022-80, HD1 and 2815-80 passed Third Reading at 6:26 o'clock p.m.

Stand. Com. Rep. No. 660-80 on H.B. No. 3006-80, HD1

Representative Morioka moved that the report of the majority of the Committee be adopted and that H.B. No. 3006-80, HD1 pass Third Reading, seconded by Representative Inaba.

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

"Mr. Speaker, in rising to speak in favor of this bill, I merely wish to reassure the members of this House that the purpose of this bill is to expand and clarify the responsibilities of the Office of Children and Youth.

As you know, Mr. Speaker, this Office was moved to the Governor's Office in 1976 and since then, we have had a very hard-working and capable director.

Last year your Committee felt that it was time to look at the statutes and try to find any ways that we could strengthen the Office. The result was the bill that we have tonight and I might add, Mr. Speaker, that the testimonies in favor of the amendment were very good.

Mr. Speaker, I am confident that the proposed bill will enable the Office to do a better job for our children and youth of our state and I ask all members to vote in favor of this bill. Thank you."

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

"Mr. Speaker, as Representative Aki stated, the purpose of this bill is to expand the authority of the Office on Children and Youth.

Mr. Speaker, today there is a tremendous amount of stress that

is facing the children of this state. This bill expands the Office to allow them to conduct assessment policies of other agencies, allow them to develop pilot programs where necessary, allow them to begin coordinating various state operations.

Mr. Speaker, we must make a commitment to our future generations. We must walk together in unison to meet the challenges of our youth, for it is the generations to come that will ultimately determine the kind of life, the kind of society, that we will be living in.

Because of these reasons, Mr. Speaker, I believe that this bill should pass today and that all of us should make a commitment to the children of this state. Thank you."

The motion was put by the Chair and the report of the majority of the Committee was adopted and H.B. No. 3006-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF CHILDREN AND YOUTH", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 3006-80, HD1, passed Third Reading at 6:30 o'clock p.m.

Stand. Com. Rep. No. 661-80 on H.B. No. 2720-80

Representative Morioka moved that the report of the majority of the Committee be adopted and that H.B. No. 2720-80 pass Third Reading, seconded by Representative Inaba.

Representative Segawa asked for a ruling on a potential conflict of interest stating that the company he works for was the bonding agent on the particular project.

The Chair ruled no conflict.

The motion was put by the Chair and the report of the majority of the Committee was adopted and H.B.

No. 2720-80, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT BETWEEN THE STATE OF HAWAII AND MARK CONSTRUCTION, INC.", passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Evans, Ikeda, Marumoto, Medeiros, Narvaes and Sutton voting no and Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2720-80 passed Third Reading at 6:31 o'clock p.m.

Stand. Com. Rep. No. 662-80 on H.B. No. 2729-80, HD3

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2729-80, HD3 pass Third Reading, seconded by Representative Inaba.

Representative Toguchi then rose to speak in support of this bill:

"Mr. Speaker, H.B. No. 2729-80, HD3 establishes a Hawaii Fisheries Coordinating Council. This Council will be attached to the Board of Land and Natural Resources and will advise the Board on matters relating to fisheries and will coordinate Fisheries activities among the various federal, state, county and private agencies.

Mr. Speaker, in 1978 the legislature passed nine resolutions addressing the fisheries issue and the most important was H.R. No. 122 and its charge was to determine where the opportunities lie in the fisheries area and prepare a comprehensive plan to ultimately utilize the state's fisheries resources.

Mr. Speaker, this is the result of the study and is called the Hawaii Fisheries Development Plan. At this time I would like to commend the Chairman of the Board of Land and Natural Resources, Mr. Ono, who is sitting in the audience and also, Dr. Stanley Swerdloff, who is the project director. They did an outstanding job.

Now, Mr. Speaker, although the bill only calls for \$11,100.00 for the formation of the Council, and by the way, it will pay for the per diem of the council members, they will not get paid, this council is really symbolic. It's a very important bill to the fishing industry. This is something they've supported for quite some time.

Before I close I would also like to say that as part of this package, in the budget which we consider later, is approximately \$800,000 for state and special fund monies as well as the fishing vessel loan program of \$2.5 million.

With these statements, I would like to urge all members to support this bill. Thank you."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2729-80, HD3, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF THE HAWAII FISHERIES COORDINATING COUNCIL", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2729-80, HD3 passed Third Reading at 6:34 o'clock p.m.

Stand. Com. Rep. No. 663-80 on H.B. No. 2834-80, HD1

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2834-80, HD1 pass Third Reading, seconded by Representative Inaba.

Representative Evans then rose and stated:

"Mr. Speaker, I have an amendment to offer to the bill and have copies to be distributed."

At 6:35 o'clock p.m., the Chair declared a recess for the purpose of distributing copies of Representative Evans' floor amendment.

The House of Representatives reconvened at 6:54 o'clock p.m.

Representative Evans then offered the following amendment to H.B. No. 2834-80, HD1:

SECTION 1. House Bill No. 2834-80, HD1, is amended by adding a new paragraph to begin on line 4, page 2 to read:

Furthermore, the legislature finds that the handicapped deserve an exemption from the vehicle weight tax because it is in the state's benefit to encourage opportunities for all citizens regardless of their disabilities to have freedom of movement within the community without depending upon others.

SECTION 2. House Bill No. 2834-80, HD1, is amended by adding a new section on page 2 to read:

"SECTION 2. Chapter 249, Hawaii Revised Statutes, is amended as follows:

1. By adding a new section to read as follows:

"Sec. 249-6.1 Exemption for special motor vehicles for the handicapped. (a) Motor vehicles specially equipped or modified to accommodate the transportation requirements of handicapped persons shall be exempt from the taxes imposed by section 249-33 when owned by a handicapped person or a person with one or more handicapped dependents;

(b) The director of finance shall prepare such forms as may be necessary to claim the exemption granted under this section. The director of finance may also require the claimant to furnish reasonable information to determine the validity of claims for exemptions made under this section and may adopt rules pursuant to chapter 91 necessary for the purposes of this section.

(c) As used in this section, 'handicapped' means having a permanent physical or mental disability or impairment which restricts an individual's

mobility to the extent that a motor vehicle with special equipment or greater than usual space is required in order to meet the individual's basic transportation needs."

SECTION 3. House Bill No. 2834-80, HD1, is amended by amending lines 8 through 9 of page 2 to read:

"249-1, [including] excluding antique motor vehicles, and except as otherwise provided in [section] sections 249-3 through 249-[6] 6.1, in"

SECTION 4. House Bill No. 2834-80, HD1, is amended by renumbering sections 2, 3 and 4 of the Bill to reflect the changes made to the bill by this amendment.

Representative Evans moved that the amendment be adopted, seconded by Representative Kamalii.

Representative Evans then rose to speak in favor of the amendment:

"Mr. Speaker, the amendment I have introduced to H.B. No. 2834-80, HD1, is intended to extend the exemption from state motor vehicle weight taxes to include not merely antique motor vehicles, but vehicles specially equipped or modified for purposes of transporting the handicapped. According to the amendment, this exemption could be claimed by the owners of such vehicles who are themselves handicapped persons, or persons with one or more handicapped dependents.

I strongly believe that this amendment is needed in order to help in reducing the expenses which all disabled and handicapped persons encounter in their daily lives. In the particular case of motor vehicle weight taxes, the expenses encountered by handicapped persons are considerably higher than the norm because of the unavoidable nature of their transportation needs. These special needs often necessitate the use of vehicles which are both larger and heavier than the ordinary passenger car.

If we can see fit to grant the usually wealthy owners of antique cars an exemption from the motor vehicle

weight tax, I have no doubt that members of the House will agree that a similar exemption for those who stand in much greater need would suitably express the values and priorities which we all share.

Mr. Speaker, I present a challenge to members of this House. A No vote on this amendment is a No vote for the handicapped. I urge you to vote yes. Roll Call, please, on the amendment."

Representative Sutton then rose to speak in favor of this amendment:

"Mr. Speaker, the equities must be balanced. We have before us an amendment which will take the curse out of the bill. The curse is almost special legislation in the bill as it goes to allow those who have antique cars not to have to pay the vehicle charge.

We have an amendment that has tremendous force and effect if we will but think, who are these people. A great percentage are in the same battallion that our worthy member from Kauai fought in.

These cars of these people who have crippling effects have a modification which changes the type of clutch, which changes the type of driving, are altered vehicles to accommodate the crippled individual driving the car.

I, as a former commander in the American Legion, will have many people benefited if this amendment goes through; veterans, who have given their last full measure of devotion to their country. I ask that you, Mr. Speaker, give this amendment your favorable consideration and that my colleagues vote aye on it."

Representative Kunimura then rose and stated:

"Mr. Speaker, I am going to speak against this amendment, but I am thoroughly confused at this point whether I am in a battlefield of that war or any other war with so many flags waving.

If my good colleague from Nuuanu will search the statutes, many, many years ago, I believe it was in the late 40's, that veterans with disabilities who needed special cars were granted not only exemption from weight taxes, but also they were given the initial cars free from the government.

Mr. Speaker, this amendment before this body is a good amendment in the sense that it tries to reach in and lift the weight off those who are burdened because of their disability; but to have politics played at the expense of a person's disability is cheap.

Mr. Speaker, tonight is the last night that we can pass out House Bills. This is the best way of killing a bill. If anybody wants to admit at this point in time that they were sleeping, that they had an opportunity that they did not take advantage of when this matter was laid on the deck for this House to consider, then let that person rise and admit that they are not watching out for the interest of those who need to be looked after.

To rise on the floor of this House to offer a challenge that those who vote against this amendment are against disabled people is again a cheap shot. Mr. Speaker, I've seen cheap shots thrown here and there during my eighteen years here in the legislature, but this is the cheapest of them all and I would like to say that whoever dare rise and say that they're sorry, they do not understand the legislative process, either that or say they're sorry they were sleeping, because even if I'm sleeping on the floor of the House or in the Finance Committee, I know what's going on.

If you want to play games, or whoever wants to play games, Mr. Speaker, should play games with some other bill, but not a bill like this because putting on this amendment at this time is really unfortunate. I'd like to ask all the members of this House to vote down this amendment."

Representative Evans rose in rebuttal:

"I resent the statement of 'cheap shot'. That usually comes from the other side and from that particular legislator. Let me say that it was my understanding that the Finance Committee would not move out any new tax exemption bill; hence, the bill that I introduced would not move out. But, of course, it's a Republican bill, it is not a cheap shot; and so, hence the amendment tonight."

Representative K. Yamada then rose on a point of order:

"The arguments raised by the Minority Floor Leader do not go to the merits or demerits of the bill, Mr. Speaker."

Representative Evans:

"Neither did what the representative across the way said."

Representative K. Yamada again rose on a point of order:

"The point does not go directly to the merits or demerits of the bill and I would ask..."

Representative Evans interrupted saying:

"Neither did the 'cheap shot' statement go to the merits or demerits of the bill."

The Chair then stated:

"Representative Evans, if you are familiar with parliamentary procedure..."

Representative Evans again interrupted saying:

"I am quite familiar."

The Chair continued:

"Whether you agree or disagree with the statements made by Representative K. Yamada, courtesy demands that you wait until he completes his statement on a point of order.

You will have a chance to reply."

Representative K. Yamada again stated his point of order:

"The arguments raised by the Minority Floor Leader do not go directly to the merits of the bill, or the demerits of it. She is arguing an ancillary matter which is not permitted under our rules."

Representative Evans:

"I rise on a point of personal privilege, Mr. Speaker."

The Chair then stated:

"Representative Evans, the Chair will rule you out of order on the point of what you believe transpired or discussed in the Committee on Finance. The Chair will allow you to speak in rebuttal to the statements made by a previous speaker. Proceed on that basis."

Representative Evans proceeded:

"Mr. Speaker, again it is my understanding that no new tax exemption bill would move out of the Committee so hence, the bill on the handicapped did not move out and I accepted that. However..."

Representative K. Yamada again rose on a point of order stating:

"My previous point would also apply on this matter, Mr. Speaker, as to what transpired between the Finance Committee has no merits and does not apply directly to the bill before the House."

The Chair stated:

"The Chair has ruled on this point. Representative Evans, will you proceed."

Representative Evans:

"I will proceed in the fact that I believe the amendment is necessary to provide the handicapped with a tax exemption on a vehicle weight tax the same as it would provide for those who are owners of antique

motor vehicles. Thank you."

Representative Kamalii then rose to speak in favor of the amendment:

"In speaking to the amendment, Mr. Speaker, I want to make one point and that is that this amendment will not kill this bill. These are self-imposed internal time calendars; therefore, the statements made earlier, that's the cheap shot."

Representative Peters then rose on a point of order:

"It seems to me very clear that everybody has a copy of the House rules and the House rules indicate very clearly that the timetable shall be worked out between the Speaker and the President of the Senate and that that timetable will be adhered to. As a consequence, the observation shared by the senior member from Kauai is absolutely accurate.

The Chair stated:

"The Chair concurs."

Representative Sutton then rose in rebuttal:

"Mr. Speaker, I wonder if you would be kind enough to look at the title of this bill relating to state vehicle weight tax exemptions. Nothing could be more appropriate than having this amendment and making this bill a very appropriate bill. It takes care of those who have a hobby, of vehicles that are 35 years old or older, takes care of those individuals who through some misfortune of life are not able to drive the ordinary vehicle. What could be more appropriate.

We have a title that encompasses these two concepts. We have the basic consideration. Let us have an exemption for the antique vehicle. Let us have an exemption for the vehicles run by the disabled.

Here we are doing magnificent legislative work, showing our skills, bringing into play the fact that this body has the creativity to put into law something that is highly

appropriate. I have no quarrel for those that have antique vehicles, I have marched in many parades and sat in the back of their cars. On the 17th, Sir, if you look out of your window I will pass by in the back of one of these cars, that will be St. Patrick's Day and that's a wonderful thing, these people have a good hobby. But look at what our own Minority Leader is doing, putting an appropriate amendment to take care of those unfortunate people who have to have specially altered and modified vehicles. We encompass these two concepts, we're following the title of the bill and we go home tonight and we have a good night's sleep because we did a good thing. Thank you."

Representative Dods rose to speak against the amendment:

"I would like to digress a little. I find myself in a very awkward position as Chairman of the House Transportation Committee together with the Chairman of the Health Committee, who worked on this amendment as a separate bill and passed it out of both Committees.

It's sad to say from the criticism that we've been getting from the Republicans that we don't hear their bills and we don't move their bills out."

Representative Evans then rose on a point of order:

"He should stick to the merits or demerits of the amendment."

The Chair stated:

"Representative Dods, will you confine your remarks to the amendment."

Representative Dods continued:

"As the amendment states, this amendment was in another form as the bill we worked on. We worked on it hard enough to convince the Finance Committee Chairman to have a hearing on the bill."

Representative Kamalii then rose

on a point of order:

"I would appreciate it if he would speak to the amendment."

Representative Dods continued:

"Mr. Speaker, let me just follow up and say although the amendment itself is a very good amendment, it would kill both bills right now and I think we ought to vote it down. Thank you very much."

Representative Kunimura then stated:

"Since my question was not answered, may I, at this time, formulate in my own mind that some people are admitting that they were sleeping when this bill was decked and a proper amendment was not offered."

Representative Evans:

"Mr. Speaker, is he asking for someone to yield and answer the question?"

The Chair stated:

"He is exercising his prerogative in conjunction with the House rules which allow each member to speak twice on a measure and he expressed his thoughts."

Representative Kamalii:

"I think the senior member from Kauai is absolutely right. You guys were sleeping on the other side."

The motion was put by the Chair and failed to carry by a Roll Call vote showing 8 ayes to 40 noes with Representatives Evans, Ikeda, Kamalii, Lacy, Marumoto, Medeiros, Narvaes and Sutton voting aye and Representatives Anderson, Blair and Garcia being excused.

Representative Evans then rose to speak against H.B. No. 2834-80, HD1:

"House Bill No. 2834-80, HD1, calls for the exemption of antique motor vehicles from the state motor vehicle weight tax. The justification

for this measure is that antique vehicles are used very sparingly on our highways, yet the motor vehicle weight tax is primarily intended to supplement the income of the highway fund.

What I find objectionable about this bill is not what it says, but what it omits to say. Under any system of priorities, how can we reasonably provide a vehicle weight tax exemption for owners of expensive antique cars, while denying this same exemption to handicapped persons or their relatives with vehicles specially equipped or modified to meet their special transportation needs.

I have no doubt at all that the owners of antique cars are well able to afford the minor imposition of the state motor vehicle weight tax, but this is certainly not the case for the vast majority of handicapped persons whose earning capacities are seriously affected by their disabilities.

Representative K. Yamada then rose on a point of order:

"This particular bill deals with the exemption of antique motor vehicles from the vehicle weight tax, Mr. Speaker. It doesn't deal with vehicles used for other purposes."

Mr. Speaker:

"That is correct. Representative Evans will you speak as it is expressed in the measure. Irrelevant matters should be left out if at all possible."

Representative Evans continued:

"In my judgment, the elimination of the weight tax on vehicles owned by the disabled would be another...."

The Chair then stated:

"Representative Evans, I believe that I have expressed earlier and you indicated that you understood parliamentary procedure and decorum."

Representative Evans:

"I was trying and I am concluding."

The Chair continued:

"I am not convinced that you were trying. All I ask for you to be is reasonable and your conduct here is not being reasonable. You may proceed on that basis."

Representative Evans:

"That's debatable. Once again, I urge all members of the House to reject this bill as inadequately reflecting our sense of values and our commitment to the disabled and handicapped. Thank you."

Representative Sutton then rose to speak against this bill:

"Mr. Speaker, as you know the cost of one of these antique vehicles is a minimum of \$6,000, but if you will look in the Los Angeles Times or Wall Street Journal, you'd see them advertised as high as \$60 or \$70 thousand; therefore, the people who own these vehicles are certainly the upper middle class and certainly these are people who can afford to pay this type of a tax.

You and I have our hobbies and we pay our taxes on our hobbies. Is it appropriate, therefore, to take this one hobby of antique cars and engrave and sculpture an exception for them. We have, today, as head of our Taxation Department one man who has immense wisdom. He guides us, and Mr. Freitas has said do not carve exceptions onto a tax of this nature. Nobody likes to pay it, nobody wants to pay it and it is something that is just inevitable just like death and taxes have been stated to be inevitable.

Once we make an exception here, where do we go from here, one exception after another. Our tax structure must be codified like a good set of criminal laws or a good set of corporation laws and as they are codified we must not put exceptions.

Our constitution, itself, has an inhibition against special legislation. This bill verges on special legislation, comes terribly close to it,

far too close to allow this body to become party to special legislation.

Therefore, Mr. Speaker, I ask you to vote this down."

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

"Mr. Speaker, I take particular offense. I signed 'I do not concur' when it came out of the Transportation Committee and I was collared and clobbered, Mr. Speaker, by the gentleman who just spoke before me. He spoke about how these cars are hardly used; therefore, the benefit of the children who parade in the state of Hawaii, and for those reasons I changed my position and now, on the floor of the House, somebody is pulling the carpet from under us and especially from under me.

This is not fair, Mr. Speaker, especially when a man who holds a license to practice before the bar of the state of Hawaii comes and convinces me why the bill is good and now on the floor of the House to say this is special legislation. This is talking forked-tongue."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2834-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO STATE VEHICLE WEIGHT TAX EXEMPTIONS", passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Evans, Ikeda, Kamalii and Sutton voting no and Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2834-80, HD1 passed Third Reading at 7:23 o'clock p.m.

At 7:25 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:34 o'clock p.m.

Stand. Com. Rep. No. 664-80 on H.B. No. 2358-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and, notwithstanding the report of the Committee, H.B. No. 2358-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO TRAVELING EXPENSES OF STATE OFFICIALS", was recommitted to the Committee on Finance.

Stand. Com. Rep. No. 666-80 on H.B. No. 2029-80, HD2:

Representative Morioka moved that the report of the Committee be adopted and that H.B. No. 2029-80, HD2, pass Third Reading, seconded by Representative Inaba.

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

"Mr. Speaker, I'm really excited about this bill because I feel it would open new avenues and new doors for people to be able to get the money that they need to construct their homes and also for young couples who have purchased land to have the opportunity of being able to construct their own house. Many such young couples reside in my district."

Representative Narvaes also rose to speak in favor of this bill:

"Mr. Speaker, H.B. No. 2029-80, HD2 would allow the owners of vacant land and those with less than a half interest in real property to qualify for Hula Mae loans. It would also increase by \$100 million the maximum value of the revenue bonds that could be issued.

We are heading in the right direction with this bill and I am for it because it would really help put more people into homes that they'll own and not have to rent.

The cost of mortgages in 1979 went up 34% in one year across the nation and in Hawaii the cost of housing went up the highest.

In 1970 inflation was 5%, today we're looking at 20%.

The people whom this bill would help would be the ones who need the assistance the most.

Mr. Speaker, I feel there is one area where the bill is lacking and where we missed the boat. I feel that we should open up this program to allow people who qualify on assets and income and who have never owned land, a home or condominium in the last three years to be able to get a package, put it together, in which they could both buy the vacant land and/or build on it as well.

The interest rates on vacant land today is something like 14-1/2%. It's hard enough to be able to acquire this land much less apply for a Hula Mae loan to build a home on it.

I strongly feel that we can and should do even more to enable individuals or families to utilize Hula Mae's assistance in acquiring the vacant land upon which to build a home.

Yet, as it stands, I do support this bill and I do commend the Chairman of the Housing Committee for the work that he's done in this area."

Representative Ikeda requested that her remarks in favor of this bill be inserted into the Journal and the Chair, noting no objections, so ordered:

"Mr. Speaker, I am deeply disappointed that the Finance Committee does not believe that homeowners residing on residential leasehold property should be eligible to qualify for Hula Mae financing for the purpose of purchasing their real property in fee from the lessor.

Many residents in Hawaii-Kai are presently trying to qualify for tract designation by the HHA. This requires a loan commitment from a lending institution which many people are finding very difficult to obtain due to our unstable economic situation. Lending institutions are reluctant to make future commitments since even they cannot predict what the interest rate will be a year from now.

Homeowners are also hesitant to make a commitment to purchase their land for the same reason. Hula Mae could have solved this problem for us. Unfortunately, that provision was deleted and that deletion will have serious ramifications for those who are presently wrestling with the lease/fee conversion problem.

It is unfortunate, Mr. Speaker, that while the legislature made lease/fee conversion possible, it will not go a step further and make funding available for this purpose."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2029-80, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

Stand. Com. Rep. No. 556-80 on H.B. No. 1361, HD3

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 1361, HD3, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAX CREDITS", passed Third Reading by a vote of 49 ayes with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2029-80, HD2 and 1361, HD3 passed Third Reading at 7:38 o'clock p.m.

Stand. Com. Rep. No. 514-80 on H.B. No. 2171-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba, the report of the Committee was adopted and H.B. No. 2171-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES", passed Third Reading by a vote of 49 ayes, with Representatives Blair and Garcia being excused.

The Chair directed the Clerk to

note that H.B. No. 2171-80, HD2 passed Third Reading at 7:39 o'clock p.m.

At 7:40 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:41 o'clock p.m.

THIRD READING

H.B. No. 2086-80, HD1

On motion by Representative Dods, seconded by Representative Masutani, H.B. No. 2086-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE", passed Third Reading by a vote of 48 ayes to 1 no, with Representative Sutton voting no and Representatives Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2086-80, HD1, passed Third Reading at 7:42 o'clock p.m.

H.B. No. 2539-80

Representative Morioka moved that H.B. No. 2539-80 pass Third Reading, seconded by Representative Inaba.

Representative Medeiros then rose to speak against this bill:

"Mr. Speaker, H.B. No. 2539-80 would provide for a \$50 tax rebate for each exemption claimed on resident tax returns in the state of Hawaii.

Mr. Speaker, I am not opposed to returning to the taxpayers surplus money that is not needed to address serious concerns of this state. I would be the first one to suggest tax rebates if we could comfortably state that we have taken care of the most glaring social and community problems.

I strongly oppose such a move, however, when these serious problems continue to be neglected, when the citizens of our state have continually

requested and been denied assistance for countless areas of significant interest to our community.

More funds are badly needed in our programs to aid the handicapped, especially handicapped children.

More funds are needed in child abuse programs.

More money is needed to upgrade the care and facilities of our public health care institutions.

More funds are drastically needed to address the needs of the elderly.

We have a state prison facility which is having problems with security personnel. More money is needed to increase that staff.

More funds are needed, and badly, to upgrade the quality of our public schools and the education received by our children. Can we honestly say that we should have tax rebates so long as there are schools with leaking roofs, substandard buildings and equipment, schools with one counselor per 500 students.

More money should be spent on the school security program, which should be extended to the neighbor islands as well as Oahu. We have only just begun the fight to prevent vandalism of our schools that leads to needless destruction of public buildings and increased costs of rebuilding in the future.

Let me give you an example of the kind of administrative funding policy we have in this state which, on the one hand, tells us it has millions of dollars in surplus, and yet on the other hand, refuses to release money for a badly needed project.

Enchanted Lakes Elementary School has been badly in need of a covered walkway to the tune of \$5,000; and yet it could not be funded over the past years because of this unresponsive policy.

I don't know if the reasoning behind the extreme nature of these

restrictions is because the state administration feared a shortfall. I don't know if perhaps the reason might be the administration wanted to give us the impression it is being extra careful with our money.

I submit that this surplus is at least in part contrived and in another way predictable. The withholding of legislatively appropriated funds from projects approved by this body contributed to a contrived amount of surplus. Of course you will have extra money if you don't spend all of it.

The predictable aspect of our revenues is that inflation has been steadily rising and with inflation is a built-in tax increase as we pay higher taxes on goods whose prices have risen so drastically in the past two years.

I believe this is not the time to carry on pretensions of prosperity and lead the public on with this small tax rebate. We do have very worthwhile public services and projects which are desperately in need of funding and until we can say that we have taken care of those needs, we are not in a position to be giving rebates.

I urge that we all vote no on this bill. Thank you."

Representative Lunasco also rose to speak against this bill:

"Mr. Speaker, what really makes me laugh about the tax rebate is that right now we're saying we have excess money. I cannot, with clear conscience, vote for this bill.

Mr. Speaker, throughout my ten years as Chairman of the Education Committee I have continuously asked for more money in the education area and, I will restrict my comments only to the education area, continuously people have told me no money, hold the line, cut your budget and what have you. How do we get a tax rebate.

Mr. Speaker, this money that we are talking about that is surplus is uncommitted money. It should be committed presently, and let me tell you why.

In education, as an example, special education, additional monies are needed and we did not fund more than \$3,900,000. The bus aid program still lacks \$622,199. The gifted and talented is short, and this is just touching the surface Mr. Speaker, because we've really neglected this area and they're still short \$132,411. In curriculum improvement, and this is for in-service training by the way, we're short \$85,574 which everybody griped about a few days ago that would be better than certifying teachers, but yet, we had no money to continue this. Instructional supplies and new equipment, \$34,289; data processing \$27,624; Lahainaluna Boarding Program, we gave them one counselor and we're still short one, \$10,773; safety and security program which my colleague from Kailua alluded to, presently we're using SCET personnel which will run out shortly and we're short \$511,096; adult education program, \$49,575; legal fees \$103,695; civil rights procedure, and this is just to print up the procedure forms, \$12,000; for the Board of Education which we did not give funds, and they're going to increase their membership and they're short \$137,428; repair and maintenance, we already gave them some money but we're still short \$11 million; student transportation, and this is to comply to state regulation of no standee provision, \$1,211,454; two clerks for payroll and voucher section of the Office of Business Services, \$16,560; school clerical workers, and this is for all the members of SASA which has been screaming for help for years, we're short \$1,206,276; registrars, we need 19.5 additional positions and we're short \$241,189; counselors, this has been a perennial problem for years and we're short \$1,024,632; library assistants, and this is for support positions to provide adequate library services in public libraries throughout the state, Mr. Speaker, we did not, and I again say we did

not address the school librarians who are in need of help presently and the reason I did not address that problem is that everybody said we did not have the money; clerk steno for student transportation, \$864,000. Mr. Speaker, these are only services which I looked at in the budget that we just passed and yet, we can sit here and say we have \$42 million for a tax rebate.

The total price tag which I just presented is \$21,044,246. Now, who can tell me that we have surplus money because everytime we've tried to do things in Education the word comes down to hold the line, no money; so I don't know where you guys are getting the money for this tax rebate. I sure wish you could give me half of it so that I could take care of the immediate needs in education."

Representative Sutton then rose to speak against H.B. No. 2539-80:

"Mr. Speaker, I wish to go back to the basic assumption and point out to you that the constitutional inhibition about a 5% of general fund revenue being exceeded in two fiscal years has not happened yet because we haven't come to the end of the second fiscal year and that won't happen until July 1; therefore, this has not been triggered that we must have a rebate.

What should we do with these funds. Mr. Speaker, if this assumption is incorrect and we have these funds, we are not in business to go out of business. We are a government that is charged with taking care of the public health and welfare of the citizenry of this state.

What could we do. Look at this island, alone. We don't have decent roads around it. Go around by Punaluu and if there's a heavy storm you'd find that water is coming right up over the road. The only road around this island is inadequate and dangerous. There are many other spots where we could fix our roads. We should have a new corridor over the Koolaus, we should be able

to take care of people who come in from Kailua, Mililani and Hawaii-Kai in such a way that it doesn't take them an hour home and an hour back.

Mr. Speaker, two of my schools are leaking. McKinley High School is leaking. Roosevelt High School is leaking and when we had this last storm many of the rooms were unusable. Why don't we put first things first. Books. Go to these public schools and you'll see the tremendous inadequacy of books. How is a student supposed to learn if he has to use a book for an hour and let the next fellow use that book and he can't take the book home. The inadequacy of books is unbelievable.

Libraries. We have very inadequately staffed libraries and they do not stay open at the critical hours.

Mr. Speaker, look at what we've done in aviation. We have struggled here and we have not ever put another airport. We have a very inadequate situation, we're going to have a crash like the Lindbergh Field in San Diego, we're going to have something that will be in headlines throughout the world if we don't get the small planes out of the International Airport; but we have built no airport.

We sit here and we squabble and we sit here and we fiddle but we do not supply another airport. We have funds to do the job, we don't make the report.

Now, what is the basic function of these surplus dollars. They can be used to pay back the principle of our bonded indebtedness which has now gone beyond a billion dollars. That's good business. Pay back your bonded indebtedness and we have the funds to do it.

Mr. Speaker, as Winston Churchill once said, he did not become His Majesty's Prime Minister to be present at the dissolution of the British Empire. I did not become a legislator to be present at the dissolution of my duties to this citizenry.

Will you please join me, Mr. Speaker. Will your side of the aisle join me in helping to defeat this measure."

Representative Narvaes then rose to speak in favor of the tax rebate:

"I feel very strongly that we should have a tax rebate and if I look, I bet I could find one billion dollars worth of needed programs. I don't think it would be too hard to find programs that we need money for because we have a lot.

Mr. Speaker, we are beginning to experience firsthand the effects of uncontrolled inflation and our economic future doesn't look very attractive.

What the fluctuations will be in interest rates, price of gold and the inflation rate, no one except God truly knows; but, Mr. Speaker, one thing is deadly certain, the trends are pointing upward, the inflation rate will go higher and the purchasing power of our money will decline further.

As inflation continues and feeds on itself, the rate will increase. State governments across the country will lift usury limitations, as we did yesterday with H.B. No. 1782. They will remove interest rate ceilings on GO Bonds as we did yesterday with H.B. No. 2773 and they will inflate budgets as we did, or will be doing, later this evening with H.B. No. 1912-80, HD1. These and other measures states will do in an effort to combat inflation.

Mr. Speaker, this displays a great weakness in our economy and a great weakness in thinking in the political process.

Mr. Speaker, remember in 1970 the inflation rate then was 4% and everybody thought 4% was outrageous and unacceptable. Now, Mr. Speaker, the rate is 20%, five times greater. I hate to think what the inflation rate may be five years from now.

Mr. Speaker, this rebate amount is set at \$50 per individual which is generally estimated as the amount

of general excise taxes collected from the purchase of foods and prescription drugs by residents in the lower middle income category. The appropriation amount of \$42,500,000 is based on an estimated 850,000 residents or approximately 94% of the estimated 1979 population of 905,660.

The accumulation of a sizeable surplus for any long period is neither necessary nor desirable and such a surplus should be returned to the taxpayers in an equitable manner. This is in consonance with our state constitution as ratified by the people in 1978.

Mr. Speaker, the general fund carry-over balance amounted to \$66.9 million as of June 30, 1979 and the projected surplus as of June 30, 1980 is estimated at \$112 million. Mr. Speaker, that gives us some room to come up with new programs. We've already done that.

A rebate such as that proposed in this measure is especially timely and appropriate in the face of double digit inflation experienced by the resident population along with the high cost of energy. Deserving financial relief should be provided the resident taxpayers at this time, when it is most needed.

Mr. Speaker, this bill must pass to keep the legislature and no voting representatives from spending the money. I'm sure that in spending the \$42.5 million many programs will be started that would require continuance of funding in later years and expanding the need for tax revenues would simply drain the taxpayer more.

Mr. Speaker, this is an opportunity to reverse the process which is draining the taxpayer of his hard-earned income. This is an opportunity to reverse the process of uncontrolled government spending which is one of the main causes of inflation.

Mr. Speaker, I urge all members to vote aye on this measure."

Representative Morioka rose to speak in favor of H.B. No. 2539-80:

"H.B. No. 2539-80 proposes a tax rebate of \$50 per eligible personal exemption on an income tax return. This proposal comes at a time when our state's residents are experiencing shrinking purchasing power due to the current double digit inflation rate. A tax rebate this year would help to ameliorate the problem.

During recent weeks much has been said about what to do with the anticipated surplus of state funds. It is my belief that a tax rebate can be accommodated this year while still providing sufficient funding for other urgent program needs within the state as enumerated by previous speakers. A rebate will have considerable financial impact on many households; for example, a family of five would be eligible for a total rebate of \$250. This represents a significant amount for many families.

Also, a large portion of the rebate would be spent within the state, thereby providing further stimulus for our economy. Additionally, a tax rebate appears to be the most fair and equitable method of returning a portion of the state's anticipated surplus to our residents.

The largest factor in the state's tax base is the excise tax which is paid by all individuals who purchase goods and services. To grant the rebate to all eligible personal exemptions would reach the greatest number of residents and would be most equitable, returning money to those individuals who contributed to the current surplus by paying excise taxes.

Further, the constitutional convention of 1978 addressed the very question of dealing with surplus revenues and they proposed a constitutional amendment which mandates the rebate or tax credit under certain conditions. This amendment was ratified by the electorate; therefore, the question of tax rebate should not be considered as political gimmicks, but rather should be taken as an

earnest effort to return to our taxpayers what is rightfully theirs.

Finally, the notion of the tax rebate does not commit the state to continue these expenditures of money in the future. It is a one-time payment which may or may not be repeated at the discretion of future legislatures upon conditions which prevail at that time.

Mr. Speaker, the time is opportune for a rebate and I urge that this measure be given favorable consideration."

Representative Kunimura rose to speak in favor of H.B. No. 2539-80:

"First of all, Mr. Speaker, the gentleman from Nuuanu talked about a trans-Koolau highway. That is a defense highway project, special funded with federal matching funds nine to one. That has no bearing on the general fund appropriation that we are trying to pass here tonight for a tax rebate.

General aviation, again special funded, not general funded.

Mr. Speaker, sometimes I have a serious question as to whether people fully understand what's going on.

Mr. Speaker, the Finance Committee was anticipating some bigger figures for funding of our other agencies and I have always respected my colleague for many years, Chairman of the Education Committee, but if you were to listen to his arguments against this bill, certainly the House Finance Committee would be charged not only with malfeasance, but dereliction of duty because we did not take care of all the problems. But, Mr. Speaker, the truth is that practically all of the recommendations made by the Education Committee to the Finance Committee were adhered to and funded by our Committee.

We've appropriated \$30 million for land banking. I know the proponents would rather have \$70 million

plus, but again, that would, Mr. Speaker, cause such a tremendous inflation in our land prices. To inject \$70 million for land banking in any given short period of time, that would be unconscionable.

I was one of the early opponents of rebate. Immediately after the announcement was made, I had my own press conference on Kauai and I said why I was against it. It was for all the same reasons that were expressed here tonight. But, Mr. Speaker, if you will examine the document that we are going to take up in a short while, and that's the House budget, anything more would be adding fuel to the inflationary fire.

I agree, and I cannot agree more than I can now with my colleague from Kalihi, because government is the biggest culprit, the villain, in our inflation problem and when we can take \$40 million plus out of government spending and give it back to the people then we would at least, one state in the nation, may be able to lead the administration of this country to stop and fight inflation as it should be and that is to take money out of the expenditure of the government. Now, how much more Republican can I get.

Mr. Speaker, I'm not proud to say that I'm a democrat all the time, sometimes I'm proud to say that I agree with the republicans. This time I must agree with the philosophy expressed and forwarded by some of the formidable politicians in the republican world, that inflation is bad, the only cure to inflation is to take money out of circulation, government circulation.

Therefore, Mr. Speaker, if any chairman of any Committee of this House can truthfully say that their request, reasonable request, was denied, then let them step forward; but if they decided to volunteer and cut the budget on their own, please do not blame the House Finance Committee."

Representative Ikeda rose to speak

against H.B. No. 2539-80:

"Mr. Speaker, in no way should my opposition to this proposal be misconstrued. I know as well as anyone else here that the taxpayers of Hawaii are over-burdened; however, it is because of that recognition that I am voting no on this bill.

A rebate will only allow the legislature to literally 'buy off' the citizen and not provide genuine tax reform. Such reform, such as indexing, is the only guarantee of continued relief and would mean far more than the \$50 saved.

Also, Mr. Speaker, I believe that recent events have changed public opinion about the advisability or need for such a rebate. How can we favor this measure and also know that students don't have textbooks. How can we know that schools are caving in and vote for a rebate.

There is no need for this rebate unless we venture into the motives of certain legislative actions during election years. The state constitution does not require a rebate this year. There are no statutory provisions requiring a rebate this year, but there are a great many immediate needs which must be met if we are to fulfill our responsibilities and our conscience. Thank you."

Representative Marumoto then rose to speak against H.B. No. 2539-80:

"I think the words of the senior representative were wise but I do not favor a rebate; instead, I'm voting against this bill because I favor a tax credit.

I feel that we do not need a surplus.

Because of the price of a rebate, \$175,000 I understand to administer the program, I think it would be more prudent to go with a tax credit next year. To those of you who, I suspect, are opposing the rebate because you are hoping to spend the entire surplus to address immediate government problems, I'd like to respectfully point out that the surplus

is big enough to allow for a refund or a tax credit and still allow for many millions of dollars in expenditures for these problems we have.

I'm worried that some of the votes against the rebate are also against the tax credit and opposed to enacting an economic indicator for the state's spending limit which was passed in the 1978 constitution. It is very important for the sake of the little guy on the street that we keep government spending in proportion to his wages.

Inflation is overfilling the state coffers and squeezing the little guy's wallet. It would be wiser to wait and give a tax credit next year rather than a rebate today. Thank you very much."

Representative Sutton then rose in rebuttal:

"Mr. Speaker, first of all let me address attention to the address given by the Chairman of the Finance Committee. He goes back to the assumption that the constitutional convention requires that whenever the state general fund balance at the close of two successive fiscal years exceeds 5% of general fund revenues for each of the two fiscal years, the legislature shall, and then it says in the next regular session. We have not even completed those two fiscal years. It is not triggered yet; therefore, the constitutional amendment is not in force.

Our own Eileen Anderson gave an address at the Halekulani Hotel in which she stated this very thing.

Next, Mr. Speaker, I'd like to address your attention to the remarks from the gentleman from the island of Kauai. The method of rebate proposed in this bill is not the most equitable because it requires each and every individual to file a claim for the rebate upon forms furnished by the Director of Taxation for each personal exemption he would otherwise have been allowed.

In other words, we've got an enormous amount of paper work. The

Tax Department, which is in the process of collecting taxes, now has to go in reverse, receive all these claims, process these claims and then make the rebate so that you have an administrative cost that is ridiculous for this type of thing.

Mr. Speaker, addressing your attention to the two other remarks made, I would like to say that there is nothing in government that is more insidious than when you have, in an election year, a refund of \$50 per person and follow the same method that was used by the late Huey Long. Huey used to do this year in and year out, election year, no matter how badly the levees were leaking in the Mississippi River, no matter how bad the swamp fever was, he would, in an election year, make sure that the envelopes of the citizenry who were going to vote for him had a refund in it.

Let us not follow the practices of the late Huey Long. Let us be true statesmen. I hope you will vote against this."

Representative de Heer then rose to speak in favor of H.B. No. 2539-80:

"All the statements of all the opponents of this measure, notwithstanding, I trust they are all valid and the needs of the state are many, but clearly, a tax rebate is the fastest and most convenient form to stimulate our economy.

In the long haul, it might not be the best form, but under the present circumstances it is our best choice.

The previous speaker mentioned schools with leaking roofs. Children of constituents of mine go to those schools and we've had a lot of pressure not to give this rebate and instead, apply that money to the schools.

H.B. No. 1912, which we will consider later on tonight, addresses that problem. We can't put all that money into the schools and the DOE

has testified that they can't spend all that money on many of the problems.

We have to consider, also, the total financial package of the state. We are applying and we are addressing some of the problems. It will be irresponsible to try to address all the problems. We cannot satisfy the needs of the students. There are just as many people who deserve, or feel they deserve, a tax rebate. A family of five receiving a refund of \$250 will provide adequate relief. These people should also be considered and for that reason, I urge every member of this body to vote aye."

At 8:15 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:55 o'clock p.m.

Representative Lunasco then rose in rebuttal:

"Mr. Speaker, I just want to rebut one statement made by my learned colleague from Kauai. He said that maybe it was the Chairman's fault for being irresponsible and not submitting the total budget to the Finance Committee, but during the beginning of the session, Mr. Speaker, when the supplemental budget came down, I had specific instructions from the Finance Committee, and for the other members who haven't been here when I was in Finance, I've been two places before. I guess, maybe, I took my job too seriously and wanted to be responsible for education matters, but I had specific instructions from the Finance Committee to stay within the governor's budget which was submitted to us. At that time, the governor's budget which was submitted to the Education Committee and the Finance Committee, was in the area of about \$2 million. The budget we finally submitted to Finance was in excess of \$1 million over and above the governor's budget.

The things which were cut out, which I mentioned earlier, are those on-going programs which are needed. I don't think I fell down on my job, I think I listened to the wrong people.

I should have sent everything to Finance and put the heat on Finance."

Representative Evans rose to speak against the passage of H.B. No. 2539-80:

"The ostensible purpose of this bill is to provide financial relief to Hawaii's taxpayers by disbursing a \$50 tax rebate to each resident of the state. I completely agree with a recent statement in the Pacific Business News that this is a 'bad idea whose time has not come'.

Anyone who is familiar with the cost of living in Hawaii knows about how much financial relief this bill would provide. For a family of four, a total tax rebate of \$200 would barely suffice to pay half a month's rent. In an economy the size of Hawaii's, a total rebate package of \$40 or \$50 million would not go very far toward producing the sort of economic stimulus our state stands in need of.

There are a number of ways of utilizing the state's surplus funds, any one of which would be preferable to the administration's present tax rebate plan. In view of recent developments in our own tourism industry, and in view of the federal government's intention to reduce their own budget by billions of dollars, I think there is considerable merit in the idea that a significant portion of our state surplus ought to be held in reserve to tide us over any troubled times ahead of us.

Whatever portion of the surplus is expended, however, ought to be directed toward the cash funding of some projects which have long stood in need of attention. An excellent example of this type of project is the repair and maintenance of our public schools. I can think of no purpose for these funds which would provide greater longrange benefits to the public in general, but most particularly our school age children, than this.

Finally, I would urge members of the House to think of the administration's tax rebate proposal as

an outdated approach to a new sort of problem. We all know that one major reason why the state has its present surplus, and will continue to have them in the future, is that inflation constantly pushes taxpayers into higher tax brackets. Rather than tolerating a continual round of surpluses and rebates, we ought to begin to think in terms of restructuring our tax system so that these surpluses will be avoided. One way of achieving this end would be by indexing at least certain features of our tax code, a technique which has been adopted with considerable success by states from California to Iowa.

Again, I urge members of the House to reject H.B. No. 2539-80 and to search out more appropriate uses for our state surplus funds. Thank you."

Representative Say also rose to speak against H.B. No. 2539-80:

"Mr. Speaker and members of this honorable body, I know a lot has been said this evening for and against and I respect the debate on the floor this evening. What I would like to say this evening in opposition to this particular concept is that I'm taking it from the perspective of a young sophomore being in office these past four years.

What I believe the state government is saying to the public this evening is that they are being over taxed. If that's the posture we would like to take, fine. I believe that a lot of the members who have spoken on this floor have brought up very good ideas and positions and I would like to bring up the concept which I think may be transferred or heard by the Finance Committee when they do go to conference.

The tax rebate is something each and every one of us can grasp this evening. There is \$42.5 million that has not been utilized or maximized. My answer to the administration in regard to how to use the tax rebate, I really don't know.

Maybe it was by coincidence this

evening, Mr. Speaker and members of this House, that H.B. No. 2552-80 which I authored and which dis-conforms to the federal income tax form, is a measure that would benefit the people of this state, also.

For me, per se, what I would like to see in using this \$42.5 million, and I hope it will be heard in the Finance Committee, would be for the perpetuation and preservation of the State of Hawaii. It may be through the acquisition of agricultural parks or it may be for the concept of the land bank that was co-sponsored by Representative Kawakami and Representative Uechi, or maybe grants-in-aid to the different counties of the State of Hawaii.

All three of these are my feelings or my answers to how this \$42.5 million could be utilized and that's why I am going to be voting against this particular measure. Thank you."

Representative Hagino then rose to speak against the passage of H.B. No. 2539-80:

"I only have a few words to say because a lot of it has been said before. I feel that we will be setting a very bad precedent if we pass the tax rebate this year. It will make certain that a tax rebate from now on will be a political gimmick used by someone who may want to run for mayor, for re-election or for the governorship.

Secondly, a tax rebate at this time, I believe, will contribute to inflation and I would like to use the example used by one of the proponents of the tax rebate. It was mentioned that we have passed a bill for a land bank and we have put in \$30 million for the land bank. It was stated that some people wanted \$70 million for the land bank and that \$70 million was felt by the proponent as being inflationary. Now the difference between \$30 million and \$70 million is \$40 million. This tax rebate is \$42.5 million.

The third thing I want to say in opposition to the tax rebate is that

if we are really sincere about trying to help the people of Hawaii, we would be passing, perhaps, some tax cuts instead of a tax rebate. Thank you."

Representative Larsen also rose to speak against H.B. No. 2539-80:

"We have before us a choice between political expediency and realistic management over our fiscal resources. \$50 per person reduction, a total of \$42.5 million, can be spent on items or luxuries not affordable in the taxpayer's regular monthly budget; a dinner out, three more cases of beer, two tanks of gas for each fuel guzzler now on our highways.

On the other hand, the state could use the money to do some valuable and long neglected jobs. There is at hand far more effective use of taxpayer revenues than simply passing them out, a move which would directly contribute to our already rampant inflation.

We want to give the taxpayers a real break, let's give them a tax reduction, a long-term rebate, a permanent rebate, not a one-shot shibai rebate.

The school system, for example, needs money for books. To me that is absolutely incredible that I can come here for six years and find out from the newspaper that in 1980 we don't have enough books to give to our students to study. Several articles have appeared in the newspapers concerning the shortage of textbooks. I never heard about it when I was here and I've been in the Finance Committee. Nobody ever presented any requirement for textbooks. Now I hear that we have some science courses in public schools in which textbooks that were printed in 1948 are the basic text books. 1948. Those ideas and concepts are not even valid anymore. To me, this is absolutely ridiculous.

There are so few books that in some schools a student wishing to study must steal a volume to be able to study it outside of the school.

Most public school buildings are in need of paint or small and essential repair jobs such as broken windows, fractured doors and worn jalousies which have been neglected for years because of the shortage of funds.

I'll cite one example from my district, an affluent area. Kahala Elementary School has not been painted in 16 years. Without basic care, any building will simply rot out.

Looking elsewhere, the University of Hawaii has just had a budget appropriation for its quarry facilities cut; yet the athletic setup at the Manoa campus is clearly one of the most inferior in our country for a campus of 30,000 students.

The University of Hawaii academic area teaching assistants subsist on substandard wages but are told there is no money to give them a raise.

We have in this state a number of private and state programs designed to care for the elderly, the infirmed, the handicapped and our troubled youth. In a broad area, aiding them now should save the state money over the long term; for example, supporting an errant child and giving him or her an alternative to abuse and neglect now will require far less input in dollars than paying for his or her incarceration at a later date.

Therefore, would it not be better to offer help to programs in this area rather than simply finance someone's personal shopping spree.

How about alternate energy programs. We could offer more support to OTEC to insure that we land that project here, rather than letting Puerto Rico end up developing our program. After all, the first ever in the history of the world, OTEC was proven here in Hawaii with the help of our own university.

Mr. Speaker, in the paper tonight we have a headline on the front page saying 'Carter trims funding

for OTEC project'. Tonight, in the paper, very, very appropriate for this bill that we're talking about. The Carter administration's latest round of budget cutting action is threatening the future of ocean thermal. OTEC projects in Hawaii according to Representative Cec Heftel.

There's an example, when we're not building up an ever present and an everlasting state burden on the taxpayers but a very needed input of big dollars to make sure that we can get that project here in Hawaii.

On top of that, we're talking about a gasohol program, but no money for gasohol. These are projects creating energy within the state of Hawaii with such a long term benefit it's staggering. No money.

We have the alternative opportunity to invest all the money in land, that is in the state land bank as proposed by two of our colleagues. To me, this is an intelligent way to return the money not only to our taxpayers but to their children and to their grandchildren. If not land, what about housing.

Is the state now current in its needs to offer land area and low cost financing to low and middle income families. That's a real rhetorical question.

Mr. Speaker, I know you are wise enough to know that they do need those areas. You questioned me earlier today. I am from an affluent area. I've always been affluent all my life, but I have no guilt. Your own colleagues tell me that many of the people in your area are saying we don't need the rebate. I think, maybe, you don't have to go back and check with the voters, Mr. Speaker, I realize that. You're beyond that point.

Your colleague informs me, straight from the shoulder, a lot of your constituents don't want the rebate. They want to put it into programs of value and lasting benefits.

I could go on at length with other examples but the point seems clear. We can invest this money in the future of our state and its progeny. There is no constitutional requirement to simply pass it out and finance politically motivated self-indulgence. Thank you."

Representative Sakamoto then rose to speak in favor of H.B. No. 2539-80:

"Mr. Speaker, I rise to speak in favor of H.B. No. 2539-80 for the following reasons:

(1) A tax rebate would comply with the intent, not the mandate, of the 1978 constitutional amendment relating to disposition of excess revenue.

(2) The accumulation of a sizable surplus for any long period is neither necessary nor desirable and such surplus should be returned to the taxpayers in an equitable manner.

(3) A rebate in a fixed and across-the-board amount of \$50 per resident individual is equitable because \$50 is generally estimated as the amount of general excise taxes collected from the purchase of food and prescription drugs by many taxpayers, especially the middle income group.

Mr. Speaker, if the tax rebate were to be based on and vary according to taxable income, such a tax rebate system would deny tax relief to those with low or no taxable income.

(4) A tax rebate such as that proposed in this bill is especially timely and appropriate in the face of the double digit inflation experienced by the resident population along with the high cost of energy. Deserving financial relief should be provided to resident taxpayers at a time when it is most needed.

Repeatedly, Mr. Speaker, the findings and purpose section of this bill indicates in pertinent part that current inflation compels the disbursing of a rebate to provide financial relief to our taxpayers.

Last but not least, Mr. Speaker, this bill will discourage the state from unnecessary spending while, at the same time, provide for an integrated, well-balanced approach to the supplemental needs of our taxpayers which will be discussed under the budget which we will consider in a few minutes. Thank you, Mr. Speaker."

Representative Fukunaga then rose to speak in opposition to H.B. No. 2539-80:

"Mr. Speaker, I do not believe that it is fiscally prudent for us to provide for a tax rebate this year. I'm extremely concerned about the potential impact of the rebate upon the state's economy in light of the many uncertainties that we face in the months ahead.

I'm also concerned about the strong reservations that have been expressed by members of the financial and business community in this state. For example, this past Monday a Pacific Business News editorial stated the following: 'while we can credit Governor Ariyoshi's administration with good fiscal management that helps create a large cash surplus, we are opposed to the administration's proposal that it be frittered away in \$50 tax rebates to taxpayers. The surplus in the treasury comes at a good time when the cash can earn 13% to 15% interest and when the cost of borrowing for capital improvement projects is beyond reason. To rebate a large chunk of the surplus now means the loss of the interest the money could earn. It also reduces our ability to fund capital projects with cash instead of going into the volatile bond market that now wants 9% or better. The state needs something like \$75 million this year to fund up-coming capital projects. To go to the bond market in the present economic climate is ridiculous. These needs should be met from the present surplus cash.

Another recourse, since we see inflation as a fact for the next several years, would be to adjust individual income tax rates downward to eliminate some of the pyramiding of the 4% excise tax. The rebate is a bad idea whose

time has not come'.

Mr. Speaker, in light of these concerns and many others that have been expressed here tonight, I respectfully urge all of my colleagues to vote against this bill. Thank you."

Representative Kamalii then rose to speak against the tax rebate:

"Mr. Speaker, we will not be doing the taxpayers of Hawaii as large a favor as some of my colleagues have insisted by this rebate. In fact, Mr. Speaker, for purposes of federal income tax reporting, such a rebate would be counted as income and I wonder how the family of five who will receive \$250 would react if that rebate pushed them into another income bracket.

There is simply no remedy for inequitable taxation except through review and reform. I believe that our measure calling for indexing of our state income taxes would provide such sustained and well-concerned relief.

I would urge that we give the taxpayers of Hawaii an even break, a 50-50 chance of genuine reform, not this \$50 mistake which could ultimately cost them even more in taxes.

There is, I know, some question as to the exact nature of this taxability. Some have even reminded me of the federal rebate a few years ago; however, it is my recollection that the tax exemption provided for that rebate was a part of the congressional action authorizing the rebate. It was written in the bill. We have no power to make that same provision as a state.

Our concern should be that we have no definitive answer to this question and I believe that we should wait until we do.

I urge all my colleagues, because of what I have said this evening, to vote no against this measure."

Representative Say again rose

to speak against this bill:

"All I want to say to this honorable body this evening, Mr. Speaker, is that it's taking me a lot of guts to stand up here and not join the band wagon. May I be permitted, Mr. Speaker, at this time to take two excerpts from an editorial this evening to say to the members of this body.

'The relationship between an elected official and his or her constituency should be based upon the integrity and the honesty of a legislator's performance at the ballot box. Our exercise on legislative function is answerable only to our constituencies and our working relationship with each of our colleagues'.

I hope, this evening, that I haven't offended anyone who is a strong proponent for this particular measure and I hope I haven't alienated any of my colleagues. For me, I have been deliberating these past three days in terms of this particular legislation and by not joining the band wagon, it has really taken a lot out of me.

To go back and say to my constituency this coming fall, it is very easy to say that I gave you and your families a \$50 rebate. All I'm asking the members of this honorable body is to vote to what your conscience tells you to believe in. Thank you."

Representative Toguchi rose to speak in opposition to H.B. No. 2539-80:

"Mr. Speaker, a lot has been said tonight and I think good arguments have been said in opposition to this tax rebate, so I will not repeat those arguments. Instead, I would like to make one observation.

I remember in the past that the state, at one time, also had a surplus; but I also remember that there was also the prediction that in the years to follow there would be years when the economy would be going down and I still remember that the surplus was not rebated to the taxpayers of Hawaii. It was carried on to other years to make up for the short fall.

Mr. Speaker, I see a dichotomy here today. I still remember in some of the other bills discussed here in the House this session, people from the community, the economists, the business people, especially the tourist industry, telling us about the problems that we are facing and greater problems coming up next year.

I think what we should do this year is vote down this bill and even carry over this \$42.5 million into next year and see where we are next year. We will still be fulfilling the constitutional mandate. If we have a bigger surplus next year then I think we can have a better idea as to whether we should have a tax rebate or even a complete tax reform.

I think we are acting prematurely here. I think that if we handled the question next year, there would be no question about our political motive here in the House, or even in the legislature. We have time so I'm not standing here telling the members of the House that we should use all the \$42.5 million for some of the projects we want.

I have to admit that I'm very happy that in the budget we are taking care of some of the needs, for example, the \$2 million for the books; the \$30 million for repair and maintenance; the \$30 million for the land bank, which I think is a very, very good idea. All I'm saying here is that we're not going to be in trouble if we defeat the rebate and not go out and completely spend that \$42.5 million. I think that we have a good alternative.

With these thoughts, I'd like to urge all of the members to vote against this bill. Thank you."

Representative Morioka rose to speak in support of this measure:

"I would like to clarify some of the concerns that have been expressed by various opponents.

Several members mentioned the Con Con mandating this refund to

be made only after the second year. This is true; however, in the light of the anticipated revenues and having taken care of the many concerns that have been expressed here this evening and with the residents facing this very difficult time because of the shrinking purchasing power, I think it is very prudent that we return the money that belongs to the people right now when they can make some good use of it. True, that to some of you \$50 or \$200 doesn't mean very much, but there are many, many families which this rebate would truly help.

There were some concerns expressed about books. I see no reason for mentioning this when we know that the superintendent has disclosed his plans to utilize the internal savings of about \$1 million right now to look into this book problem. We have also provided \$2 million in our budget.

Repairs and maintenance have been mentioned many times. Some of you realize this and still expect more in that category.

It is almost impossible for the state to spend the \$30 million within the one year time limitation that we have imposed on the bill.

The concern about federal income tax as I have been told this evening was testified to by the Tax Director at the Senate Ways and Means Committee when this very question was asked. It is not a taxable income. But, if it should be ruled as such, I am sure that those of us who file or work on our income tax know that unless you itemize your deductions, the rebate from the state tax is not taxable.

Someone mentioned that this was a political gimmick and I can assure you that it is not. It is an earnest effort to return to our taxpayers what is rightfully theirs. I urge each one of you to support this measure."

Representative Larsen then rose and stated:

"Mr. Speaker, I would like to reference my remarks back to the representative from the Kahaluu area and say that he has put it into focus for us. We have been on this issue now for the last hour and a half, but he has put it into focus.

Let's not spend the money for everybody's favorite program. I'll buy that. Let's wait. Let's see what happens next year. You talk about statesmanship, waiting on this thing will let us come into a clear focus on exactly where and when we'll need it.

The Chairman of Finance said in a moment of a slip of the tongue, that this will definitely benefit many taxpayers for a month. One month it will help them out, then what. Back to the old stuff again.

Mr. Speaker, let's wait, let's wait only one year. Some of us will be coming back and we can look at it again. Maybe the rebate by then will be \$500, maybe we could give them back a couple thousand bucks apiece. I'm all for that, but let's wait. Let's let the economy go up or down or sideways, whatever. We can get a good picture of it just like we did when we discussed this like you and I were talking about a little while ago, in 1976, we hashed it back and forth and finally when it ended up there was no money for rebate. This time next year we can have a good look at it. Let's wait. Thank you."

Representative Narvaes then rose in rebuttal:

"Mr. Speaker, the members of this honorable body who are thinking of voting no I feel are really missing the boat. The American political decision making process today is still reliving the last great depression. We feel that what we should do is spend money to avoid a recession but we don't have the same kind of economy that we had then.

The economy today is very, very different. We're looking at something like what Germany experienced

in the 20's when they had hyperinflation. That's the point I really want to make.

Mr. Speaker, what we should be doing with all the budgets of the Departments of this state is to dig down deep and take an in-depth look at the budgets, find the facts and utilize those facts to fund the necessary programs, and, I repeat, necessary programs.

I'd like to use some actual examples where there is fact and duplication in the past and present budget. The first example deals with the budget of the DOE because everybody here seems to be so very interested in that budget. Now, that DOE budget will have a \$5.4 million surplus for the last fiscal year. A \$5.4 million surplus that will lapse into the general fund if we don't do something with it. Charlie Clark is suggesting that the governor use those surplus funds to buy the books that are needed for Hawaii's kids.

Mr. Speaker, I made that same suggestion in the Finance Committee; yet, Mr. Speaker, H.B. No. 1912-80, HD1, provides \$2 million for textbooks and I quote the Committee report: 'Lower Education - basic needs. Your Committee has recognized that to improve the quality of education in Hawaii's public schools, additional resources are required to achieve and maintain high levels of competency for our students. As a result \$2 million has been included in the supplemental budget to replace and purchase additional books'.

We need books for our kids, but we don't need \$7 million. We can use the surplus. The governor wants to use the surplus. Charlie Clark wants to use the surplus. We don't need to put this \$2 million in this budget. This \$2 million can be used for some of the programs that you folks want.

The people who want to vote no say we need more money, here's \$2 million.

Mr. Speaker, I'm sure that the

budgets of all the Departments of this state have a lot of fat, the same kind of fat. We need to cut the fat and hold the spending line in these inflationary times. The opponents of this bill are forgetting about inflation and government is the biggest cause of inflation.

If we spend this \$42 million, we're going to be creating some new programs that will require continuance of funding in the future. People say well, gee whiz, you know, let's keep the money, do something with it, then let's come back next year with a tax cut. That's fine and good. When you spend the money you create new programs and you require the need for continuance of funding. How are you going to come up with a tax reform package then.

Mr. Speaker, I urge all members to vote aye on this measure."

Representative Kamalii then rose in rebuttal:

"I was very interested to listen to the, I think it's Acting Chairman of the Finance Committee, and his strong stand on this tax rebate when he has a far better piece of legislation. But then, I guess he, too, must answer to the powers that be; and whatever bandwagon our Chairman of Culture and the Arts was referring to, maybe that's where that is, too. But I can't believe that the Acting Chairman of Finance can introduce and have that kind of legislation and stand up on the floor of this House tonight and speak for this rebate.

I just hope that as we sit here wondering and we flip and flop back and forth for the last hour, I just hope that you all take a deep breath and take politics out of it and vote your conscience."

Representative Nakamura then stated:

"Mr. Speaker, I had not planned on saying anything on this measure because I was in favor of this tax rebate; however, I would like to

say something, saving the best for the last.

It was said that we ought to carry over the surplus to next year, but I don't see any wisdom in this because come next year there's going to be a bigger surplus and you are going to compound the problem of what to do with a bigger surplus.

I think the people deserve a rebate in view of the existing surplus and take care of future surpluses as they arise.

On the other hand, I think that a rebate at this time is timely, it's prudent because it is not good for the government to go on a spending spree just because we happen to have a surplus. I think this would really overheat the inflationary trend attributable to government spending.

For these reasons, Mr. Speaker, I urge all the members of this House to reconsider their earlier positions and to vote for this measure because it makes good economic sense and it's good for the people."

Representative Lacy stated:

"Mr. Speaker, I was not going to speak tonight until my friend just ahead of me, along with my good friend from Kauai, who used the argument on the inflationary effect of the government spending but not if the individual spends. I don't think my economic course agrees to that.

If the government spends and doesn't manufacture the dollars to do the spending, there is really no difference in the marketplace than the individual spending. It's the spending that is bad in the inflationary sense because it's money chasing goods. I just wanted to clear up that point.

I was originally for the rebate, but I made my mind up about a week ago when I found that we were going to segregate the funds into very good programs, assuming the \$112 million that everyone speaks to, remembering what Eileen Anderson

has taught me concerning the years that I was not in the legislature when there were problems and how there should be a little surplus around to take care of a rainy day, if it comes. So, I'm for the land bank. I'm for putting that money away, not rushing out and spending it, but spend it if needed to carry out our programs. I am for the repair of schools and government buildings, including the hospitals and such, so if I add those numbers together, I came to the point that if I got around \$50 million left over that we could hold onto, then I will be satisfied.

As I look at my numbers now, I have to vote against the rebate because I want to hold approximately \$50 million in reserve and go ahead with our other programs. Thank you, Mr. Speaker."

Representative Kunimura then stated:

"I just want to make one correction. I hope that the speaker just preceding me, that I heard him correctly, that my reference to causing inflation is within the real estate market to buy \$70 million worth of real estate and that would cause a fantastic upsurge in the price. That was my reference.

Secondly, Mr. Speaker, I don't read Pacific Business News, but if the reference made in the Pacific Business News is that we should retain this rebate and gain lucrative interest from investment, then I think the government should be abolished and should be incorporated into a business entity. Government should never collect more taxes than necessary and if it does collect more taxes than necessary, it should spend it or refund it, never invest it for income."

Representative Toguchi again rose to speak against H.B. No. 2539-80:

"In reference to some of the statements made by the good representative from Wahiawa, he mentioned that we should not hold over that

\$42.5 million because we are going to end up with a bigger surplus. He said we should make the rebate now and then next year if we have another surplus, then do it again.

If that is the case then maybe we should be looking at a tax reform at this point. Additionally, he mentioned that we should not go on a spending spree because it's going to cause inflation. I'm not saying that we spend the money now and I'd also like to say that when we do make the rebates as he proposes, what do you think the people are going to do with their money - they're going to spend it.

I would also like to clear up a point made by an earlier speaker in reference to the \$5.4 million surplus that was accumulated in the Department of Education. Now, that surplus, I want everybody to understand, came about because of the strike. Thank you."

Representative Lacy then stated:

"Mr. Speaker, I wish to apologize to my colleague from Kauai if I misunderstood him because it was not on the \$70 million that I thought I understood him to say that, with a rebate, the people could spend the money and it was not as inflationary as having the government spend the money on the \$70 million; and I concur that I may have misunderstood him."

Representative Narvaes rose on a point of personal privilege:

"I just want to point out that the \$5.4 million surplus that the representative from across the way says is from the strike is not correct. Only approximately \$1.5 to \$2 million of that surplus is as a result of the strike."

Representative Peters then stated:

"Mr. Speaker, I wasn't going to address this particular issue on the floor today, but I've been hearing all the previous speakers and listening to their observations with a great deal of interest.

I know everybody is tired and sometimes we use certain choices of words, perhaps if we weren't tired, we wouldn't be using, like, for political purposes...."

Representative Kamalii rose on a point of order stating:

"I would hope that the Majority Leader would speak to the bill."

The Chair responded:

"I believe he is."

Representative Peters continued:

"Just for the record, Mr. Speaker, I'm speaking in favor of this bill.

I guess, Mr. Speaker, by almost any standard you can possibly think of, the total tax burden, federal, state and local which falls on the individual taxpayers in Hawaii is real, very real. All of you are taxpayers and you know that it is for real, it's not a political shibai.

Equally important, it is very heavy. Citizens of Hawaii are caught in this squeeze of high inflation and high taxes. As my colleague across the way from Kalihi enumerated, many citizens find it increasingly difficult just to make ends meet and they desperately need some relief.

This measure, while it may not be a re-occurring kind of relief, it is nonetheless important to many of our people in this state.

When I listen to some of the observations, Mr. Speaker, I think the majority of the members here, if not all, are not against a tax rebate per se, what they are saying is in comparison to some other priorities the tax rebate may not be ranked very high because a rebate, Mr. Speaker, is basically a refund and when you give a refund, the only reason you give a refund is because there has been overpayment.

I must admit, Mr. Speaker, that part of that question, whether this whole tax system that we've incorporated

into the state is a feasible one, whether it is a just one, will be determined by recent constitutional provision which calls for the Tax Review Commission. There are some here who say, okay, let's get some tax reform now. I think that's being very presumptuous.

The decisions that we make on this floor have to be tempered with a touch of social consciousness as enumerated by many people on this floor by way of a caring concern for our children, for the conditions of our schools via repair and maintenance and, as the Chairman of Finance indicated, we have \$30 million for that purpose.

In addition to that, you've read the supplemental budget and you find approximately \$5.4 million more. Sure it's been earmarked for asbestos removal, but it's part of that, taking apart and replacing it.

We've talked about school books. Again my colleague across the way indicated via certain newspaper articles that the Department of Education now has a little more than \$1 million for that purpose; but in addition to that, in the supplemental budget we have earmarked \$2 million to supplement that effort.

Land banking, we gave \$30 million. There are many, many other projects. All you have to do is go through this supplemental budget. If we didn't address those concerns I could understand the position of many, but we have addressed those concerns and if you put all of those bills together and address the financial condition of this state, you will see that this financial plan is a very balanced one. You will see the financial plan as enumerated in the supplemental budget, as well as individual bills that we've passed and will pass tonight reflect a very responsible position of this House.

As a consequence, Mr. Speaker, I urge all the members of this House to support this measure. Thank you."

Representative K. Yamada rose to speak in support of H.B. No.

2539-80:

"Mr. Speaker, there's been a great deal said tonight and I've got to admit that based upon the social conscience which touch each one of us, many of the arguments are valid.

My brother from Waianae gave an excellent rationale why this bill ought to be supported. I would like to add to his comments and in doing so, also reflect on some of the comments which have been made on this floor tonight.

It is true, Mr. Speaker, when you consider the amount of money which is going to be given to each individual family, it may not be very much. Many of you on the floor tonight have expressed the concern that there is rampant inflation afloat in our economy today. It's true, and if you take that into consideration for the downtrod and the poor, the \$200 for a family of four means a great deal to make ends meet, and isn't that what our concerns ought to be, too.

Many of you have argued that we ought to restructure our tax laws. Maybe that is true and it certainly is something that we're going to have to address ourselves to for the next few years.

I think many of you have valid points on this and I hope you come up with good ideas that will propose the restructuring of our tax laws; but that's not to say you've got to have one or the other. That's not true.

You can have the rebate and also work toward restructuring our tax laws. I suggest to you that you can do this in the years to come.

Mr. Speaker, it has also been suggested that we ought to wait because the constitutional convention amendment which was adopted two years ago does not impose on us the requirement of giving the rebate this year. Mr. Speaker, that may be true but when has this body ever

sat back to wait to do things which it was not required to do.

There is a great deal of concern about our economy, Mr. Speaker, and this is one of the ways that we can express that concern. The intent of the constitutional convention amendment is also to limit government expenditures and isn't that what this bill proposes to do, although we don't have to do it this year. Mr. Speaker, we have to abide by the intent of what was adopted by the people during the last election when they voted for this constitutional amendment.

Now, in coming back more directly toward the bill, Mr. Speaker, if government collects too much money from the citizens, isn't the logical thing that would happen, and it happens on April 20 of each year for the state and April 15 for the federal government, that if we collect too much money we do give a rebate; and isn't that what the question is before the House. We simply collected too much money.

From the concerns you've expressed here on the floor tonight, I don't think there is any doubt in any one of you that the state of Hawaii does have a current surplus and it's a question of what to do with the surplus.

Coming back to the point again, we collected too much money and the logical result is a rebate.

Now, Mr. Speaker, a great deal of the concerns which have been expressed on the floor have been taken care of. We've set aside, and many people have expressed the concern that \$30 million was set aside to create a land bank, \$30 million was set aside for repair and maintenance of facilities. I think this is the concern that most of you had and these are addressed by our budget and by the various bills that we've adopted tonight.

In closing, Mr. Speaker, I would like to remind all of the members on the floor tonight that we all stand

in a fiduciary relationship with our constituency. We have their trust. We govern at their will. If we take too much money away from them at the time when they need it most, I think we ought to live up to their trust and give some of it back to them.

For these reasons, I ask each one of you to support this measure."

Representative Fukunaga then rose in rebuttal stating:

"Mr. Speaker, the constitutional amendment does not mandate a rebate. The constitutional amendment mandates a rebate or a tax credit. Thank you."

Representative Ikeda rose on a point of information directed to the Chairman of Finance and stated:

"Mr. Speaker, earlier a comment was made that if a taxpayer receiving a rebate filed the short form for their income tax, that he would not be taxed on the rebate. I would like an explanation as to how that works."

Representative Morioka answered:

"Mr. Speaker, the statement that I made was that any person filing a federal income, if he chooses to itemize his deductions then he is required to report the refund from state tax as an income. If he does not itemize his deductions, then the refund is not included as an income."

Representative Ikeda:

"It was my understanding that when you file your federal income tax, whether you use the short form or whether you itemize the deductions, you had to base your tax on your gross income. Would not the \$50 tax rebate be considered part of the gross income regardless of which form is filed."

Representative Morioka:

"There is a section where you deduct your deductions and where

you report other income; you do not include it in that other income."

Representative Ikeda:

"May I confine my question only to the short form. Listing your income when using the short form, don't you have to list all of your income, your gross income, and therefore, would not the tax rebate be part of that income."

Representative Morioka:

"I'm not sure. I'm not the tax expert, but from what I understand the only time you need to report this tax refund is when you itemize your deductions on your return."

Representative Ikeda then rose to speak in rebuttal:

"Mr. Speaker, I believe one of the key concerns this evening is whether or not this tax rebate is really going to help the individual citizen and since we do not have any clear answers regarding that point, as to whether or not the rebate will be considered income and thus taxed, federally, I do believe that we should give this tax rebate idea full consideration or reconsideration and really think again about the merits and the benefits to the taxpayers because, Mr. Speaker, I believe that most people who file the short form are generally those in the lower income category and if we're not doing them a favor, then I see no reason to pass this bill. Thank you."

Representative Peters then rose on a point of information stating:

"Mr. Speaker would you ask the Chairman of Finance whether it is true that the tax expert in this state is the Director of Taxation."

Representative Morioka replied:

"I believe he is. He is the person who we rely on in tax matters."

Representative Peters continued:

"Isn't it also true that he appeared before the Ways and Means Committee

of the Senate and after some very direct questions regarding the disposition of this rebate, that he stated that this rebate would not be subject to state or federal income taxes."

Representative Morioka replied:

"Yes, he did. I was informed that he appeared before the Ways and Means Committee and this very question was asked of him and his opinion was that it was not a taxable income, both on the federal and state forms."

Representative Kamalii then rose on a point of information directed to the Acting Chairman of Finance.

The Chair stated:

"He is the Chairman as far as the Chair is concerned."

Representative Morioka then stated:

"Mr. Speaker, I would like to make a comment about her earlier insinuation."

Representative Kamalii stated:

"Point of order, Mr. Speaker. Who has the floor."

The Chair replied:

"Representative Kamalii, the Chair would like to remind all members of this House, especially members of the Minority, to extend the courtesy to members of this body when they have the floor to finish their statement and then the party may also rebut the question or otherwise for the Chair to rule upon."

Representative Evans then rose on a point of order stating:

"The Minority Leader got up on a point of information. You didn't allow her to ask the question and the Chairman of the Finance Committee made a statement, he rebutted something she had said previously and you're saying that we, as Minority people, have to pay more respect. I mean, call it like it really is."

The Chair responded:

"Representative Evans, I have been calling it like it is."

Representative Evans:

"I doubt it."

The Chair then stated:

"Let me remind the Minority Floor Leader that when the Minority Leader rose on a point of information, I asked her to whom she would be directing the point of information. She indicated the Chairman of the Finance Committee. The Chair then recognized Representative Morioka to ask whether he would yield and he was attempting to reply to the Chair's question. He prefaced his answer by saying he was anxious to reply to the remarks made by the Minority Leader earlier referring to his conduct and that he would not yield to the Minority Leader.

I think I am stating this quite accurately and the Chair again reminds all members that the day has been very long, I believe the Chair has been patient, I believe all of the members have been patient and I commend all of you, but let us proceed with proper decorum."

Representative Nakamura rose again in support of this measure:

"It has been said that we ought to consider tax reform rather than a tax rebate. Assuming that we do undertake tax reform, any tax reform will not eliminate the present problem of disposing of this surplus. Even though we do have tax reform, we'll still have a surplus this year, next year and the year following and the problem of disposing of this surplus will still remain with us. While we have this surplus, we should give it back to the people. This is where the surplus belongs.

Secondly, much has been said about income taxes. If we do not dispose of the \$42.5 million this year or beginning the fiscal year of July 1, 1980, and we carry over this surplus to the following fiscal year, then we'll

have about \$175 million in surplus to dispose of. If we can distribute the \$42.5 million this coming fiscal year and if the people do have to pay income taxes on this \$42.5 million, the rate of taxes will be considerably less than if we accumulate the surplus to the following year and distribute \$175 million then. The people who do receive the rebate at that time would really take it on the chin and pay a heck of a lot more in taxes than if you split up the surplus between two separate years.

For these reasons, Mr. Speaker, I think that it's wise that this rebate be made this coming fiscal year rather than carrying the surplus over to the following year."

Representative Larsen then called for the question.

Representative Kamalii rose on a point of information stating:

"Just for clarification, you said that the Chairman of Finance did not yield to my question."

The Chair answered:

"If my memory serves right, he indicated that he would not yield to your question."

Representative Kamalii:

"Fine, thank you."

Representative Lacy rose on a point of information to Representative Nakamura who yielded to the question:

"Mr. Speaker, previously I had used numbers to estimate that we would have some \$50 million or so. Suppose that I'm a little off and we subtract the \$42 million from the \$112 million, I'm not sure how we get the \$175 million."

Representative Lacy then stated:

"I called for the question and I thought I had a second."

The Chair responded:

"The Chair did not recognize you for that purpose."

Representative Nakamura then proceeded to answer Representative Lacy's question:

"Mr. Speaker, the figure of \$175 million, I picked it out of the clear blue sky by way of an example, perhaps an exaggerated example, but an example nevertheless.

The point of the matter is if you make two separate distributions in two separate years, the taxes would be less, assuming that these rebates are taxable.

The Speaker then stated:

"The Chair believes that there has been sufficient debate. Before calling for the Roll, the Chair will recognize the Chairman of the Finance Committee to summarize a reply as provided for in the rules."

Representative Morioka:

"Earlier, the Minority Leader stated that..."

Representative Kamalii rose on a point of order and requested a short recess.

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

The House of Representatives reconvened at 10:15 o'clock p.m.

Representative Morioka then continued:

"Mr. Speaker, I would just like to clarify the statement that was made by the Minority Leader regarding my change of heart from my moratorium plan to the rebate plan. Reference was also made to riding the bandwagon, insinuating that I am irresponsible.

I would like to set the record straight. Much investigative study was made on this plan that has been proposed and only after getting assurance from Budget and Finance and the Tax Office that logistically this plan

can be worked out very expeditiously, and only under these conditions, have I supported this measure.

I don't mean to say that my plan was not good enough, but this plan was acceptable to more people and I have a statement from the Tax Office that this is the most equitable use of rebating the surplus to state residents as all individuals must pay the general excise tax on purchases of necessities and, furthermore, the general excise tax represents over 50% of the general fund revenues.

For these reasons the base of the rebate to taxable income would deny the tax relief to those with lower taxable incomes.

In summary, I would like to say that this is the most equitable means and is supported by the administration as well as the Tax Office and I urge each member to support this measure."

At this time, the motion was put by the Chair, but Representative Evans rose on a point of order stating:

"A Roll Call had been called for by the Minority Leader about a half hour or 45 minutes ago."

Representative Peters also rose on a point of order stating:

"I can't remember that."

Representative Evans:

"It sure happened."

Representative Kamalii:

"Would you like me to play the tape back?"

Representative Peters:

"I think the Majority has been accommodating the Minority for the longest time and if they want to make a proper motion to determine whether we are going to take a Roll Call vote, let them do so."

Representative Evans then moved

for a Roll Call vote and her motion was accepted.

The motion was put by the Chair and H.B. No. 2539-80, entitled: "A BILL FOR AN ACT RELATING TO TAX REBATES AND PROVIDING AN APPROPRIATION THEREFOR", passed Third Reading by a vote of 29 ayes to 19 noes, with Representatives Baker, Evans, Fukunaga, Hagino, Ikeda, Kamalii, Lacy, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Say, Silva, Sutton, Takamine, Toguchi, Uechi and Uwaine voting no and Representatives Anderson, Blair and Garcia being excused.

H.B. No. 2847-80, HD1

On motion by Representative Morioka, seconded by Representative Inaba, H.B. No. 2847-80, HD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REPAIR AND MAINTENANCE OF PUBLIC FACILITIES", passed Third Reading by a vote of 48 ayes, with Representatives Anderson, Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. Nos. 2539-80 and 2847-80, HD1 passed Third Reading at 10:27 o'clock p.m.

H.B. No. 1865-80, HD1

Representative Morioka moved that H.B. No. 1865-80, HD1, pass Third Reading, seconded by Representative Inaba.

At this time, Representative Sutton rose to speak in favor of this bill, but with certain reservations:

"Mr. Speaker, we have before us a Bill for an Act Relating to the Judiciary Budget. As you know by constitutional amendment, a judiciary budget under a doctrine of separation of powers does not come before any screening process of Budget and Finance, but comes directly to the legislature. In other words, all of the mechanism that we have in Budget and Finance for screening is circumvented because of the constitutional

inhibition and because of the fact that the budgetary process is going to be one where the executive is not involved.

As a consequence, we get before us something that has not had the refinement and the screening that Budget and Finance gives to the Executive budget. This means that we should have greater tools with which to work in order to make a proper budgetary analysis.

As you know, Mr. Speaker, we have before us what is referred to as a supplemental, this is not the prime budget year, this is supplemental. Yet, in front of me is \$30 million of expenditure in a supplemental budget for the fiscal year 80-81.

Now, I recognize, Mr. Speaker, that we do not have the most elegant courthouses that you could ask for. I recognize that some of them are antiquated. I recognize that some of them need repair. But, Mr. Speaker, in a supplemental budget to put \$30 million that has not been properly screened before this body and asking for an additional \$494,000 in operating funds is excessive.

Now, Mr. Speaker, I have sat on the bench as a federal judge as you will, soon. We all know, however, that a judge no longer truly sits on a hard, uncomfortable bench, but instead is placed above the people in court in the resplendent majesty of a very plush throne. It is the people, sir, who must bear the suffering caused by a hard, uncomfortable bench.

A judge sits in the comfort of his plush chair, gazing out over the people and a courtroom that is very satisfactory for his needs. But, I say we do not have to have the great elegance of an air conditioned, very modern courtroom. We should conceive of the process of justice as one where we have adequate facilities, but not elegant facilities.

Now, I am the only one in the state of Hawaii who comes from a family that has had four generations of attorneys. I can tell you that

we have a beautiful monopoly. Two thousand of us have a monopoly of practicing law, a monopoly of being judges, a monopoly that is referred to in the Hawaii Bar Journal in the last issue, written by a Mr. Healey. I don't give Mr. Healey all the credence in the world, but he did write this article and he says that because it is a monopoly that we should be like Caesar's wife and be beyond reproach. He says, in his article, that we must not ask for such facilities that put us above and beyond what the ordinary functions of life are.

You and I know, Mr. Speaker, that there are many other problems in this state and I think that the debate that went on over the prior bill was a very healthy one because we looked at our deficiencies: school children without books, roofs leaking at McKinley and Roosevelt High School and many other schools. We looked at the problems of this state from the point of view that we are suffering immense inflation. We looked at it from the point of view that the judiciary budget, itself, is but one facet of many, many functions that this state has.

Therefore, I would ask that next time we try to see if we can't engage in a little more screening and a little less eating of the food that the Judiciary Department sends over to us. Thank you."

The motion was put by the Chair and H.B. No. 1865-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET", passed Third Reading by a vote of 47 ayes, with Representatives Anderson, Blair, Garcia and Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 1865-80, HD1, passed Third Reading at 10:27 o'clock p.m.

H.B. No. 1912-80, HD1

Representative Morioka moved that H.B. No. 1912-80, HD1, pass Third Reading, seconded by Representative

Inaba.

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

"This bill represents many hours of careful deliberation by your Finance Committee on matters generating much controversy and debate. Certainly, the responsibilities of determining funding levels for the multitude of programs in the state weighed heavily on the minds of your Committee members.

While there was general agreement on the necessity for a supplemental budget to fund urgent program needs and to initiate required capital improvement projects, the overall attitude was one of caution. Decisions were reached with an acute awareness that anticipated surpluses are largely due to prudent practices in the past by both the legislature and the state administration. Additionally, our revenue collections may not be as stable as we would like them to be due to increased costs of fuel oil, a possible decline in our tourist industry, the continued projections for national recession and the current double digit inflation rate.

Coupled with the notion of caution, your Committee has remained cognizant of the various specific appropriation bills which impact financial resources. These specific bills include an accelerated repairs and maintenance program, a state land bank program, the granting of a tax rebate and various tax credit proposals. It is my belief that H.B. No. 1912-80, HD1, is a viable document which incorporates all of the concerns that I have mentioned. It combines fiscal prudence with a concern for the welfare of the people into an overall program to provide a meaningful impact on the lives of the citizens of this state.

Mr. Speaker, it would be remiss on my part at this point if I did not acknowledge the effort of all the individuals who worked so hard and gave so much of their time in the preparation of this document. May I express my heartfelt thanks

to all Finance Committee members, to the subject matter Committee Chairmen and to all the members of this honorable body for the suggestions and concerns they have shared. All of your cooperation is greatly appreciated and I look forward to your continued support during the remainder of the session.

I urge all of the members of this body to join me in voting in favor of H.B. No. 1912-80, HD1. Thank you."

Representative Sutton then rose to speak on H.B. No. 1912-80, HD1, with certain reservations:

"Mr. Speaker, each year the budgetary process takes many hours in executive and legislative branches. Much of the time spent is used to convert the information requested by the executive and legislative branches into a form understandable to all parties concerned. Some of the information reported in the planning, programming and budgeting as required by the executive budget is changed into other formats for the convenience of us legislators. The planning, programming and budget format should accommodate the information needs of both the executive and the legislature.

It appears to me, Mr. Speaker, that the whole budgetary process is overdue for an in-depth study of all facets to further simplify the operations of state government and the enactment of the budget act each year.

The Senate of the Eighth Legislature addressed themselves to this problem and they addressed themselves, also, to the problem of what constitutes supplemental. I have here, before me, a Webster's dictionary and the word supplemental is put in to add, to supplement, to fill up, to complete, something that completes or makes up in addition, a part added to or issued as a continuation.

Mr. Speaker, we receive a supplemental budget from the executive.

We subsequently receive three additional letters from the Governor labeled supplemental. Now, my concept of supplemental is on supplemental budget, not three additions, and that they should come ten days before the session came into being; and yet, we received those three supplemental letters in the last ten days. We are not able to properly evaluate with the analysis that is required. We're not given time to even hold hearings on some of the particular additions. Some of these additions sent by the Governor down to us, such as Sand Island, \$400,000, had not in any way, shape or manner ever been the subject of a hearing that I, myself, had had the opportunity of seeing.

In the previous year, the gentleman from Waianae was on our Finance Committee. He was the first one to always state 'let's get the facts' and yet before us was a ten day ultimatum to make a decision or else. This being under the gun is a violation of our basic concept of budgeting. We started, Mr. Speaker, way last November; we started our entire process and yet, ten days before we come here with this document, we are given three supplemental letters from the Governor.

I recognize that the Governor has this prerogative. I don't deny this prerogative to him, but it just is not good planning and I would hope that he, in a supplemental year, would confine himself next time to just one supplement and follow Webster's dictionary as to what is supplemental.

There should be in any program, Mr. Speaker, narrative, a fuller explanation of the cost of the program including such information as the number, kind and cost of positions being requested. The inclusion of such information, Mr. Speaker, in the narrative will alleviate the necessity of burdening you before this body at almost midnight with an attempt to try to evaluate.

Because analysis is the crux of the budgeting system, the Department of Budget and Finance is expected

to concentrate its efforts in performing program analysis and assisting us, but on those three supplemental letters they were not able to do so.

We had no standing guidelines and the program proposals were something that we debated in the privacy of the middle of the night, no press present, no media present, just our own back and forth debate among members of the Committee.

This is not the proper way to do business and the next submission should make correct use of all the cost categories that are specified by statute and we should have before us a cost category analysis that allows us to separate what is essential and what is not.

The utilization, Mr. Speaker, of the cost category makes possible an incremental funding of some of these programs that we are trying to do in crash programs. The Department of Budget and Finance is expected to monitor and enforce the correct utilization of these cost categories and to help us, but we received no help on these three supplemental letters.

To me, it was impossible to make a decision which I can come before this body and say was a sound decision.

So, if you would be kind enough, Mr. Speaker, you have a better acquaintance than I have although he is a neighbor of mine and does borrow butter occasionally, if you would tell the Governor to please send his supplemental down in supplemental budget, not add three letters at the last minute."

Representative Lunasco then rose to speak in favor of H.B. No. 1912-80, HD1:

"First of all, Mr. Speaker, I would like to commend the House Finance Committee for reviewing and compiling this supplemental budget.

I would also like to acknowledge and thank the members of the House

Education Committee for their efforts and diligence in reviewing the lower education portion of the budget, also my staff, more particular, Jeannie Sakai, who compiled all the information. I believe that this budget reflects the concerns and inputs of the Committee.

At this time, I would like to highlight the major lower education programs contained in the supplemental budget. The supplemental operating budget for lower education programs for fiscal year 1980-81 amounts to approximately \$6.5 million which is in addition to the current appropriation of \$319 million.

Part of the supplemental budget addresses the strict federal, state and circuit court requirements which mandates the state to provide free and appropriate educational and support services to handicapped children. To comply with this mandate, the Special Education Program has been expanded by providing more special education teachers and educational assistants. Furthermore, in order to locate, identify, evaluate and appropriately plan for the handicapped students, funds have also been appropriated for speech therapists, school social workers, educational therapists, clinical psychology assistants and educational specialist positions such that diagnostic and treatment services can be provided to such students more comprehensively. Current services are insufficient to fulfill the state's commitment.

In further regard to special education services, the supplemental budget reflects the Education Committee's position that these special education service positions should be of a permanent status rather than temporary.

The temporary positions authorized in Act 214 have been converted to permanent positions in the supplemental act and the additional positions in the supplemental budget are also of permanent status. We feel that positions vital to these essential programs should be of permanent budget status to provide program

stability and to enhance recruitment efforts to fill these positions.

Funds have also been appropriated to adequately support the summer school program for handicapped children and to accommodate the additional cost of private agency classes for handicapped students.

Additional funds are also provided for the bus aide program for handicapped children, including funds to support door-to-door transportation services for the 3 to 5 year old special education students.

Another part of the supplemental education budget addresses the federal mandate which requires the state to provide equal educational opportunity to limited English speaking students. The Limited English Speakers Program has, therefore, been expanded by appropriating funds for the hiring of additional instructors who specialize in working with such students.

We have also responded to the 1978 constitutional amendment which requires the state to promote the study of Hawaiian culture, history and language by initiating a statewide comprehensive Hawaiian Culture and Language Program.

We have also been concerned about the continuing successful on-going programs. Specifically, funds have been provided such that the Intensive Basic Skills Program, which began in 1979, can continue during the upcoming fiscal year. This program is serving a vital purpose as it is improving the reading, writing and mathematic skills of students who are performing at levels below their capabilities.

Funds have also been provided to continue Project Holomua, an experience-based career education program which prepares students for future careers and adult life.

Another major area of concern has been the critical need for administrative school level staffing. In the supplemental budget, we have addressed the need for second vice-principals in high schools with large enrollments.

Additional vice-principal positions are being funded to ensure that all high schools with student enrollments exceeding 1,500 are provided with a second vice-principal position.

The supplemental budget also addresses the concerns about the outdated and insufficient supply of textbooks in our public schools. An appropriation of \$2 million has been included in the supplemental budget to replace and purchase additional textbooks.

This budget also includes funds for various capital improvement projects which amounts to a total of approximately \$26 million. Included in the CIP portion of the budget is an appropriation of \$5.4 million for statewide improvements to eliminate asbestos health hazards in classrooms.

Mr. Speaker, although we were not able to address all of the concerns and problems in education, I feel that the lower education budget contained in this bill is fair and reasonable and does address the critical and immediate needs of our schools.

I therefore urge all members of this honorable body to vote in favor of H.B. No. 1912-80, HD1."

Representative Marumoto then rose to speak in favor of H.B. No. 1912-80, HD1, with certain reservations:

"Mr. Speaker, my reservations have to do with the design and acquisition of funds to widen Kalaniana'ole Highway from Aina Koa Street to Lunalilo Home Road.

The ultimate price tag for this undertaking will be \$75 million, but many residents in the Eighth House District are opposed to this project. Neighborhood Board #2 which encompasses the neighborhood from Kalani Iki to Kuliouou has expressed their opposition consistently at all the Department of Transportation public hearings in the past few years.

Neighborhood Board #3 which

encompasses all of Wai'alea-Kahala has reservations about the impact on their neighborhood.

Kahala Community Association is also opposed to the widening.

Ainako Community Association is opposed to the afternoon left-turn ban leading into their neighborhood.

Residents of the Wai'alea-Nui subdivision have also individually expressed their concerns on the same left-turn ban.

The Wai'alea Golf Course Community Association is opposed to the extra traffic that will be diverted through their residential streets because of the same problem; and lastly, the residents who live on the highway are understandably unhappy with the project.

Because all these community associations have reservations about these projects, I felt compelled to stand out and enumerate them.

The Department of Transportation has stated that construction will require 7 to 8 years until completion. Local traffic patterns will be severely disrupted during this period and permanently altered thereafter. Seven to eight years is a long time to live with the environmental degradation caused by construction. This is the single corridor for all the 40,000 residents of East Honolulu.

The Department of Transportation says that the car capacity of the highway will not be appreciably increased. Their plan calls for 60 buses to shuttle Hawaii Kai residents in 100 bus trips to Kahala Mall. If there is no fixed guideway station at Kahala Mall, then over 100 buses will be needed to make 140 bus trips from Hawaii Kai to downtown according to the testimony by the Department of Transportation.

The city and county of Honolulu has said they will not and cannot commit to the future purchase of any number of buses. Use of additional buses will depend on need on

an island-wide basis and they will not promise any buses for any particular line on Oahu.

You can now, perhaps, understand my opposition to this appropriation, Mr. Speaker. I am hoping that this item will be deleted in the Senate. Thank you for your attention."

Representative Ushijima rose to speak in favor of H.B. No. 1912-80, HD1:

"Mr. Speaker, my statements will be confined to the program area of higher education.

The budget reflects an increase of \$847,540 over the total of the executive budget. While money is not the solution to all of the problems that exist in the state there have been instances in the University system when programs had to be sacrificed due to the lack of funds. As a consequence, the funds increasing the total budget will certainly assist in the operation of the University of Hawaii.

There are, however, some items that were omitted that are concerns of mine. Items such as funds for the graduate students stipend and positions for the Waianae-Nanakuli Education Center. The capital improvement projects for the University system, Mr. Speaker, include the funding of \$6.9 million for the permanent facility of the Law School at Manoa Campus. Because of the accreditation issue hanging over the future of the Law School, I believe that the legislature today has no choice but to fund this particular project so as an accredited Law School can still prevail.

Mr. Speaker, an accreditation team of the American Bar Association is due to arrive during the week of March 26. It is then that I hope that members of the Higher Education Committee will have the opportunity to meet with these members to further discuss this vital concern of accreditation.

Mr. Speaker, the total funding for the renovation of George Hall

for the travel industry management students has been totally omitted. I had hoped that, at the very least, a portion of the renovation expenses of George Hall could be funded.

Mr. Speaker, realizing that the budget has a long and stormy voyage ahead, I hope that some of these concerns expressed will be accommodated as the voyage of the budget comes to an end.

I urge all of my colleagues to vote in favor of H.B. No. 1912-80, HD1, and at the same time, commend the members of the Higher Education Committee and the members of the Finance Committee, more particularly, the Chairman, for an outstanding job. I do hope that the future of the budget will be a good one. Thank you."

Representative Kunimura then rose to speak in favor of H.B. No. 1912-80, HD1:

"I have only one regret and that was just alluded to by the Chairman of the Higher Education Committee, the renovation of George Hall.

The Committee tried its best to contact personnel at the University of Hawaii and I'd like to report, Mr. Speaker, that they were not in sight. They could not be reached - the president nor subordinate officers nor civil service employees who were supposed to have been made available to the Committee.

It's very regrettable when such a large department as the University of Hawaii takes the legislature for granted. This has been par for the course for many years, Mr. Speaker, and I'd like to serve notice at this time, I may be seeking re-election to this House and, God willing, the people of Kauai willing, I shall be back and continue to look with critical eyes at the University budget and its personnel until they can come down to earth and get down from acadamia and stop this academic snobbery upon anything less than a master's or bachelor's degree.

Mr. Speaker, I'd like to, at this

time, commend the Chairman of the Higher Education Committee for really working very hard with his Committee members and making recommendations to the House Committee on Finance. I will not put fault or blame on the Chairman of the Committee or the members, but rather where fault should legally and justifiably rest - in the University administration. Thank you, Mr. Speaker."

Representative Sakamoto then rose to speak in favor of H.B. No. 1912-80, HD1:

"Mr. Speaker, as a freshman member of your Committee on Finance, it has been my privilege to be privy to some of the rationale for the bill now before this House.

We, on the Finance Committee, have labored long and hard to develop a state supplemental budget which addresses the major problems currently facing the state and still be financially prudent. From the standpoint of the operational budget and the capitol improvements budget, the bill before you is the culmination of long and intensive discussion and debate as to what needs to be done within our present and foreseeable financial environment. I believe that we have succeeded in carrying out our duty to the people of the state of Hawaii.

Equally important in our consideration of the budget bill are the many concerns which are not addressed by H.B. No. 1912-80, HD1. The fact that these concerns are not covered by this bill does not detract from their importance in the consideration of this bill. In fact, Mr. Speaker, these concerns had a large and important bearing on the final contents of H.B. No. 1912-80, HD1.

It should be understood that the estimated state financial position at the end of the current and next fiscal year indicate that significant budget balances, largely non-recurring, will exist.

I wish, Mr. Speaker, to emphasize non-recurring. These balances,

or surplus, if the word is more meaningful, should and must be used for non-recurring purposes if financial prudence is to be observed. Your Committee on Finance has, and I believe this honorable body will concur, that the state is in the position to do much good with the favorable budget balance and still not burden the future with recurring expenditures which will raise the level of spending.

These essential but non-recurring expenditures are:

(1) The establishment of a state land bank program through H.B. No. 2574-80, HD2, which also appropriates \$30 million in general fund moneys to implement the program. The bill provides for the mechanism by which the state can acquire lands which will benefit the public in the future. Article XI, Section 4 of the state constitution provides that the state shall have the power to acquire interests in real property to control future growth, development and land use within the state. Your Committee on Finance agrees with the idea that a land bank can be an important tool in shaping the development of entire regions in advance of the need for a particular public use. It can be used as a tool to preserve prime agricultural land, scenic and historic areas, protect watershed and water resources, provide for the development of park and recreational lands and beach reserves and the maintenance of open spaces.

(2) Mr. Speaker, your Committee on Finance has also considered the urgent need to provide for a catch up repairs maintenance program for public facilities. For many years because of financial constraints, repairs and alterations have been neglected. Now that the state is financially secure, it becomes imperative that further deterioration of our existing physical facilities be halted and the facilities be brought up to tolerable standards. The replacement of materials in public buildings, particularly in public school ceilings is one example of urgent need. Damage done by storms and vandals are other examples.

(3) Mr. Speaker, various tax credit proposals to relieve the burden on our taxpaying citizens have also been reported out by your Committee on Finance.

(4) Mr. Speaker, the governor has recommended a tax rebate to our citizens as a means to alleviate their financial problems and to keep within the spirit of the constitutional provision to cope with budget surpluses. Our recommendations, contained in H.B. No. 2539-80, will permit the rebate plan to be implemented.

The overall plan of the recommendations before the House, Mr. Speaker, provides for an integrated approach to the supplemental budget now being discussed and the specific proposals addressed in separate bills all are within a framework which is financially prudent and socially responsible.

Mr. Speaker, I therefore recommend that all members of this honorable body vote in favor of this measure. Thank you."

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

"I want to speak in favor of this bill by asking that every word of what Representative Kunimura said in regard to the University of Hawaii be mine, except for the district because I hope to get re-elected from the 17th representative district. Thank you very much."

Representative Sutton then rose for one more statement:

"Mr. Speaker, I would be remiss if I did not add that Chairman Morioka has won the respect of the three minority members, State Representatives Lacy, Narvaes and myself for shouldering this enormous task. We appreciate his cooperation and that of all members of the Finance Committee and say Mahalo."

Representative Larsen rose to speak in favor of this bill, but with grave reservations:

"My grave reservations have to do with \$3.6 million for the funding

of Kalaniana'ole corridor including bikeways, land acquisition and so forth.

This is a matter of great debate between the folks who live along that passageway and those who live at the end of it.

The Transportation Chairman and I look at this from two different telescopic views and I believe that, fortunately, it will take us quite a while to get started on this project, even with this funding in the budget. I am hopeful that there will be one of these adjustments that we make when we go into negotiations with the Senate.

As for my reason for supporting this budget, there is a possibility to look at the funding for this project a little bit more critically and delay it 18 to 24 months and not have to do it at all because, in my view, we are going to have serious changes in our driving habits in this state, especially on this island. There will be methods proposed to decrease the peak hour traffic load and by doing that, we will not make it necessary to increase the number of lanes of traffic. I think it's a change of attitude, a change of habits that is going to have to take place and I believe, inevitably, this will happen before this highway construction project is started.

I also want to offer my congratulations to the Finance Committee for putting this package together. I know how difficult it was. I do want to take exception to the Finance Chairman, earlier this evening, when he made the opening remarks and said that the surplus is due to the fiscal policies of the governor and the legislature tightening down on expenses.

The surplus is due to the inflationary taxing process that's been going on and this is the reason why we have a surplus. I don't think it has anything to do with a fiscal responsibility between the administration and the legislature. Thank you."

The motion was then put by the Chair and H.B. No. 1912-80, HD1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1979 TO JUNE 30, 1981", passed Third Reading by a vote of 48 ayes, with Representatives Anderson, Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 1912-80, HD1 passed Third Reading at 11:00 o'clock p.m.

H.B. No. 2541-80, HD1

Representative Dods moved that H.B. No. 2541-80, HD1, pass Third Reading, seconded by Representative Morioka.

Representative Larsen rose to speak in favor of H.B. No. 2541-80, HD1:

"I believe this is one of the reasons why we won't have to increase the number of lanes on Kalaniana'ole Highway and I think with a few more measures like this, the state getting behind the projects to decrease the individually driven cars between 7 and 8 in the morning will relieve us of a great deal of extra money that we now are thinking about spending. Thank you."

The motion was put by the Chair

and H.B. No. 2541-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO VAN GO HAWAII", passed Third Reading by a vote of 48 ayes, with Representatives Anderson, Blair and Garcia being excused.

The Chair directed the Clerk to note that H.B. No. 2541-80, HD1, passed Third Reading at 11:01 o'clock p.m.

Representative Kunimura then made two late introductions to the members of the House. He introduced two former members of the State House of Representatives, Mr. Ueoka and Mr. Jack Suwa.

The Chair then stated:

"We have now completed the day's calendar. I realize the day has been very long and it is understandable that you get excited occasionally. The Chair would like to thank each and every one of you for the patience, understanding and cooperation extended to the Chair."

ADJOURNMENT

At 11:04 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, March 13, 1980.

THIRTY-SIXTH DAY

Thursday, March 13, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend Robert Midgley of Central Union Church, after which the Roll was called showing all members present with the exception of Representatives Aki, Blair, Honda, Ige, Inaba, Kobayashi, Lacy, Lee, Marumoto, Sakamoto, Segawa, Shito, Silva, Ushijima, Uwayne, Wakatsuki and D. Yamada, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Fifth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 93 to 256) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 93) transmitting Senate Bill No. 118, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND OCCUPATIONAL BOARDS AND COMMISSIONS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 94) transmitting Senate Bill No. 744, SD 3, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 95) transmitting Senate Bill No. 1084, SD 2, entitled: "A BILL FOR AN ACT RELATING TO LEPROSY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 96) transmitting Senate Bill No. 1870-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 97) transmitting Senate Bill No. 1873-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ADDITIONAL SUPPORT TO THE UNIVERSITY OF HAWAII FROM EXTRAMURAL FUNDS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. no. 98) transmitting Senate Bill No. 1878-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 99) transmitting Senate Bill No. 1942-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LIBRARY SYSTEM", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 100) transmitting Senate Bill No. 1945-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO ALTERNATE ENERGY WATER HEATING SYSTEMS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 101) transmitting Senate Bill No. 1973-80, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION, TO PERMIT THE SENATE TO CONVENE ITSELF INTO A SPECIAL SESSION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate

(Sen. Com. No. 102) transmitting Senate Bill No. 1982-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH SERVICES FOR CHILDREN AND YOUTH", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 103) transmitting Senate Bill No. 1992-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADEMARKS, PRINTS, LABELS, AND TRADE NAMES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 104) transmitting Senate Bill No. 2013-80, entitled: "A BILL FOR AN ACT RELATING TO VACATION OF PUBLIC OFFICERS AND EMPLOYEES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 105) transmitting Senate Bill No. 2069-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 106) transmitting Senate Bill No. 2071-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS COURT", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 107) transmitting Senate Bill No. 2097-80, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF COSMETOLOGY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 108) transmitting Senate Bill No. 2163-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 109) transmitting

Senate Bill No. 2191-80, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 110) transmitting Senate Bill No. 2219-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF ALL FUNCTIONS, POWERS AND DUTIES INVOLVING THE TAXATION OF REAL PROPERTY TO THE COUNTIES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 111) transmitting Senate Bill No. 2220-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 112) transmitting Senate Bill No. 2232-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT PARKING CONTROL", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 113) transmitting Senate Bill No. 2295-80, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM OF THE STATE OF HAWAII", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 114) transmitting Senate Bill No. 2355-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 115) transmitting Senate Bill No. 2357-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE INSURANCE ADMINISTRATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 116) transmitting Senate Bill No. 2358-80, SD 1, entitled:

"A BILL FOR AN ACT RELATING TO AUDIT AND ACCOUNTING", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 117) transmitting Senate Bill No. 2359-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 118) transmitting Senate Bill No. 2457-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DOGS: LICENSES AND REGULATIONS; LICENSE FEE CONTROLLED BY ORDINANCE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 119) transmitting Senate Bill No. 2473-80, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE BUDGET ACT", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 120) transmitting Senate Bill No. 2536-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 121) transmitting Senate Bill No. 2557-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING AND LOAN PROGRAMS, CHAPTER 356, HAWAII REVISED STATUTES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 122) transmitting Senate Bill No. 2600-80, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 123) transmitting Senate Bill No. 2654-80, SD 2, entitled: "A BILL FOR AN ACT RELATING

TO LEPROSY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 124) transmitting Senate Bill No. 2660-80, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 125) transmitting Senate Bill No. 2673-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 126) transmitting Senate Bill No. 2676-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 127) transmitting Senate Bill No. 2869-80, SD 3, entitled: "A BILL FOR AN ACT RELATING TO COURT EXPENSES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 128) transmitting Senate Bill No. 2914-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 129) transmitting Senate Bill No. 2938-80, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 130) transmitting Senate Bill No. 3003-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 131) transmitting Senate Bill No. 3119-80, SD 1, entitled:

"A BILL FOR AN ACT RELATING TO EXEMPTION OF ADULT EDUCATION SPECIAL FUNDS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 132) transmitting Senate Bill No. 3, SD 3, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 133) transmitting Senate Bill No. 571, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 134) transmitting Senate Bill No. 711, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONAL CHILDREN", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 135) transmitting Senate Bill No. 866, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AIR TRANSPORTATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 136) transmitting Senate Bill No. 871, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND TRANSPORTATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 137) transmitting Senate Bill No. 1164, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT AND TRANSFER OF DEVELOPMENT RIGHTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 138) transmitting Senate Bill No. 1171, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LANDLORD TENANT CODE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 139) transmitting Senate Bill No. 1219-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FISCAL NOTES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 140) transmitting Senate Bill No. 1346, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATEWIDE TRAFFIC CODE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 141) transmitting Senate Bill No. 1493, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 142) transmitting Senate Bill No. 1514, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAXATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 143) transmitting Senate Bill No. 1869-80, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LEGISLATIVE REFERENCE BUREAU", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 144) transmitting Senate Bill No. 1889-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 145) transmitting Senate Bill No. 1899-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO

THE TAXATION OF NON-FOSSIL FUEL GENERATED ELECTRICITY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 146) transmitting Senate Bill No. 1900-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICITY GENERATED FROM NON-FOSSIL FUELS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 147) transmitting Senate Bill No. 1906-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 148) transmitting Senate Bill No. 1924-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 149) transmitting Senate Bill No. 1930-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SCHOOL BUS SYSTEM", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 150) transmitting Senate Bill No. 1933-80, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TROUBLED STUDENTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 151) transmitting Senate Bill No. 1960-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 152) transmitting Senate Bill No. 1979-80, SD 1, entitled: "A BILL FOR AN ACT RELATING

TO THE HAWAII MEAT INSPECTION ACT", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 153) transmitting Senate Bill No. 1989-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 154) transmitting Senate Bill No. 2018-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOTELS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 155) transmitting Senate Bill No. 2027-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LIQUOR COMMISSIONS; COMPENSATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 156) transmitting Senate Bill No. 2070-80, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 157) transmitting Senate Bill No. 2077-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 158) transmitting Senate Bill No. 2092-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION AGENCIES BOARD", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 159) transmitting Senate Bill No. 2093-80, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 160) transmitting Senate Bill No. 2095-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 161) transmitting Senate Bill No. 2111-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 162) transmitting Senate Bill No. 2173-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 163) transmitting Senate Bill No. 2186-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NUMBER PLATES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 164) transmitting Senate Bill No. 2194-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 165) transmitting Senate Bill No. 2198-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NONDOMESTIC ANIMAL QUARANTINE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 166) transmitting Senate Bill No. 2202-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF RADIATION THERAPY TECHNOLOGISTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 167) transmitting Senate Bill No. 2208-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 168) transmitting Senate Bill No. 2225-80, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 169) transmitting Senate Bill No. 2267-80, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 170) transmitting Senate Bill No. 2286-80, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PROGRAMS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 171) transmitting Senate Bill No. 2292-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 172) transmitting Senate Bill No. 2302-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION PROGRAM COMMISSION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 173) transmitting Senate Bill No. 2376-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC", which passed Third Reading in the Senate on March 12, 1980, by not less than two-thirds vote of all the members to which the Senate is entitled, was placed on file.

A communication from the Senate (Sen. Com. No. 174) transmitting Senate Bill No. 2407-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPORTATION, PURCHASE AND SALE OF INTOXICATING LIQUOR", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 175) transmitting Senate Bill No. 2419-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 176) transmitting Senate Bill No. 2439-80, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 177) transmitting Senate Bill No. 2495-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 178) transmitting Senate Bill No. 2501-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ABSOLUTE LIABILITY OF ANIMAL OWNERS: PENALTIES FOR VIOLATIONS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 179) transmitting Senate Bill No. 2512-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PURCHASING AND CONTRACTING", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 180) transmitting Senate Bill No. 2514-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 181) transmitting Senate Bill No. 2515-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 182) transmitting Senate Bill No. 2517-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT AGENCIES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 183) transmitting Senate Bill No. 2518-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE BROKERS AND SALESMEN", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 184) transmitting Senate Bill No. 2520-80, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 185) transmitting Senate Bill No. 2537-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 186) transmitting Senate Bill No. 2550-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER USE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 187) transmitting Senate Bill No. 2551-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FORMULATION OF A STATE WATER CODE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 188) transmitting

Senate Bill No. 2554-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SELF-SUFFICIENCY FUEL FUND", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 189) transmitting Senate Bill No. 2618-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 190) transmitting Senate Bill No. 2635-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR INDUSTRIAL ENTERPRISES", which passed Third Reading in the Senate on March 12, 1980, by not less than two-thirds vote of all the members to which the Senate is entitled, was placed on file.

A communication from the Senate (Sen. Com. No. 191) transmitting Senate Bill No. 2665-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 192) transmitting Senate Bill No. 2674-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 193) transmitting Senate Bill No. 2679-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL UNITS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 194) transmitting Senate Bill No. 2681-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENGINEERS, ARCHITECTS, AND SURVEYORS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 195) transmitting Senate Bill No. 2682-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 196) transmitting Senate Bill No. 2741-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FITNESS TO PROCEED", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 197) transmitting Senate Bill No. 2744-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSANITY DEFENSE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 198) transmitting Senate Bill No. 2770-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 199) transmitting Senate Bill No. 2780-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL ATTENDANCE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 200) transmitting Senate Bill No. 2784-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 201) transmitting Senate Bill No. 2788-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 202) transmitting Senate Bill No. 2795-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGETARY PROCESS", which

passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 203) transmitting Senate Bill No. 2797-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICIAL EXPENSES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 204) transmitting Senate Bill No. 2800-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 205) transmitting Senate Bill No. 2861-80, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL LICENSE PLATES FOR REPRESENTATIVES OF FOREIGN GOVERNMENTS OR TERRITORIES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 206) transmitting Senate Bill No. 2870-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS BY POLICE OFFICERS WITHOUT WARRANT", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 207) transmitting Senate Bill No. 2923-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 208) transmitting Senate Bill No. 2924-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PURCHASES BY STATE HOSPITALS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 209) transmitting Senate Bill No. 2965-80, SD 2, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 210) transmitting Senate Bill No. 2987-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 211) transmitting Senate Bill No. 3026-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 212) transmitting Senate Bill No. 3082-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ZONING", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 213) transmitting Senate Bill No. 3085-80, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 214) transmitting Senate Bill No. 3098-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLD CONVERSION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 215) transmitting Senate Bill No. 3099-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 216) transmitting Senate Bill No. 3112-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND", which passed Third Reading in the Senate on March 12, 1980, was

placed on file.

A communication from the Senate (Sen. Com. No. 217) transmitting Senate Bill No. 3131-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTUARIES AND FUNERALS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 218) transmitting Senate Bill No. 43, entitled: "A BILL FOR AN ACT RELATING TO STATE BOUNDARIES (CONSTITUTIONAL AMENDMENTS OF ARTICLE XV, SECTION 1)", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 219) transmitting Senate Bill No. 1519, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII BANK ACT OF 1931", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 220) transmitting Senate Bill No. 1574, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PACIFIC WAR MEMORIAL SYSTEM", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 221) transmitting Senate Bill No. 1744, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF CLUSTER DEVELOPMENTS WITHIN RURAL AND AGRICULTURAL LAND USE DISTRICTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 222) transmitting Senate Bill No. 1838-80, SD 3, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 223) transmitting Senate Bill No. 1851-80, SD 2, entitled:

"A BILL FOR AN ACT RELATING TO THE JUVENILE JUSTICE SYSTEM", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 224) transmitting Senate Bill No. 1871-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 225) transmitting Senate Bill No. 1872-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY BOARD OF REGENTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 226) transmitting Senate Bill No. 1934-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE QUALIFYING EXAMINATION FOR STUDENTS SEEKING HIGH SCHOOL CERTIFICATES OF GRADUATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 227) transmitting Senate Bill No. 1939-80, SD 3, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE HEALTH AUTHORITY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 228) transmitting Senate Bill No. 1965-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE WESTERN REGIONAL EDUCATION COMPACT", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 229) transmitting Senate Bill No. 1970-80, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION, TO PROVIDE FOR REVIEW AND APPEAL OF DECISIONS OF THE JUDICIAL SELECTION COMMISSION", which passed Third Reading in the Senate on March

12, 1980, by not less than two-thirds vote of all the members to which the Senate is entitled, was placed on file.

A communication from the Senate (Sen. Com. No. 230) transmitting Senate Bill No. 2005-80, entitled: "A BILL FOR AN ACT RELATING TO THE JUNKYARD CONTROL ACT", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 231) transmitting Senate Bill No. 2179-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF LIFELINE RATES FOR GAS AND ELECTRICITY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 232) transmitting Senate Bill No. 2270-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 233) transmitting Senate Bill No. 2280-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE CODE OF ETHICS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 234) transmitting Senate Bill No. 2329-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 235) transmitting Senate Bill No. 2525-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FROM THE PUBLIC", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 236) transmitting Senate Bill No. 2540-80, SD 1, entitled: "A BILL FOR AN ACT RELATING

TO TRANSPORTATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 237) transmitting Senate Bill No. 2574-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MECHANIC'S AND MATERIALMAN'S LIENS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 238) transmitting Senate Bill No. 2634-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY SAVING TRANSPORTATION MODES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 239) transmitting Senate Bill No. 2643-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO IMPROVEMENTS AT HONOLULU INTERNATIONAL AIRPORT AND GENERAL AVIATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 240) transmitting Senate Bill No. 2691-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 241) transmitting Senate Bill No. 2693-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORICAL OBJECTS AND SITES; CULTURE AND ARTS; AND HISTORY AND THE HUMANITIES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 242) transmitting Senate Bill No. 2764-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 243) transmitting Senate Bill No. 2798-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER-EMPLOYEE RELATIONSHIPS",

which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 244) transmitting Senate Bill No. 2813-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 245) transmitting Senate Bill No. 2862-80, entitled: "A BILL FOR AN ACT RELATING TO OBSTRUCTING PUBLIC ADMINISTRATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 246) transmitting Senate Bill No. 2876-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS, LIMITATION OF ACTION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 247) transmitting Senate Bill No. 2877-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 248) transmitting Senate Bill No. 2881-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSE ABUSE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 249) transmitting Senate Bill No. 2898-80, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF AGRICULTURE", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 250) transmitting Senate Bill No. 2927-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", which passed Third Reading in the Senate on March

12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 251) transmitting Senate Bill No. 2977-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES COVERED BY CHAPTER 77, HAWAII REVISED STATUTES", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 252) transmitting Senate Bill No. 2985-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHANGE OF NAME", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 253) transmitting Senate Bill No. 3012-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF LOBBYISTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 254) transmitting Senate Bill No. 3097-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VESTED RIGHTS", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 255) transmitting Senate Bill No. 3145-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 256) transmitting Senate Bill No. 3146-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING", which passed Third Reading in the Senate on March 12, 1980, was placed on file.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, S.B. Nos. 118, SD 2; 744, SD 3; 1084, SD 2; 1870-80, SD 1; 1873-80, SD 2; 1878-80, SD 1; 1942-80, SD 2; 1945-80, SD 2; 1973-80; 1982-80, SD 2; 1992-80, SD 1; 2013-80; 2069-80, SD 1; 2071-80, SD 2; 2097-80; 2163-80, SD 1; 2191-

80; 2219-80, SD 1; 2220-80, SD 1; 2232-80, SD 1; 2295-80; 2355-80, SD 2; 2357-80, SD 2; 2358-80, SD 1; 2359-80, SD 1; 2457-80, SD 2; 2473-80; 2536-80, SD 2; 2557-80, SD 2; 2600-80; 2654-80, SD 2; 2660-80; 2673-80, SD 1; 2676-80, SD 1; 2869-80, SD 3; 2914-80, SD 2; 2938-80; 3003-80, SD 1; 3119-80, SD 1; 3, SD 3; 571, SD 1; 711, SD 2; 866, SD 1; 871, SD 1; 1164, SD 1; 1171, SD 2; 1219, SD 1; 1346, SD 1; 1493, SD 1; , 1514, SD 1; 1869, SD 1; , 1889-80, SD 2; 1899-80, SD 2; 1900-80, SD 1; 1906-80, SD 2; 1924-80, SD 2; 1930-80, SD 1; 1933-80, SD 2; 1960-80, SD 1; 1979-80, SD 1; 1989-80, SD 2; 2018-80, SD 1; 2027-80, SD 1; 2070-80; 2077-80, SD 1; 2092-80, SD 1; 2093-80; 2095-80, SD 1; 2111-80, SD 1; 2173-80, SD 2; 2186-80, SD 1; 2194-80, SD 1; 2198-80, SD 1; 2202-80, SD 2; 2208-80, SD 1; 2225-80; 2267-80; 2286-80; 2292-80, SD 1; 2302-80, SD 2; 2376-80, SD 2; 2407-80, SD 1; 2419-80, SD 1; 2439-80; 2495-80, SD 1; 2501-80, SD 1; 2512-80, SD 1; 2514-80, SD 1; 2515-80, SD 1; 2517-80, SD 1; 2518-80, SD 1; 2520-80; 2537-80, SD 2; 2550-80, SD 1; 2551-80, SD 2; 2554-80, SD 2; 2618-80, SD 1; 2635-80, SD 2; 2665-80, SD 2; 2674-80, SD 1; 2679-80, SD 1; 2681-80, SD 1; 2682-80, SD 1; 2741-80, SD 1; 2744-80, SD 1; 2770-80, SD 1; 2780-80, SD 1; 2784-80, SD 2; 2788-80, SD 1; 2795-80, SD 1; 2797-80, SD 1; 2800-80, SD 2; 2861-80; 2870-80, SD 1; 2923-80, SD 2; 2924-80, SD 1; 2965-80, SD 2; 2987-80, SD 1; 3026-80, SD 1; 3082-80, SD 1; 3085-80; 3098-80, SD 1; 3099-80, SD 1; 3112-80, SD 2; 3131-80, SD 2; 43; 1519, SD 1; 1574, SD 1; 1744, SD 1; 1838-80, SD 3; 1851-80, SD 2; 1871-80, SD 1; 1872-80, SD 1; 1934-80, SD 2; 1939-80, SD 3; 1965-80, SD 2; 1970-80, SD 1; 2005-80; 2179-80, SD 1; 2270-80, SD 1; 2280-80, SD 1; 2329-80, SD 2; 2525-80, SD 2; 2540-80, SD 1; 2574-80, SD 1; 2634-80, SD 1; 2643-80, SD 2; 2691-80, SD 1; 2693-80, SD 2; 2764-80, SD 1; 2798-80, SD 1; 2813-80, SD 1; 2862-80; 2876-80, SD 1; 2877-80, SD 1; 2881-80, SD 1; 2898-80; 2927-80, SD 2; 2977-80, SD 2; 2985-80, SD 1; 3012-80, SD 1; 3097-80, SD 1; 3145-80, SD 1; and 3146-80, SD 1, passed First Reading by title and further action was deferred

until later in the calendar.

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

Representative Sutton introduced a couple from Helena, Montana -- Mr. and Mrs. Gene Porter. Mrs. Porter works for the Legislative Management Committee of the Montana State Legislature.

Representative Sutton also introduced Mrs. Barbara Narvaes, mother of Representative Tony Narvaes.

Representative Narvaes introduced 85 fifth grade students from Likelike Elementary School. They were accompanied by their teachers, Miss Yoshiko Okamoto, Miss Anita Benfatti, Mrs. Constance Wong, and aide, Mrs. Beckie Teruya, and a parent, Mrs. Wong.

Representative Holt introduced 13 seniors and 3 juniors from Damien High School. They were accompanied by their teacher, Mrs. Amy Kimura.

Representative K. Yamada introduced Mr. Alan Guerrero, a friend of his from Hilo.

Representative Takitani introduced Henry de Lima, "a classmate of mine from high school."

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of taking up a concurrent resolution that was adopted earlier.

INTRODUCTION OF RESOLUTION

At this time, the Clerk read House Concurrent Resolution No. 92, commending Genevieve "Genny" T. Okinaga upon her appointment to the Federal Advisory Board on Child Abuse and Neglect and wishing her every success during her term of appointment, which was adopted on Thursday, March 6, 1980.

Representative Kunimura then rose and stated:

"Mr. Speaker, it is with mixed emotions,

both happy and rather hollowed, as I rise to introduce Mrs. Okinaga and I say 'hollowed' because the area she is trying to get the State to embark upon in the area of education is still 'no man's land' -- land that has not been pioneered and adequate facilities and programs adopted and, therefore, I feel very inadequate to be honored with this opportunity to introduce this great lady.

Mr. Speaker, I have known Mrs. Okinaga for quite a while now and I met her when she was a one-man operation in the Department of Education in early childhood education and I couldn't understand because I was, in the beginning, against early childhood education because I felt that the State of Hawaii had enough responsibility to educate children from five years and up -- from kindergarten and up -- and I met this beautiful, wonderful lady and she showed me that many of our problems in public education can be prevented if we would only go down to early childhood education because that is the area that our children will be forming their life-long habits, good or bad, and the kind of initiative and aspirations and all or most of the things that a person will be in adulthood would have been formulated between the years of zero to maybe seven or eight. And I began to become a disciple of Mrs. Okinaga, and then she moved up when she was called upon, after we enacted a few years ago, legislation creating the Office of Children and Youth. She could have stayed in the Department of Education and enjoy an easy life, but she decided that she felt the calling for the children of the State of Hawaii and, therefore, she moved up and accepted the position of Director in the Governor's Office. I hope someday Mrs. Okinaga's dream and many of our dreams to make Hawaii a more beautiful state by solving the problems of our children will come true. And I hope, Mr. Speaker, that this day will not be too far off and we can really say that we have served our Master because he, too, loved the children of the world."

Representative Kunimura then presented the honoree, Mrs. Genevieve Okinaga, to the members of the

House and audience.

Representative Peters presented Mrs. Okinaga with a floral lei while Representative Kunimura presented her with a certified copy of the concurrent resolution.

Representative Kunimura then asked the members of her staff who were seated in the gallery to stand and be recognized.

At 11:52 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of meeting our honored guest."

Upon reconvening at 11:55 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Lee, Marumoto and Uwayne.

At this time, Representative Peters introduced the Waipahu High School stage band. They were accompanied by their teacher, Mr. George Nomura.

At 11:56 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:57 o'clock a.m.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
118	Committee on Consumer Protection and Commerce, then to the Committee on Finance
744	Committee on Public Employment and Government Operations, then to the Committee on Finance
866	Committee on Transportation
1084	Committee on Health, then to the Committee on Finance
1164	Committee on Consumer Protection and Commerce, then to the Committee on State General Planning

1219	Committee on Finance	1988-80	Jointly to the Committees on Public Employment and Government Operations and Employment Opportunities and Labor Relations, then to the Committee on Finance
1346	Committee on Transportation		
1869	Committee on Finance		
1873-80	Committee on Higher Education, then to the Committee on Finance	1989-80	Committee on Consumer Protection and Commerce
1878-80	Committee on Higher Education, then to the Committee on Finance	1992-80	Committee on Consumer Protection and Commerce
1889-80	Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Energy, then to the Committee on Finance	1999-80	Committee on Public Assistance and Human Services, then to the Committee on Finance
1897-80	Jointly to the Committees on Consumer Protection and Commerce and Energy	2013-80	Committee on Public Employment and Government Operations, then to the Committee on Finance
1899-80	Jointly to the Committees on Energy and Consumer Protection and Commerce, then to the Committee on Finance	2018-80	Committee on Consumer Protection and Commerce
1900-80	Committee on Consumer Protection and Commerce, then to the Committee on Energy	2027-80	Jointly to the Committees on Consumer Protection and Commerce and Public Employment and Government Operations, then to the Committee on Finance
1930-80	Jointly to the Committees on Education and Transportation	2069-80	Committee on Consumer Protection and Commerce
1942-80	Jointly to the Committees on Education and Public Employment and Government Operations, then to the Committee on Finance	2071-80	Committee on Judiciary
1944-80	Committee on Judiciary, then to the Committee on Finance	2097-80	Committee on Consumer Protection and Commerce
1945-80	Jointly to the Committees on Housing and Energy, then to the Committee on Finance	2107-80	Committee on Judiciary
1973-80	Committee on Judiciary	2155-80	Committee on Corrections and Rehabilitation, then to the Committee on Finance
1982-80	Jointly to the Committees on Health and Youth and Elderly Affairs, then to the Committee on Finance	2163-80	Committee on Finance
1985-80	Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance	2173-80	Committee on Housing, then to the Committee on Finance
1986-80	Committee on Water, Land Use, Development and Hawaiian Affairs	2191-80	Committee on Consumer Protection and Commerce
		2198-80	Committee on Agriculture
		2208-80	Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture
		2211-80	Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance

- 2219-80 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2220-80 Committee on Finance
- 2232-80 Committee on Transportation, then to the Committee on Finance
- 2253-80 Committee on Consumer Protection and Commerce
- 2267-80 Committee on Housing
- 2278-80 Committee on Judiciary, then to the Committee on Finance
- 2295-80 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2323-80 Committee on Public Assistance and Human Services, then to the Committee on Finance
- 2355-80 Committee on Higher Education, then to the Committee on Education, then to the Committee on Finance
- 2357-80 Committee on Finance
- 2358-80 Committee on Finance
- 2359-80 Committee on Finance
- 2360-80 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2457-80 Committee on Finance
- 2473-80 Committee on Finance
- 2495-80 Committee on Water, Land Use, Development and Hawaiian Affairs
- 2501-80 Committee on Judiciary
- 2536-80 Committee on Public Assistance and Human Services, then to the Committee on Finance
- 2550-80 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Judiciary
- 2557-80 Committee on Housing, then to the Committee on Finance
- 2571-80 Committee on State General Planning
- 2581-80 Committee on Judiciary
- 2587-80 Jointly to the Committees on Consumer Protection and Commerce and Energy
- 2600-80 Committee on Finance
- 2654-80 Jointly to the Committees on Public Employment and Government Operations and Health, then to the Committee on Finance
- 2660-80 Committee on Finance
- 2673-80 Committee on Judiciary
- 2676-80 Committee on Consumer Protection and Commerce
- 2719-80 Committee on Education
- 2741-80 Committee on Judiciary
- 2744-80 Committee on Judiciary
- 2780-80 Committee on Education
- 2788-80 Committee on Health
- 2797-80 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2869-80 Committee on Judiciary, then to the Committee on Finance
- 2888-80 Committee on Judiciary
- 2914-80 Jointly to the Committees on Public Assistance and Human Services; Public Employment and Government Operations and Employment Opportunities and Labor Relations, then to the Committee on Finance
- 2924-80 Jointly to the Committees on Health and Public Employment and Government Operations, then to the Committee on Finance
- 2938-80 Committee on Judiciary
- 3003-80 Committee on Judiciary
- 3085-80 Committee on Ecology and Environmental Protection
- 3098-80 Jointly to the Committees on Housing and Consumer Protection and Commerce
- 3099-80 Committee on Judiciary

3119-80 Committee on Education,
then to the Committee on Finance

HD 1, be referred to the Committee
on Judiciary.

DEFERRED RESOLUTIONS

The following resolutions (H.R.
Nos. 304, 306, 307 and 311 to 315)
and concurrent resolutions (H.C.R.
Nos. 99 to 101) were disposed of
as follows:

H.R. Nos. Referred to:

- 304 Committee on Corrections
 and Rehabilitation, then to the
 Committee on Finance
- 306 Committee on Public Assistance
 and Human Services, then to the
 Committee on Finance
- 307 Committee on Health,
 then to the Committee on Finance
- 311 Committee on Education,
 then to the Committee on Finance
- 312 Committee on Education,
 then to the Committee on Finance
- 313 Committee on Corrections
 and Rehabilitation
- 314 Committee on Public Assistance
 and Human Services, then to the
 Committee on Finance
- 315 Committee on Judiciary,
 then to the Committee on Finance

H.C.R. Nos.

- 99 Committee on Public Assistance
 and Human Services, then to the
 Committee on Finance
- 100 Committee on Health,
 then to the Committee on Finance
- 101 Committee on Public Assistance
 and Human Services, then to the
 Committee on Finance

STANDING COMMITTEE REPORTS

Representative Segawa, for the
majority of the Committee on Health,
presented a report (Stand. Com.
Rep. No. 671-80) recommending
that H.R. No. 133, as amended in

On motion by Representative K. Yamada,
seconded by Representative Peters
and carried, the report of the majority
of the Committee was adopted and
H.R. No. 133, HD 1, entitled: "HOUSE
RESOLUTION URGING THE PRESIDENT
OF THE UNITED STATES TO REQUEST
THAT THE U.S. NAVY DISCLOSE AND
NOTIFY PERSONS INVOLVED IN ATOMIC
TEST 'OPERATION WIGWAM'", was
referred to the Committee on Judiciary,
with Representative Sutton voting
no.

Representative Segawa, for the
Committee on Health, presented a
report (Stand. Com. Rep. No. 672-
80) recommending that H.R. No. 119
be adopted.

On motion by Representative K. Yamada,
seconded by Representative Peters
and carried, the report of the Committee
was adopted and H.R. No. 199, entitled:
"HOUSE RESOLUTION REQUESTING
THE HOUSE OF REPRESENTATIVES OF
THE STATE OF HAWAII TO RECOGNIZE
APRIL 1980 AS CANCER CONTROL MONTH",
was adopted.

Representative Segawa, for the
Committee on Health, presented a
report (Stand. Com. Rep. No. 673-
80) recommending that H.C.R. No.
41 be adopted.

On motion by Representative K. Yamada,
seconded by Representative Peters
and carried, the report of the Committee
was adopted and H.C.R. No. 41, entitled;
"HOUSE CONCURRENT RESOLUTION
REQUESTING THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII
TO RECOGNIZE APRIL 1980 AS CANCER
CONTROL MONTH", was adopted.

Representative Shito, for the Committee
on Housing, presented a report (Stand.
Com. Rep. No. 674-80) recommending
that H.C.R. No. 75, as amended in
HD 1, be referred to the Committee
on Finance.

On motion by Representative K. Yamada,
seconded by Representative Peters
and carried, the report of the Committee
was adopted and H.C.R. No. 75, HD
1, entitled: "HOUSE CONCURRENT
RESOLUTION RELATING TO CONDOMINIUM
CONVERSIONS", was referred to the

Committee on Finance.

Representatives Kawakami and Say, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 675-80) recommending that H.R. No. 186, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Say and carried, the joint report of the Committees was adopted and H.R. No. 186, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A COMPREHENSIVE TOUR OF THE CIVIC CENTER AND A STUDY OF THE PROBLEMS RELATING TO THE PROVISION OF ADEQUATE PARKING FACILITIES FOR VISITORS TO THE IOLANI PALACE", was referred to the Committee on Finance.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 676-80) recommending that H.C.R. No. 52 be referred to the Committee on Finance.

On motion by Representative Dods, seconded by Representative Masutani and carried, the report of the Committee was adopted and H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF THE CONSOLIDATION OF LAND TRANSPORTATION FUNCTIONS AT THE STATE LEVEL", was referred to the Committee on Finance.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 677-80) recommending that H.R. No. 183 be referred to the Committee on Finance.

On motion by Representative Dods, seconded by Representative Masutani and carried, the report of the Committee was adopted and H.R. No. 183, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A STUDY OF THE CONSOLIDATION

OF LAND TRANSPORTATION FUNCTIONS AT THE STATE LEVEL", was referred to the Committee on Finance.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 678-80) recommending that H.C.R. No. 51 be referred to the Committee on Finance.

On motion by Representative Dods, seconded by Representative Masutani and carried, the report of the Committee was adopted and H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE DIFFERENT TYPES OF GOVERNMENT STRUCTURES RESPONSIBLE FOR LAND TRANSPORTATION PROGRAMS ON THE MAINLAND AT THE STATE AND LOCAL LEVELS", was referred to the Committee on Finance.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 679-80) informing the House that House Resolution Nos. 311 to 317, House Concurrent Resolution No. 101, and Standing Committee Report Nos. 671-80 to 675-80, have been printed and distributed.

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

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 318 and 319) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, Friday, March 14, 1980:

A resolution (H.R. No. 318) requesting a study on the feasibility of establishing an industrial park in North Kona and if deemed feasible to proceed with the establishment of such a park was jointly offered by Representatives Inaba, Kawakami, Segawa, Silva, Takamine and K. Yamada.

A resolution (H.R. No. 319) requesting the adoption of more flexible and positive standards to provide residents of plantation communities, subdivision and/or homeowner-ship options to facilitate the preservation of plantation communities was jointly offered by Representatives Takamine,

Inaba, Say, Segawa, Silva and K.
Yamada.

by Representative K. Yamada, seconded
by Representative Evans and carried,
the House of Representatives adjourned
to 11:30 o'clock a.m. tomorrow,
Friday, March 14, 1980.

ADJOURNMENT

At 12:01 o'clock p.m., on motion

THIRTY-SEVENTH DAY

Friday, March 14, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend James Drew of Our Lady of Good Counsel Church, after which the Roll was called showing all members present with the exception of Representatives Aki, Blair, Garcia, Holt, Honda, Ige, Inaba, Kobayashi, Lacy, Segawa, Shito, Silva and Takamine, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Thirtieth Day.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journal was dispensed with and the Journal of the Thirtieth Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 97 to 99) 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 prepared by the Department of Health in response to H.R. No. 722, requesting a study of the statewide school health services program, was placed on file.

A message from the Governor (Gov. Msg. No. 98) transmitting copies of the State's C.I.P. Status Report - Construction Summary prepared by the Department of Planning and Economic Development, was placed on file.

A message from the Governor (Gov. Msg. No. 99) transmitting copies of the State Transportation Plan was placed on file.

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

Representative Uwaine introduced 65 5-year-old students from Mother Rice School. The students were accompanied by their teachers, Kathy Phillips, Vicky Kapo, Marie Tamura, Vicky Kinolau, Iris Shimizu and one parent, Cynthia Kuga.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 318 and 319) were disposed of as follows:

<u>H.R. No.</u>	<u>Referred to:</u>
318	Committee on Water, Land Use, Development and Hawaiian Affairs, then to Committee on Finance
319	Jointly to Committees on Culture and the Arts and State General Planning

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 680-80) informing the House that House Resolution Nos. 318 and 319 and Standing Committee Report Nos. 676-80 to 678-80 have been printed and distributed.

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

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 681-80) recommending that H.R. No. 118, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Say,

seconded by Representative Hagino and carried, H.R. No. 118, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FINAL ACCOUNTING OF THE STATUS OF PROJECTS AND FUNDS OF THE HAWAII BICENTENNIAL COMMISSION", was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 320 and 324 to 327) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 320) extending best wishes to Castle High School Band for participating in the 40th Annual Daffodil Festival was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Blair, Crozier, de Heer, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Narvaes, Sakamoto, Say, Segawa, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Uwaine and K. Yamada.

On motion by Representative Evans, seconded by Representative Toguchi and carried, H.R. No. 320 was adopted.

Representative Evans then rose to speak on H.R. No. 320 and introduce the honorees:

"Mr. Speaker, it is really a delight for me to have the Castle High School Band with us today and I would like to preface my remarks before I introduce the honorees by saying that the Castle High School Band-Aid Association was charged with the task of raising \$86,000. They were able to raise half the funds and the students will now have their costs defrayed.

They sold Christmas trees and huli-huli chicken, I think I still have some in my freezer, among their fund raising activities.

Perhaps, someday, in addition to providing funds for the Hawaii

Visitors Bureau, we will also provide funds for establishing a revolving fund to help the ambassadors of our Aloha spirit, the youth of Hawaii, in promoting Hawaii to the mainland and other parts of the world.

Before I introduce the honorees on the floor, I would like to, and am very proud to introduce the Castle High School Band. Please stand to be recognized."

Representative Evans then introduced the honorees seated on the floor of the House: Lynn Kawakami, student band president; Elena Espiritu, flag and majorettes; Sheryl LaPan, flag and majorettes; Jed Shitabata, student band officer; Lloyd Aoki, student band officer; Dana Yoshikane, student band officer; David Sakamoto, student band officer; Mr. Earl Imada, band director; Mr. Charles Ramsey, band director; Ed Masuoka, president of the Band-Aid Association; Mrs. Grace Wilson, flag and majorettes coordinator; Mrs. Shirley Kiyuna, membership committee of the Band-Aid Association and Mrs. Hijirida, a member of the Band-Aid Association.

Flower leis and copies of the resolution were then presented to the honorees.

Representative Sutton then rose and stated:

"They are going to the daffodils and they are going to play there and I think that is lovely, but I wish that somebody would get them in the Rose Bowl Parade so that USC, which is a bunch of daffodils, could hear them."

The Chair then stated:

"I am sure that that would be possible if the good representative from Nuuanu would dip into his petty cash and provide the necessary funds."

Representative Toguchi then rose to speak on H.R. No. 320:

"Mr. Speaker, I would just like to extend my best wishes to the band. Also, to Representative Anderson,

who wanted to know when I graduated from high school, I graduated from Castle 20 years ago."

At 11:48 o'clock a.m., the Chair declared a recess for the purpose of extending best wishes to the honorees.

The House of Representatives reconvened at 12:02 o'clock

A resolution (H.R. No. 324) recognizing the Hawaii Council on Crime and Delinquency and their officers was jointly offered by Representatives Marumoto, Fukunaga, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Marumoto, seconded by Representative Fukunaga and carried, H.R. No. 324 was adopted.

A resolution (H.R. No. 325) extending congratulations to the Punahou swim team on winning the 23rd annual state swimming championship was jointly offered by Representatives Marumoto, Ushijima, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Fukunaga, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Marumoto, seconded by Representative Ushijima and carried, H.R. No. 325 was adopted.

A resolution (H.R. No. 326) recognizing Hanahauoli School on the tenth anniversary of the Louisa P. Palmer Library and Miss Louisa P. Palmer's

94th birthday was jointly offered by Representatives Marumoto, Larsen, Aki, Anderson, Baker, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Lee, Masutani, Medeiros, Morioka, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine and D. Yamada.

On motion by Representative Marumoto, seconded by Representative Larsen and carried, H.R. No. 326 was adopted.

A resolution (H.R. No. 327) commending and recognizing Robert Cazimero, Leina'Ala Kalama Heine and Wayne Chang for their contributions to Hawaiian dance, music and culture was jointly offered by Representatives Holt, Aki, Anderson, Andrews, Baker, de Heer, Fukunaga, Hagino, Hashimoto, Honda, Kihano, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Narvaes, Peters, Sakamoto, Segawa, Silva, Takamine, Takitani, Toguchi, Uechi, Uwaine and D. Yamada.

On motion by Representative Peters, seconded by Representative Sakamoto and carried, H.R. No. 327 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 321 to 323) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 17, 1980:

A resolution (H.R. No. 321) proclaiming May, 1980, as Mental Health Month in Hawaii was jointly offered by Representatives Segawa, Aki, Baker, Honda, Ige, Kobayashi, Lee, Shito, Sutton, Ushijima and D. Yamada.

A resolution (H.R. No. 322) requesting the development of a relative home maintenance assistance program was offered by Representative Baker.

A resolution (H.R. No. 323) requesting the Department of Education and Board of Education to encourage all public schools, including the

motor vehicle driver education and training program, to emphasize within existing units of study, the teaching of energy and resource conservation was offered by Representative Fukunaga.

At this time, Representative Kunimura made a late introduction to the members of the House. He introduced Mr. James Sueyoshi, the head of Food Services at Leeward Community College.

RECONSIDERATION OF ACTION TAKEN

Representative Stanley moved that the House reconsider its action taken on H.B. No. 1494-80, HD 1, SD 2, CD 1, seconded by Representative Kunimura and carried.

The Chair then stated:

"The purpose for this motion is to recall this measure from the Governor's office to correct certain technical

deficiencies."

Representative Stanley then moved that H.B. No. 1494, HD 1, SD 2, CD 1 be recalled and lay on the Clerk's desk for further action, seconded by Representative Kunimura. The Chair, noting that there were no objections, so ordered.

Representative Sakamoto then rose to make a late introduction to the members of the House. He introduced Mr. Glen Holly, past president of Kaelepulu PTA and coordinator of Representative Sakamoto's campaign committee.

ADJOURNMENT

At 12:00 o'clock noon, on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned until 11:30 o'clock a.m. Monday, March 17, 1980, in memory of the United States Boxing Team.

THIRTY-EIGHTH DAY

Monday, March 17, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Stanley Kain of the Hawaii Council of Churches, after which the Roll was called showing all members present with the exception of Representatives Aki, Garcia, Ige, Kobayashi, Kunimura, Larsen, Silva, Stanley, Toguchi, D. Yamada and K. Yamada, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Seventh Day was deferred.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 100) returning House Bill No. 1494, as requested by our letter of March 14, 1980, was read by the Clerk and placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 257 to 261) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 257) returning House Concurrent Resolution No. 41 which was adopted by the Senate on March 14, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 258) transmitting Senate Concurrent Resolution No. 15, SD 1, requesting the implementation of a centralized copier and copier/duplicator management program and review of the competitive bidding for copier and copier/duplicator equipment in Hawaii, which was adopted by the Senate on March 14, 1980, was placed on file.

By unanimous consent, further action on S.C.R. No. 15, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 259) informing the House that the Senate has, on

March 14, 1980, reconsidered the action taken on March 4, 1980 on House Bill No. 1494, HD 1, SD 2, CD 1, and upon such reconsideration, said bill was recommitted to the Conference Committee for further study, was placed on file.

A communication from the Senate (Sen. Com. No. 260) informing the House that the Senate has disagreed to the amendments proposed by the House in Senate Bill No. 2134-80, HD 1, and has requested a conference on the subject matter thereof, in consequence of which the President has, on March 14, 1980, appointed Senators Carpenter, Chairman; Cobb and Yee as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

A communication from the Senate (Sen. Com. No. 261) informing the House that the amendments proposed by the House to Senate Bill No. 1115, SD 2, were agreed to by the Senate, and Senate Bill No. 1115, SD 2, HD 2, passed Final Reading in the Senate on March 14, 1980, was placed on file.

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

Representative Lee introduced 20 student leaders from Makalapa Elementary School. They were accompanied by their principal, Mrs. Beatrice Zane, and a teacher, Mrs. Nancy Adams.

Representative Sutton introduced Betty Mooney Lenhart, owner of Micro-Brush Hawaii, and a friend of hers, Bridget Gallagher Deam.

Representative Kiyabu introduced two friends, June Hirai and Carolyn Kishida.

Representative Lee introduced members of Unit 3, HGEA, as follows: Jessie Malapit, Beverly Luke, Priscilla Hayashi and Clara.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>	
3	Committee on Finance	Health and Public Employment and Government Operations, then to the Committee on Finance
43	Committee on Water, Land Use, Development and Hawaiian Affairs	1960-80 Committee on Consumer Protection and Commerce
571	Committee on Employment Opportunities and Labor Relations	1965-80 Committee on Higher Education, then to the Committee on Finance
711	Jointly to the Committees on Health and Education, then to the Committee on Finance	1970-80 Committee on Judiciary
871	Committee on Consumer Protection and Commerce	1979-80 Committee on Agriculture
1171	Committee on Consumer Protection and Commerce	2005-80 Committee on Ecology and Environmental Protection
1493	Committee on Consumer Protection and Commerce	2070-80 Committee on Consumer Protection and Commerce
1514	Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, then to the Committee on Finance	2077-80 Committee on Consumer Protection and Commerce
1519	Committee on Consumer Protection and Commerce	2092-80 Committee on Consumer Protection and Commerce
1574	Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance	2093-80 Committee on Consumer Protection and Commerce
1744	Jointly to the Committees on State General Planning; Water, Land Use, Development and Hawaiian Affairs; and Agriculture	2095-80 Committee on Consumer Protection and Commerce
1838	Committee on Judiciary, then to the Committee on Finance	2111-80 Committee on Public Employment and Government Operations
1851	Jointly to the Committees on Judiciary and Corrections and Rehabilitation, then to the Committee on Finance	2179-80 Jointly to the Committees on Consumer Protection and Commerce and Energy
1870-80	Committee on Higher Education	2186-80 Committee on Consumer Protection and Commerce
1871-80	Committee on Higher Education	2194-80 Committee on Public Employment and Government Operations
1872-80	Committee on Higher Education	2202-80 Jointly to the Committees on Consumer Protection and Commerce and Health
1906-80	Jointly to the Committees on Transportation and Energy, then to the Committee on Finance	2225-80 Committee on Public Employment and Government Operations, then to the Committee on Finance
1924-80	Committee on Energy, then to the Committee on Finance	2270-80 Committee on Judiciary
1933-80	Committee on Education, then to the Committee on Finance	2280-80 Committee on Judiciary
1934-80	Committee on Education, then to the Committee on Finance	2286-80 Committee on Employment Opportunities and Labor Relations
1939-80	Jointly to the Committees on	2292-80 Committee on Ecology and Environmental Protection
		2302-80 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
		2329-80 Committee on Judiciary
		2376-80 Committee on Energy, then

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| | to the Committee on Finance | Health and Public Assistance and Human Services, then to the Committee on Finance |
| 2407-80 | Committee on Consumer Protection and Commerce | |
| 2419-80 | Committee on Judiciary | 2674-80 Committee on Consumer Protection and Commerce |
| 2439-80 | Committee on Employment Opportunities and Labor Relations, then to the Committee on Judiciary | 2679-80 Committee on Consumer Protection and Commerce |
| 2512-80 | Committee on Public Employment and Government Operations, then to the Committee on Finance | 2681-80 Committee on Consumer Protection and Commerce |
| 2514-80 | Committee on Consumer Protection and Commerce | 2682-80 Committee on Consumer Protection and Commerce |
| 2515-80 | Committee on Consumer Protection and Commerce | 2691-80 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Culture and the Arts |
| 2517-80 | Committee on Consumer Protection and Commerce | 2693-80 Jointly to the Committees on Culture and the Arts and Water, Land Use, Development and Hawaiian Affairs |
| 2518-80 | Committee on Consumer Protection and Commerce | 2764-80 Jointly to the Committees on Consumer Protection and Commerce and Judiciary |
| 2520-80 | Committee on Consumer Protection and Commerce | 2770-80 Committee on Tourism |
| 2525-80 | Committee on Consumer Protection and Commerce | 2784-80 Jointly to the Committees on Judiciary and Consumer Protection and Commerce |
| 2537-80 | Committee on Public Employment and Government Operations, then to the Committee on Finance | 2795-80 Committee on Finance |
| 2540-80 | Committee on Transportation | 2798-80 Committee on Employment Opportunities and Labor Relations |
| 2551-80 | Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance | 2800-80 Committee on Public Employment and Government Operations, then to the Committee on Finance |
| 2554-80 | Jointly to the Committees on Energy; Water, Land Use, Development and Hawaiian Affairs; Agriculture; and Transportation, then to the Committee on Finance | 2813-80 Committee on Finance |
| 2574-80 | Jointly to the Committees on Consumer Protection and Commerce and Judiciary | 2861-80 Committee on Judiciary |
| 2618-80 | Jointly to the Committees on Public Employment and Government Operations and Judiciary | 2862-80 Committee on Judiciary |
| 2634-80 | Committee on Transportation, then to the Committee on Finance | 2870-80 Committee on Judiciary |
| 2635-80 | Jointly to the Committees on Energy and Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance | 2876-80 Committee on Judiciary |
| 2643-80 | Committee on Transportation, then to the Committee on Finance | 2877-80 Committee on Judiciary |
| 2665-80 | Jointly to the Committees on | 2881-80 Committee on Judiciary |
| | | 2898-80 Committee on Finance |
| | | 2923-80 Jointly to the Committees on Consumer Protection and Commerce and Health |
| | | 2927-80 Jointly to the Committees on Judiciary and Health |
| | | 2965-80 Jointly to the Committees on Judiciary and Education |

- 2977-80 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2985-80 Committee on Judiciary
- 2987-80 Committee on Public Employment and Government Operations
- 3012-80 Committee on Judiciary
- 3026-80 Committee on Employment Opportunities and Labor Relations
- 3082-80 Committee on Water, Land Use, Development and Hawaiian Affairs
- 3097-80 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Judiciary
- 3112-80 Committee on Higher Education, then to the Committee on Finance
- 3131-80 Committee on Consumer Protection and Commerce
- 3145-80 Committee on Judiciary
- 3146-80 Committee on Judiciary, then to the Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 321 to 323) and concurrent resolution (S.C.R. No. 15) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
321	Committee on Health
322	Committee on Public Assistance and Human Services, then to the Committee on Finance
323	Committee on Education

S.C.R. No.

- 15 Committee on Public Employment and Government Operations, then to the Committee on Finance

COMMITTEE REASSIGNMENT

S.B. No. 2914-80, SD 2, was re-referred to the Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance.

STANDING COMMITTEE REPORT

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 682-80) informing the House that House Resolution Nos. 320 to 327, and Standing Committee Report No. 681-80, have been printed and distributed.

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

INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 330) congratulating the 1979 - 1980 winners of the Maui Interscholastic League Soccer Championships - The Seabury Hall "Starz", their coaches and managers, for another outstanding dynamic team effort was jointly offered by Representatives Crozier, Andrews, Baker, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Kawakami, Kihano, Kiyabu, Kunimura, Larsen, Lee, Lunasco, Morioka, Nakamura, Narvaes, Sakamoto, Say, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada and was read by the Clerk.

On motion by Representative Crozier, seconded by Representative Andrews and carried, H.R. No. 330 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 328 and 329) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, Tuesday, March 18, 1980:

A resolution (H.R. No. 328) requesting the Department of Health to study the problems of transition and implementation involved in the establishment of computer-based medical information systems in the State Hospital facilities was offered by Representative Baker.

A resolution (H.R. No. 329) requesting the Department of Health to study the possibility of instituting a computer-based medical information system at Leahi Hospital was offered by Representative Baker.

At 11:40 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:43 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Garcia, Ige, Kobayashi, Larsen, Toguchi and D. Yamada.

At this time, Representative Sutton rose on a point of parliamentary inquiry and asked:

"Do we follow Cushing's in this body?"

The Chair answered:

"Cushing's is referred to if the House rule doesn't cover the subject matter."

Representative Sutton said:

"Yes, it does. Sir, I would like to refer you to page 252, but before I do, I would like to find out: Is my desk in order, sir?"

The Chair replied:

"The Chair would like for you to determine that, Representative Sutton."

Representative Sutton:

"I shall determine it, sir, if you would permit me to read from Cushing's."

The Chair answered:

"You may."

Representative Sutton:

"Mr. Kenneth Lee: 'I move that this association adopt some distinctive emblem to be conspicuously displayed on all desks used by the members.'"

"Mr. Narvaes: 'I second the motion.'"

"Mr. Speaker (restating the motion):

'It has been moved and seconded, that this association adopt some distinctive emblem, to be conspicuously displayed on all desks used by the members. Is there any discussion?' There being none, the Speaker said, 'so ruled', so I assume my desk is in order."

The Chair responded:

"If you are representing St. Patrick."

Representative Sutton then said:

"I am representing St. Patrick and I know that you have the shillelagh!"

The Chair then made the following announcements:

"The Chair would like to announce that all of the referrals have been printed and are now in the process of being distributed to your offices."

"The Chair would like to remind all Committee chairmen to expeditiously review the referral sheet, get your bills requiring lateral movement on the agenda as soon as possible if the chairmen so desire."

ADJOURNMENT

At 11:47 o'clock a.m., on motion by Representative Peters, seconded by Representative Evans and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Tuesday, March 18, 1980, in honor of St. Patrick's Day.

THIRTY-NINTH DAY

Tuesday, March 18, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend Harry Y. Pak of First United Methodist Church, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journals of the House of Representatives of the Thirty-Second, Thirty-Fourth, Thirty-Sixth and Thirty-Seventh Days.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journals was dispensed with and the Journals of the Thirty-Second, Thirty-Fourth, Thirty-Sixth and Thirty-Seventh Days were approved.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 101) transmitting copies of a report prepared by the Department of Health pursuant to Section 329-11, Hawaii Revised Statutes, was read by the Clerk and was placed on file.

DEPARTMENTAL COMMUNICATION

A communication from Jean King, Lieutenant Governor (Dept. Com. No. 10) acknowledging receipt of H.R. No. 272 commending the play "Big Boys Don't Cry" and the Kalihi-Palama Culture and Arts Prison Ceramics Class, was read by the Clerk and was placed on file.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 11 to 15) were read by the Clerk and were placed

on file:

A communication from Cherry Matano, Administrative Assistant to Senator Matsunaga (Misc. Com. No. 11) acknowledging receipt of H.R. No. 135, was placed on file.

A communication from Jack H. Watson, Jr., Assistant to the President for Intergovernmental Affairs (Misc. Com. No. 12) acknowledging receipt of House Concurrent Resolution No. 53 commending Minoru Hirabara and recognizing his contributions to the people of Hawaii, was placed on file.

A communication from Cherry Matano, Administrative Assistant to Senator Matsunaga (Misc. Com. No. 13) acknowledging receipt of H.R. No. 40, was placed on file.

A communication from Cherry Matano, Administrative Assistant to Senator Matsunaga (Misc. Com. No. 14) acknowledging receipt of H.R. No. 142, was placed on file.

A communication from Robert B. Delano, President of American Farm Bureau Federation (Misc. Com. No. 15) acknowledging receipt of the following resolutions, was placed on file: H.R. No. 292 congratulating and commending Shigeru Kansako upon his selection by the Hawaii Farm Bureau Federation as the 1979 outstanding Hawaii Farm Bureau Federation member of the year; H.R. No. 293 honoring and congratulating Dickey Nitta, 1980 president of the Hawaii Farm Bureau Federation; H.R. No. 294 recognizing and commending Judy M. Kaneshiro, immediate past president of the Women's Committee, Hawaii Farm Bureau Federation and H.R. No. 295 commending Randall Kamiya, president of the Hawaii Farm Bureau Federation.

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

Representative Sutton introduced Frank J. Brady and his wife, Rose. Mr. Brady is a state legislator from South Dakota.

Representative Stanley introduced six government students from Hawaiian Mission Academy who were visiting the capitol: Ann Yamane, Rose Pasamonte, Nelson Katada, David Brown, Beverly Teruya and Alphonso Gersaba.

Representative Kunimura introduced the following members of the UPW: Charles Iwata and Leroy Fernandez from Maui, Richard Costa from Kauai, Franklin Baptiste from Hawaii and James Brown, Sara Pacheco, Joseph Rodrigues, Benny Rodrigues, William Kapule and Albert Cummings from Oahu.

Representative Kunimura also introduced thirty-three 2nd, 3rd, 4th and 5th grade students from the enrichment class of Kapaa Elementary School. The students were accompanied by two parents, Linda Kelikoma and Thomas Contrades and several teachers, Barbara Fontana, Cheryl Inouye, Linda Mann, Herman Paleka, Sharon Masuoka, Diane Horita and Marlene Kauo. Representative Kunimura noted that Wendell Yamada, the son of Representative Dennis Yamada, was a member of this group.

Representative Shito introduced seventy-one students from Ewa Elementary School accompanied by their teachers Mrs. Tanabe, Mrs. Sakuma and Mrs. Yee.

At 11:45 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:04 o'clock p.m.

At this time, the Speaker assumed the rostrum.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following bills were re-referred

as follows:

<u>S.B. No.</u>	<u>Re-Referred to:</u>
1906	Jointly to Committees on Energy and Transportation, then to Committee on Finance
2267	Committee on Housing, then to Committee on State General Planning
2439	Committee on Judiciary
2898	Jointly to Committees on Public Employment and Government Operations and Consumer Protection and Commerce, then to Committee on Finance
3097	Committee on Water, Land Use, Development and Hawaiian Affairs, then to Committee on Judiciary

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of taking up a bill on Final Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 2-80 on S.B. No. 1703-80, SD1, HD1, CD2

Representative D. Yamada moved that the report of the Committee be adopted and that S.B. No. 1703-80, SD1, HD1, CD2, pass Final Reading, seconded by Representative Honda.

Representative Kobayashi then rose to speak against this measure:

"Mr. Speaker, I would call your attention to page 4 of this bill, in the first part of the page. You will note that the bill requires that each registered voter be provided an informational booklet. I would suggest that unless that particular sentence is tempered with some language so that reasonable effort be sufficient grounds for distributing such informational booklet, that the State might

face a tremendous task in getting this informational booklet to every individual, be that person off island, an absentee voter, perhaps, difficult to locate.

It also raises questions in my mind as to whether each voter in each household should be sent a separate booklet or whether it would be sufficient that each household simply receive one booklet.

Further, you will note that this booklet is to be compiled by the Office of the Legislative Reference Bureau. Including the terminology 'Legislative Reference Bureau' into the Constitution of the State of Hawaii makes the Legislative Reference Bureau a constitutional entity which, again, may cause some small difficulty later on should the legislature wish to reorganize its own staff agency.

With these thoughts, I would suggest that we proceed with caution on this bill."

The motion to pass S.B. No. 1703, SD1, HD1, CD2, 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", passed Final Reading by a vote of 38 ayes to 13 noes, with Representatives Anderson, Andrews, Evans, Fukunaga, Hagino, Hashimoto, Kamalii, Kobayashi, Larsen, Narvaes, Silva, Sutton and Takitani voting no. The vote count showed that the bill passed Final Reading by not less than two-thirds of the members to which the House is entitled.

The Chair directed the Clerk to note that S.B. No. 1703, SD1, HD1, CD2, passed Final Reading at 12: 10 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 683-80) informing the House that H.R. Nos. 328 to

330 and Stand. Com. Rep. Nos. 684-80 to 696-80 have been printed and distributed.

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

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 684-80) recommending that H.R. No. 139 be referred to the Committee on Higher Education.

By unanimous consent, the referral of H.R. No. 139 to the Committee on Higher Education was waived.

On motion by Representative Kawakami, seconded by Representative Fukunaga and carried, H.R. No. 139, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT, THE MARINE OPTIONS PROGRAM, THE MARINE AFFAIRS COORDINATOR, AND THE UNIVERSITY OF HAWAII OCEANOGRAPHY DEPARTMENT, IN A COOPERATIVE VENTURE, RESTORE HE'EIA'ULI AND KALOKO'ELI FISHPONDS AS A PILOT PROJECT FOR FUTURE LARGE-SCALE AQUACULTURE USE OF HAWAIIAN FISHPONDS", was adopted, notwithstanding the Committee report.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 685-80) recommending that H.R. No. 212 be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.R. No. 212, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF A STATEWIDE CANOE SITE AT KE'EHU LAGOON", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education,

presented a report (Stand. Com. Rep. No. 686-80) recommending that H.R. No. 145, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.R. No. 145, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHMENT OF A SPECIAL HIGHER EDUCATION PROGRAM", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 687-80) recommending that H.R. No. 41, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.R. No. 41, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON ESTABLISHING A MEDIA STUDY CENTER AND SUPPORTING SERVICES", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 688-80) recommending that H.C.R. No. 11, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.C.R. No. 11, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING A MEDIA STUDY CENTER AND SUPPORTING SERVICES", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 689-80) recommending

that H.R. No. 259, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.R. No. 259, HD1, entitled: "HOUSE RESOLUTION REQUESTING A PEACESAT STUDY", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 690-80) recommending that H.C.R. No. 19, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.C.R. No. 19, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PEACESAT STUDY", was referred to the Committee on Finance.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 691-80) recommending that H.R. No. 12, as amended in HD1, be referred to the Committee on Education.

On motion by Representative Takamine, seconded by Representative Stanley and carried, the report of the Committee was adopted and H.R. No. 12, HD1, entitled: "HOUSE RESOLUTION REQUESTING BETTER INFORMATION ON VISITOR INDUSTRY JOB OPPORTUNITIES", was referred to the Committee on Education.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 692-80) recommending that H.R. No. 47 be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Say and carried, the report of the Committee was adopted and H.R. No. 47, entitled: "HOUSE RESOLUTION

REQUESTING A STUDY ON COMPUTER EDUCATION", was referred to the Committee on Finance.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 693-80) recommending that H.C.R. No. 36 be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Say and carried, the report of the Committee was adopted and H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON COMPUTER EDUCATION", was referred to the Committee on Finance.

Representatives Lunasco and Segawa, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 694-80) recommending that H.R. No. 26, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Say and carried, the joint report of the Committees was adopted and H.R. No. 26, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF WAYS TO INCLUDE MORE HIGH FIBER FOODS IN SCHOOL LUNCHES AND TO PREPARE SUCH FOODS MORE ATTRACTIVELY", was referred to the Committee on Finance.

Representatives Lunasco and Segawa, for the Committees on Education and Health, presented a joint report (Stand. Com. Rep. No. 695-80) recommending that H.C.R. No. 25, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Say and carried, the joint report of the Committees was adopted and H.C.R. No. 25, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF WAYS TO INCLUDE MORE HIGH FIBER FOODS IN SCHOOL LUNCHES

AND TO PREPARE SUCH FOODS MORE ATTRACTIVELY", was referred to the Committee on Finance.

Representatives Lunasco and Toguchi, for the Committees on Education and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 696-80) recommending that H.R. No. 63, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Toguchi and carried, the joint report of the Committees was adopted and H.R. No. 63, HD1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO EXPAND SECONDARY SCHOOL MARINE PROGRAMS IN THE WINDWARD DISTRICT TO MAKE GREATER USE OF KANEOHE BAY", was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 336 to 338) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 336) congratulating the winners from Castle and Kalaheo High Schools in the 1980 Hawaii Regional Scholastic Art and Photography Exhibit competition was jointly offered by Representatives Ige, Evans, Say, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Honda, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Ige, seconded by Representative Evans and carried, H.R. No. 336 was adopted.

A resolution (H.R. No. 337) congratulating the Kahuku High School "Red Raider" marching band for past outstanding performance was jointly

offered by Representatives Lunasco, Aki, Anderson, Andrews, 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, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Lunasco, seconded by Representative Lee and carried, H.R. No. 337 was adopted.

A resolution (H.R. No. 338) congratulating the Oahu Interscholastic Association West All-Stars was jointly offered by Representatives Lunasco, Aki, Anderson, Andrews, 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, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Lunasco, seconded by Representative Nakamura and carried, H.R. No. 338 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 331 to 335) and concurrent resolutions (H.C.R. Nos. 102 to 104) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 19, 1980:

A resolution (H.R. No. 331) requesting a review of the life insurance cost disclosure proposals and related suggestions in the Bureau of Consumer Protection's 1979 Staff Report to the Federal Trade Commission and the NAIC Model Cost Disclosure Regulation Proposal was offered by Representative Blair.

A resolution (H.R. No. 332) requesting the Departments of Education and Health to classify autism for special education and health services was jointly offered by Representatives Lunasco and Say.

A resolution (H.R. No. 333) requesting the electric utility companies to keep their overhead power transmission lines clear from trees and branches was jointly offered by Representatives Takamine, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Ige, Inaba, Kawakami, Kiyabu, Kunimura, Larsen, Lee, Marumoto, Masutani, Medeiros, Say, Segawa, Shito, Toguchi, Uwaine, D. Yamada and K. Yamada.

A resolution (H.R. No. 334) requesting the review and study of the formation of a state interagency coordination committee on child abuse and neglect was jointly offered by Representatives Aki, Dods, Kobayashi and Lacy.

A resolution (H.R. No. 335) requesting review of laws and governmental policies and their impact on families was jointly offered by Representatives Aki, Dods, Kobayashi and Lacy.

A concurrent resolution (H.C.R. No. 102) requesting a review of the life insurance cost disclosure proposals and related suggestions in the Bureau of Consumer Protection's 1979 Staff Report to the Federal Trade Commission and the NAIC Model Cost Disclosure Regulation Proposal was offered by Representative Blair.

A concurrent resolution (H.C.R. No. 103) requesting the review and study of the formation of a state interagency coordination committee on child abuse and neglect was jointly offered by Representatives Aki, Dods, Kobayashi and Lacy.

A concurrent resolution (H.C.R. No. 104) adopting a functional plan for housing was offered by Representative Wakatsuki, by request.

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 12:16 o'clock p.m.

DISPOSITION OF MATTERS
PLACED ON THE CLERK'S DESK

By unanimous consent, S.B. No. 2134-80, HD1, was taken from the Clerk's desk.

The Chair then appointed Representatives Blair, Chairman; Aki, Kobayashi, Segawa, Shito, Ikeda and Lacy as Managers on the part of the House for the consideration of said bill.

At this time, Representative Kamalii rose on a point of information stating:

"Mr. Speaker, I have received further clarification from the Office of the Attorney General on the nature of what constitutes the 'availability' of a bill to members of this legislature.

As you remember, this question was a primary concern to the members of the Republican Caucus in our consideration of the Senate Bill on drug substitution. At that time, we voted against the measure because we sincerely felt that the bill had failed to be made available to us in a proper manner.

However, according to this opinion, that concern was proper but not accurate. I now foresee no procedural difficulties with that measure and would like, with your permission, Mr. Speaker, to have this opinion included in our Journal for further reference if needed."

The Chair, noting no objections, so ordered.

"The Honorable Kina'u Boyd Kamali'i
House Minority Leader
The Tenth Legislature
State Capitol, Room 425
Honolulu, Hawaii 96813

Dear Representative Kamali'i:

This is in response to your letter of March 12, 1980, requesting confirmation

of oral advice rendered by me on March 11, 1980 to Mr. Jim Williston, Assistant House Minority Attorney.

The question posed by Mr. Williston, and in your letter, is whether A. G. Opinion Number 70-7 applies to the manner in which S.B. No. 2134-80 passed in the Senate this session. In addition, you inquired if the Governor would have to veto this bill 'solely on the basis of the manner by which the bill passed its first three readings?'

To your first question, we respond in the affirmative. To the second, we respond in the negative.

We understand the facts to be as follows:

1. S.B. 2134-80 was introduced in the Senate on January 30, 1980 and passed first reading on that date.
2. Printed copies of the bill were made available to the Senators within 24 hours of passage on first reading.
3. The bill passed second reading, unamended on February 5, 1980. It passed third reading, unamended, on February 6, 1980.

Article III, Section 15 of the Hawaii State Constitution provides in pertinent part:

No bill shall become law unless it shall pass three readings in each house on separate days. No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least forty-eight hours.

A. G. Opinion Number 70-7 discussed this provision of the State Constitution. At that time, that Section of Article III was numbered Section 16 and provided that bills shall be available for 24 hours. The 1978 Constitutional Convention increased that period to 48 hours.

We believe that the analysis in Opinion Number 70-7 is applicable to the question you posed. In fact, the facts regarding passage of S.B. 2134-80 are similar to that in 'Situation 1' of Opinion 70-7. (Please see attached copy of Opinion Number 70-7.)

Opinion No. 70-7 stated at page 3 as follows:

When a bill in its final form has been printed and been made available to legislators for more than 24 hours, regardless of when such print and availability first occur - e.g., when there have been no amendments at all or when a bill passes second reading in its finally amended form - the purpose of the Constitutional provision has been fulfilled.

This statement is still applicable, except for the change from the 24-hour to the 48-hour period.

S.B. 2134-80 passed first reading on January 30, 1980. A printed form of the bill was available to the Senators, no later than January 31, 1980. S.B. 2134-80 passed second reading on February 5, unamended, and third reading on February 6, unamended.

It is clear that the requirements of Article III, Section 15 were met, as the 'final form' for S.B. 2134-80 was available to the Senators on January 31, 1980--more than 48 hours prior to February 6, 1980.

If you have further questions about this question, please do not hesitate to contact me.

Very truly yours,

MARIA SOUSA
Deputy Attorney
General

APPROVED:

WAYNE MINAMI
Attorney General "

The following is the attachment to the above letter to Representative Kamalii. It is dated April 9, 1970 and is a letter to the Honorable Tadao Beppu, Speaker of the House of Representatives from the Attorney General's Office and approved by Bertram T. Kanbara, Attorney General. This is the text of the letter:

"This is in response to your request for an opinion by this office as to when the 24-hour rule of Section 16 of Article III of the Hawaii Constitution begins in two different factual situations.

Section 16 of Article III of the Hawaii Constitution states, in pertinent part, as follows:

'No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least twenty-four hours.'

You describe two factual situations in your letter, requesting an opinion as to when the 24-hour period begins for each situation. The first situation set forth in your request is as follows:

'Situation 1: A bill is introduced in the House on February 24, 1970 and passes first reading on that date. On February 25, 1970, the bill is referred to the Committee on Judiciary and printed copies of the bill are made available to the members of the House on the same day. On April 1, 1970, the Committee on Judiciary reports the bill out unamended, and the bill passes second reading and is placed on the calendar for third reading. Printed copies of the committee report from the Committee on Judiciary are made available to the members of the House on April 1, 1970. The bill in the form to be passed on third reading is in the same form in which it was introduced.'

In the situation related above, we are of the opinion that the 24-hour period begins on February 25, 1970, the day that the unamended

bill was first printed and made available to the members of the House.

The second situation set forth in your request is as follows:

'Situation 2: A bill is introduced in the House on March 2, 1970 and passes first reading on that date. On March 3, 1970, the bill is referred to the Committee on Government Efficiency and thereafter to the Committee on Finance, and printed copies of the bill are made available to the members of the House on the same day. On March 30, 1970, the Committee on Government Efficiency reports the bill out with amendments as House Draft 1, and the bill passes second reading and is referred to the Committee on Finance. Printed copies of House Draft 1 of the bill are made available to the members of the House at 12:16 p.m. of March 30, 1970. On March 31, 1970, at 12:17 p.m., the Committee on Finance reports out House Draft 1 of the bill without any amendments for third reading. Printed copies of the committee report from the Committee on Finance are made available to the members of the House on March 31, 1970. The bill in the form to be passed on third reading is in the same form in which it was reported out from the Committee on Government Efficiency, that is, House Draft 1.'

With respect to this second situation, we are of the opinion that the 24-hour period begins at 12:16 p.m. of March 30, 1970.

The purpose of the 24-hour requirement was stated by the Committee on Legislative Powers and Functions of the Constitutional Convention of Hawaii of 1968, in its Standing Committee Report No. 46, dated August 29, 1968, to be as follows:

'Your Committee has included the twenty-four hour rule as a requirement for the passage of bills. The purpose of this rule is to assure members of the legislature an opportunity to take informed action on the final contents of

proposed legislation. This is accomplished by requiring the printing and availability of each bill in the 'form to be passed' to the members of a house and a twenty-four hour delay between such printing and availability before final reading in each house. 'Form to be passed' means the form in which a bill is passed on third reading in each house, concurrence of one house to amendments made by the other, and the form in which a bill is passed by both houses after conference on a bill. The twenty-four hour rule not only aids the legislator but also gives the public additional time and opportunity to inform itself of bills facing imminent passage.'

As stated above, the purpose of the 24-hour rule is to assure legislators and the public sufficient time to inform themselves of the final content of bills before third or final reading. Stated otherwise, its purpose is to prevent surprise or ill-informed action, such as that which might occur from amendments made immediately before third or final reading, without sufficient time for considered deliberation on or without knowledge of the final form of the bill.

When a bill in its final form has been printed and been made available to legislators for more than 24 hours, regardless of when such print and availability first occur - e.g., when there have been no amendments at all or when a bill passes second reading in its finally amended form - the purpose of the constitutional provision has been fulfilled.

Accordingly, we are of the opinion that the 24-hour period required by Section 16 of Article III of the Hawaii Constitution begins to run from the time that the bill is first printed and made available to the members of a house in the form in which it is passed in such house on Third Reading, irrespective of when such a form was attained.

The factual situation presented in your request also raises a further question, although not specifically requested, as to the effect of the

availability of committee reports on the 24-hour rule.

Section 16 of Article III expressly applies to bills and cannot be extended by construction to committee reports absent any indication that committee reports were to be included under the 24-hour requirement. Therefore, we are of the opinion that the printing and availability of committee reports do not, in any way, affect the measuring of the 24-hour period required under Section 16 of Article III of the Hawaii Constitution.

At 12:17 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:23 o'clock p.m.

At this time, the Chair stated:

"Upon consultation with the Minority Leadership, the Chair is making an exception to the historical precedent that those who do not vote for a measure cannot be considered to sit on the Conference Committee, but in as much as the Minority Leadership and their members have raised the procedural aspect on the validity of S.B. No. 2134-80, HD1, subsequently have reflected into the Journal that the Attorney General's opinion stated that there is no invalidity and they accept the Attorney General's opinion, the Chair makes this one exception that those that the Chair named will stand as Conferees on the part of the House, to represent the House, in negotiating a compromise position, if that is necessary, or convince the Senate of the wisdom of the House. The Minority has also agreed that there be no misunderstanding among all members that the historical practice will be retained and therefore the House Rules will be amended to that effect and action will be taken on it tomorrow."

By unanimous consent, H.B. No. 1494, HD1, SD2, CD1, was taken from the Clerk's desk.

The Chair then appointed Representatives Stanley, Chairman; Kunimura and Marumoto as Managers on the

part of the House for the consideration of said measure, noting that these are the same conferees who were appointed previously to discuss this bill with the Senate conferees.

RECONSIDERATION OF ACTION TAKEN

Representative D. Yamada moved that the House reconsider its action taken on S.B. No. 1703, SD1, HD1, CD2, seconded by Representative Honda and carried.

Representative Kunimura then rose on a point of information stating:

"Do you, as Speaker of this House, Mr. Speaker, feel that action taken today by both the Majority and the Minority, and the action taken by the Chairman of the Judiciary Committee with the suggestion made by Mr. Kobayashi as to the constitutional amendment, lend support to the feeling that this House is beginning to mature and shows that we have taken a giant step toward a closer relationship and openness and togetherness in trying to legislate for the people of Hawaii. Do you feel that to be a correct observation, Mr. Speaker?"

The Chair responded:

"The Chair has always maintained that this body represents divergent views of all of our community, personal ideas and opinions. But the Chair also realizes that in the end all of us here, whether we're in the Minority or in the Majority, will coexist and pass measures for the best of all of the citizens of Hawaii and I am confident that we will proceed in this manner for the rest of the session."

Representative Kunimura then stated:

"Many of us on this side of the aisle would like to congratulate the Republicans for the tall stand they've taken today."

ADJOURNMENT

At 1:28 o'clock p.m., on motion
by Representative K. Yamada, seconded

by Representative Evans and carried,
the House of Representatives adjourned
until 11:30 o'clock a.m. tomorrow,
March 19, 1980.

FORTIETH DAY

Wednesday, March 19, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Representative Segawa, after which the Roll was called showing all members present with the exception of Representatives Aki, Blair, Garcia, Hagino, Uechi, Wakatsuki and D. Yamada, who were excused.

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

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Eighth Day was approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 262 to 264) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 262) transmitting Senate Concurrent Resolution No. 12, SD 1, requesting the Legislative Reference Bureau to conduct a study of Hawaii's limited branch banking law, which was adopted by the Senate on March 18, 1980, was placed on file.

By unanimous consent, further action on S.C.R. No. 12, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 263) 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. 1703, SD 1, was adopted by the Senate; and Senate Bill No. 1703, SD 1, HD 1, CD 2, passed Final Reading in the Senate on March 18, 1980, by not less than two-thirds vote of all the members to which the Senate is entitled, was placed on file.

A communication from the Senate (Sen. Com. No. 264) informing the House that the President has,

on March 18, 1980, added Senator Charles M. Campbell as another manager on the part of the Senate at the conference on Senate Bill No. 2134-80, HD 1, was placed on file.

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

Representative Ushijima introduced 40 fifth grade students from the Hongwanji Mission School. They were accompanied by their teachers, Miss Katherine Ishida and Mr. Brian Date.

Representative Peters introduced Representative Mary Barrows and her husband, Chuck, from Eugene, Oregon.

Representative Holt introduced Mr. and Mrs. Dave Stewart and their son, Todd, who are here on a vacation, stating:

"Ten years ago, when I left Kalihi to attend school back east in Boston, I was out there all by myself and there was this one family who had ties in Hawaii who made me feel at home, made me Hawaiian food, took me under their wing, and helped me throughout my four years there."

The Stewart family are houseguests of Dr. Teruo Ihara who accompanied them.

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering congratulatory resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 339 and 340) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 339) congratulating and commending James A. Nakamoto, the 1980 Honolulu District Teacher of the Year was jointly offered by Representatives Say, Hagino, Stanley and Blair.

On motion by Representative Say, seconded by Representative Stanley and carried, H.R. No. 339 was adopted.

Representative Say proceeded to

introduce the honoree, stating:

"Mr. Speaker, it is indeed a pleasure and an honor to have Mr. James Nakamoto here this morning.

A lot of you were invited, maybe three or four weeks ago, or was it last month, to see the presentation done by Mr. Nakamoto and it was produced by Mrs. Jane Benton, who is right up there, in regards to that comical Shakespeare play, 'WHATEVA', and I hope a lot of you did enjoy the presentation."

Representative Say then introduced the honoree, Mr. James Nakamoto, and his 'body guard', Liz Hudson.

Representative Hashimoto presented a red carnation lei to Mr. Nakamoto while Representative Stanley presented him with a certified copy of the resolution.

A resolution (H.R. No. 340) congratulating Carol Lee Ching for winning the 1980 Miss Hawaii USA Pageant was jointly offered by Representatives Toguchi, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Uechi, Ushijima, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Toguchi, seconded by Representative Evans and carried, H.R. No. 340 was adopted.

Representative Toguchi then rose and stated:

"Mr. Speaker, it is my pleasure this morning to speak in favor of this resolution. Before I introduce the honoree, I would like to just mention a few things about the pageant and about Carol.

As was stated in the resolution, the Miss Hawaii USA Pageant is sponsored by Victor Bloom of Hawaii, Inc. and the producer of the Miss Hawaii USA Pageant is Betty Dawson and she couldn't be here with us. I would also like to say that on the Windward side, we not only have a lot of rain, but we also have a lot of good-looking girls on the Windward side. In addition to that,

I am very proud to say that, like me, she is also a graduate of Castle High School. I am not as good-looking as she is but we are from the same school.

I would also like to say, at this time, that she will be leaving for Mississippi on May 1st, and so, on behalf of this honorable body, I would like to, first of all, congratulate her and then also extend our best wishes as she goes to represent Hawaii in the USA Pageant."

Representative Toguchi then presented Miss Carol Lee Ching, Miss Hawaii USA, and her mother, Mrs. Ching, to the members of the House and audience.

Representative Kunimura then presented Miss Ching with a bouquet of red roses while Representative Ige gave Mrs. Ching a floral lei. Representative Evans presented the honoree with a certified copy of the resolution.

Representative Kunimura then rose and remarked:

"I don't want to be misunderstood when I use the word 'waste' but, to me, it would be such a waste for this fine young lady to major in animal science. As many of us are advanced in age, we would feel more comfortable here today if she majored in gerontology."

At 11:52 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of meeting our honored guests."

Upon reconvening at 12:08 o'clock p.m., the Speaker assumed the rostrum.

The Chair then directed the Clerk to note the presence of Representatives Blair, Hagino, Uechi and Uwayne.

Representative Kunimura then rose and stated:

"This is an introduction in a different way, Mr. Speaker. With your permission, we went through, on Saturday, the famous Roman Day, and this was the glorious days of Julius Ceasar and the Ides of March. Today, we have the Hawaiian Ides of March and I notice there are three women in the chamber floor. . .two on the chamber floor and one in the press room, dressed in red. I wonder if there is any significance as to what is happening in the other house. If it is what I suspect, I would like to ask, Mr. Speaker, based on personal safety, that you stay away from these three girls because you may be marked today."

There being no response from the

Chair, Representative Kunimura asked:

"Did you catch that, by the way?"

The Chair replied:

"Representative Kunimura, frankly, it is very difficult to hear clearly members on the floor from the rostrum."

Representative Kunimura asked:

"You had difficulty in hearing what I said, or is it serious concentration on what's going on in the other House that is causing you to have some audio problems?"

The Chair responded:

"If it is any satisfaction to you, I suppose the red worn by certain members of the House reflects sometimes some bloodletting."

Representative Sutton then rose and said:

"I am glad you said that. They are bleeding hearts."

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 328, 329 and 331 to 335) and concurrent resolutions (H.C.R. Nos. 102 to 104 and S.C.R. No. 12) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
328	Committee on Health, then to the Committee on Finance
329	Committee on Health, then to the Committee on Finance
331	Committee on Consumer Protection and Commerce
332	Jointly to the Committees on Education and Health, then to the Committee on Finance
333	Committee on Consumer Protection and Commerce
334	Committee on Youth and Elderly Affairs, then to the Committee on Finance
335	Committee on Public Assistance and Human Services, then to the Committee on Finance

H.C.R. Nos.

102	Committee on Consumer Protection and Commerce
103	Committee on Youth and Elderly Affairs, then to the Committee on Finance
104	Jointly to the Committees on State General Planning and Housing

S.C.R. No.

12	Committee on Consumer Protection and Commerce, then to the Committee on Finance
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COMMITTEE REASSIGNMENTS

The following Senate bills were re-referred as follows:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
2197-80	Committee on Corrections and Rehabilitation, then to the Committee on Finance
2219-80	Committee on Finance
2286-80	Committee on Public Employment and Government Operations
3145-80	Jointly to the Committees on Consumer Protection and Commerce and Judiciary

STANDING COMMITTEE REPORT

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 697-80) informing the House that House Resolution Nos. 331 to 338, House Concurrent Resolution Nos. 102 to 104, and Special Committee Report No. 18, have been printed and distributed.

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

SPECIAL COMMITTEE REPORT

Representative Morioka, for the Committee on Finance, appointed pursuant to House Resolution No. 844-79, adopted by the Regular Session of 1979 to review proposed implementing legislation relating to various sections of the State Constitution, presented a report (Spec. Com. Rep. No. 18) with certain recommendations.

By unanimous consent, the report was received and placed on file.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 347 to 351) and concurrent resolution (H.C.R. No. 106) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 347) congratulating the Kalakaua Athletic Club upon winning the 1979-1980 Police Activities League Bronco A Division championship was jointly offered by Representatives Holt, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kawakami, Kiyabu, Kunimura, Lee, Lunasco, Marumoto, Masutani, Morioka, Sakamoto, Takitani, Toguchi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative de Heer, seconded by Representative Takitani and carried, H.R. No. 347 was adopted.

A resolution (H.R. No. 348) extending condolences and deepest sympathy to the family of the late Paul Gartrell was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Crozier, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Evans, seconded by Representative Toguchi and carried, H.R. No. 348 was adopted by a rising vote.

A resolution (H.R. No. 349) extending best wishes and aloha to the planners and supporters of the Roosevelt High School Golden Anniversary Carnival was jointly offered by Representatives de Heer, Ushijima, Fukunaga, Stanley, Blair, Baker, Sutton, Lee, Anderson, Andrews, Crozier, Dods, Evans, Garcia, Holt, Honda, Ige, Ikeda, Inaba, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lunasco, Marumoto, Medeiros, Morioka, Narvaes, Peters, Sakamoto, Say, Segawa, Takamine, Uwaine and K. Yamada.

On motion by Representative de Heer, seconded by Representative Fukunaga and carried, H.R. No.

349 was adopted.

A resolution (H.R. No. 350) congratulating Kaipo Spencer on being selected as the Honolulu Advertiser's ILH Basketball Coach of the Year was jointly offered by Representatives Narvaes, Aki, Anderson, Andrews, 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, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Narvaes, seconded by Representative Uwaine and carried, H.R. No. 350 was adopted.

A resolution (H.R. No. 351) congratulating Coach Bobby Au for being named as Interscholastic League of Honolulu Coach of the Year was jointly offered by Representatives Narvaes, Aki, Anderson, Andrews, 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, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Narvaes, seconded by Representative Ige and carried, H.R. No. 351 was adopted.

A concurrent resolution (H.C.R. No. 106) welcoming the 61st annual convention of the Associated General Contractors of America, Inc. was jointly offered by Representatives Peters, Andrews, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kiyabu, Kunimura, Lacy, Lunasco, Marumoto, Medeiros, Morioka, Say, Silva, Stanley, Takamine, Uechi, D. Yamada and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.C.R. No. 106 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 341 to 346 and 352) and concurrent resolution (H.C.R. No. 105) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, Thursday, March 20, 1980:

A resolution (H.R. No. 341) requesting the Department of Land and Natural Resources to renegotiate an extension on all existing and expired cooperative agreements with prawn pond operators to meet the needs of Hawaii's infant prawn aquaculture industry was jointly offered by Representatives Kawakami, Aki, Anderson, Baker, Crozier, Dods, Garcia, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kiyabu, Kunimura, Lacy, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Uwaine and D. Yamada.

A resolution (H.R. No. 342) requesting the State of Hawaii to increase services to developmentally disabled adults age twenty and over was offered by Representative Lee.

A resolution (H.R. No. 343) requesting a study on the feasibility of implementing a public information and education program on the voluntary use of safety belts and child restraint devices for children four years and under in moving vehicles was jointly offered by Representatives Silva and Dods.

A resolution (H.R. No. 344) requesting the Legislative Reference Bureau to conduct a feasibility study and prepare a plan for a uniform state medical examiner system was jointly offered by Representatives D. Yamada, Aki, Baker, Blair, Garcia, Honda, Larsen, Lee, Masutani, Nakamura, Shito and Uechi.

A resolution (H.R. No. 345) requesting a study of the provision of occupational safety and health hazard control and prevention services was jointly offered by Representatives Lee, Peters, Silva and Takamine.

A resolution (H.R. No. 346) requesting the Legislative Reference Bureau to review the subject of bilingual services for immigrants in the State of Hawaii was jointly offered by Representatives Holt, Aki, Andrews, Baker, Crozier, Fukunaga, Garcia, Hagino, Inaba, Kihano, Kiyabu, Larsen, Lee, Lunasco, Morioka, Nakamura, Peters, Segawa, Takamine, Takitani, Toguchi, Uechi and Ushijima.

A concurrent resolution (H.C.R. No. 105) requesting a study on the feasibility of implementing a public information and education program on the voluntary use of safety belts and child restraint devices for children four years and under in moving

vehicles was jointly offered by Representatives Silva and Dods.

A resolution (H.R. No. 352) amending Rule 14.2 of the Rules of the House of Representatives, State of Hawaii, Tenth Legislature, was jointly offered by Representatives D. Yamada and Honda.

At 12:16 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:10 o'clock p.m., the Chair said:

"The resolution (H.R. No. 352) will lay on the Clerk's desk until acted upon."

The Chair then directed the Clerk to note that printed copies of H.R. No. 352 were made available to the members of the House at 11:30 o'clock a.m.

At 1:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:17 o'clock p.m.

At this time, Representative Kunimura rose and stated:

"Mr. Speaker, I believe this is old news already but I would like to announce to make it official that you have been confirmed. There are mixed feelings amongst us. There are some of us who feel relieved that you will no longer be with us; there are some who are going to miss you because they have nobody else to taunt. But, may I caution the members of this House that until we adjourn sine die, may I request that each member refrain from addressing you as 'your honor' or 'your majesty' or anything that might lend credence to the other house's position that you are acting as God on earth because, you know, the judges are God on earth. They have the power of life and death, many times, over every individual who appear before the bar and I don't mean bar. . .you know, the bars on Kapiolani Boulevard.

Mr. Speaker, as for myself, I am real thrilled today because I think this is the first time that I can experience anybody having been plucked out of this chambers of this House to go directly to the bench and at times, of course, in my anger. . .if today I was angry with you, I would have

said, you know, I wish it was the electric chair, but because I am so happy I can say to the bench, and may your life there be miserable as here in the chambers, because I have known you for so long, Mr. Speaker, and I think you are one of the few people who can really relish misery and enjoy it because you, too, give misery to others, and congratulations!

We will not robe you today but I am pretty sure many of us will be at your swearing in, and I am pretty sure Mr. Sutton is just dying, almost dying of asphyxiation, because he wants to put his two cents in now so will you be kind enough to let the elderly gentlemen from Nuuanu who is the senior member of the bar in this chambers to say a few words.

Thank you, Mr. Speaker."

The Chair responded:

"The Chair appreciates the remarks of Representative Kunimura. The Chair would like to remind all members that I am still a legislator; I will be acting in that capacity here, and that a person is not a judge until he is actually sworn in."

The Chair then recognized Repre-

sentative Sutton who stated:

"Mr. Speaker, just a few words of advice."

The Chair said:

"Coming from the senior member of the bar, the Chair will make an exception."

Representative Sutton then said:

"In politics, we put black on our hair and don't show any gray because we want to look very young. Now, let all that gray come out and you look like a man of great wisdom, and I'll let you have one of my robes."

At this time, Representative Lunasco requested the 48-hour waiver on hearing notices for the Education Committee on Friday.

The request was granted by the Chair.

ADJOURNMENT

At 1:20 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned to 11:30 o'clock a.m. tomorrow, Thursday, March 20, 1980.

FORTY-FIRST DAY

Thursday, March 20, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:00 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend Brian Nurdning of St. Clement's Episcopal Church, after which the Roll was called showing all members present with the exception of Representatives Garcia, Ige and Sakamoto, who were excused.

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

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journal was dispensed with and the Journal of the Thirty-Ninth Day was approved.

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

Representative Lee introduced a community education class sponsored by the Catholic Social Services, headed by Peter Chan.

Representative Lee also introduced several students from Holy Family Catholic School.

Representative Stanley then introduced eleven nursing students from Kauai Community College and their instructors, Sally Briton and Pat Lin.

Representative Shito introduced students from the tenth, eleventh and twelfth grades of Waipahu High School, accompanied by their teacher, Mr. Roger Chang.

Representative Honda introduced fifty-five students from Iao School in Wailuku. The students were accompanied by two faculty members, Mr. Ken Nomura and Mr. Glen Shibuya and several parents, Mr. and Mrs.

Nishibun, Mrs. Kageyama, Mrs. Borg, Mrs. Ogawa and Miss Nakamoto.

Representative Crozier noted that one of the students visiting from Iao School is the great granddaughter of M. G. Pascual from Maui who was the Speaker of the House of Representatives when Hawaii was still a territory. He then introduced to the members of the House, Miss Kathy Pascual.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the Rules were suspended for the purpose of taking action on a congratulatory resolution out of order.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 353) commending Professor Yasuyuki Sakabe for his contribution to the development of judo in Hawaii and throughout the United States was jointly offered by Representatives Toguchi, Say, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Toguchi, seconded by Representative Say and carried, H.R. No. 353 was adopted.

Representative Toguchi then rose to speak on H.R. No. 353 and introduce the honoree:

"Mr. Speaker, before I introduce the honoree this morning, I would

just like to say a few words in his behalf. I refer to him as Sakabe Sensei, sensei meaning teacher and that we respect the teacher or the person that we call sensei. Mr. Sakabe has dedicated almost thirty years of his life to judo in Hawaii and, as I pointed out, he has not only been a teacher of judo, but also stresses the building of character. So, I think it's not only a matter of the teaching of judo, but also what he has done for the young people of Hawaii.

As a former student of Mr. Sakabe, I was privileged to go with him on a six-week training session to Japan in 1970. Mr. Sakabe is someone who came here long ago as a visiting instructor and decided to stay in Hawaii and devote his life to the people of Hawaii.

It is for this reason, this morning, that we are honoring him, not only to commend him for what he has done for judo in Hawaii, but also for his many other contributions. I would like to, at this time, introduce to this honorable body, the honoree, Sakabe Sensei.

I would also like to introduce the people accompanying Mr. Sakabe here this morning. We also have with us Mr. Michael Matsumoto who is the President of the Hawaii Judo Black Belt Association, Mr. Toshiaki Inouye who is the past President of the Association, and Dr. Hideo Namiki, a Director of the Association.

We also have in the audience several other people who are connected with the Black Belt Association: Mrs. Jane Sukanuma, Wayne Ogasawara, who is the Vice President of the Association, Lester Kanemaru who is the AAU Chairman, Rod Uemura, Glen Hirano and Charles Yasuda."

At this time, Representative Fukunaga presented a flower lei to the honoree while Representative Toguchi presented the resolution.

At 11:30 o'clock a.m., the Chair declared a recess for the purpose of greeting the honoree.

The House of Representatives reconvened at 11:38 o'clock a.m.

At this time, the Speaker assumed the rostrum.

UNFINISHED BUSINESS

H.R. No. 352

By unanimous consent, action on H.R. No. 352 was deferred until tomorrow, March 21, 1980.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 698-80) informing the House that House Resolution Nos. 339 to 352, House Concurrent Resolution Nos. 105 and 106, and Standing Committee Report No. 699-80 have been printed and distributed.

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

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 699-80) recommending that S.B. No. 1991-80 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 1991-80, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM SECURITIES ACT (MODIFIED)", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 700-80) recommending that S.B. No. 1370, SD2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 1370, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION LAW", passed Second Reading and was referred to the Committee on Finance.

At this time, Representative Inaba made a late introduction to the members of the House. He introduced fourteen students from various high schools on the Big Island who were visiting the capitol to learn the legislative process. The students were accompanied by Miss Marsha Ohata.

At 11:43 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:50 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 365) amending section 11.9 of the House Rules was jointly offered by Representatives Kamalii, Anderson, Evans, Ikeda, Lacy, Marumoto, Medeiros, Narvaes and Sutton.

By unanimous consent, H.R. No. 365 proposing an amendment to the Rules of the House relative to section 11.9 was placed on the Clerk's desk and further action was deferred until tomorrow, March 21, 1980.

The Chair directed the Clerk to note that copies of H.R. No. 365 were made available to the members of the House at 11:45 o'clock a.m.

At this time, Representative Kunimura made some late introductions to the members of the House. He introduced twelve student leaders from Kauai observing the legislature in action. The students were accompanied by Ellen Yamada, Jane Shaw and Dennis Nitta.

Representative Kunimura also introduced Representative Inaba's granddaughter, Miss Geri Ann Pinau.

The following resolutions (H.R. Nos. 359 to 364) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 359) extending best wishes to the Kalaniana'ole Athletic Club on the opening of their 1980 baseball season was jointly offered by Representatives Ikeda, Dods, Aki, Anderson, Andrews, Baker, Blair, Crozier, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Ikeda, seconded by Representative Dods and carried, H.R. No. 359 was adopted.

A resolution (H.R. No. 360) congratulating Roosevelt High School on its fiftieth anniversary was jointly offered by Representatives Ushijima, Sutton, Stanley, Baker, Anderson, Fukunaga, de Heer, Blair, Lee, Aki, Andrews, Crozier, Dods, Evans, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kamalii, Kihano, Kiyabu, Kunimura, Lacy, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, 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. 360 was adopted.

A resolution (H.R. No. 361) extending congratulations to the Kaiser High School junior varsity wrestling team for capturing the 1980 OIA wrestling championship was jointly offered by Representatives Ikeda, Dods, Aki, Anderson, Andrews, Baker, Blair, Crozier, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kamalii, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura,

Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Ikeda, seconded by Representative Dods and carried, H.R. No. 361 was adopted.

A resolution (H.R. No. 362) extending best wishes and congratulations to the Community Quest Program was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, de Heer, Fukunaga, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kihano, Kiyabu, Kobayashi, Lacy, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Toguchi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Evans, seconded by Representative Anderson and carried, H.R. No. 362 was adopted.

A resolution (H.R. No. 363) congratulating and commending the Roosevelt High School girls' and boys' volleyball teams for winning the state high school volleyball championships was jointly offered by Representatives de Heer, Ushijima, Fukunaga, Stanley, Blair, Baker, Sutton, Anderson, Andrews, Crozier, Evans, Hagino, Hashimoto, Honda, Ige, Inaba, Lee, Lunasco, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Silva, Takitani, Toguchi, Uwaine and K. Yamada.

On motion by Representative Fukunaga, seconded by Representative Blair and carried, H.R. No. 363 was adopted.

A resolution (H.R. No. 364) congratulating and extending best wishes to the Kalihi-Palama Community Council on its 35th anniversary and for their continued and outstanding community service was jointly offered by Representatives Holt, Aki, Andrews, Baker, Crozier, Fukunaga, Garcia, Hagino, Inaba, Kihano, Kiyabu, Larsen, Lee, Lunasco, Morioka, Nakamura, Peters, Segawa, Takamine, Takitani, Toguchi, Uechi

and Ushijima.

On motion by Representative Holt, seconded by Representative Lee and carried, H.R. No. 364 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 354 to 358) and concurrent resolutions (H.C.R. Nos. 107 to 110) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 21, 1980:

A resolution (H.R. No. 354) declaring the week of May 11 through 17, 1980, Hawaii Gifted and Talented Children's Week was jointly offered by Representatives Lunasco, Aki, Anderson, Andrews, 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, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

A resolution (H.R. No. 355) requesting the Department of Budget and Finance to examine the funding mechanisms which may be established to provide interpreter services for any deaf or hearing impaired person desiring to communicate with or participate in any activity of the legislature or its committees was jointly offered by Representatives de Heer, Anderson, Andrews, Baker, Blair, Crozier, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kihano, Kiyabu, Kunimura, Lee, Lunasco, Masutani, Morioka, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, D. Yamada, K. Yamada and Wakatsuki.

A resolution (H.R. No. 356) requesting an examination of the Hawaii State Hospital was jointly offered by Representatives Ige, Segawa and Kobayashi.

A resolution (H.R. No. 357) requesting a task force to conduct a study

on the budgeting needs of the state and recommend an alternative budgeting system was jointly offered by Representatives Ige, Stanley, Crozier, de Heer, Fukunaga, Hashimoto, Holt, Kobayashi, Kunimura, Lacy, Morioka, Sakamoto, Silva, Sutton and Takitani.

A resolution (H.R. No. 358) requesting a report on the state's efforts to remedy the problem of asbestos-containing materials in the public schools and related health risks was jointly offered by Representatives Fukunaga and Hagino.

A concurrent resolution (H.C.R. No. 107) requesting an examination of the Hawaii State Hospital was jointly offered by Representatives Ige, Kobayashi and Segawa.

A concurrent resolution (H.C.R. No. 108) requesting a task force to conduct a study on the budgeting needs of the state and recommend an alternative budgeting system was jointly offered by Representatives Ige, Stanley, Crozier, de Heer, Fukunaga, Hashimoto, Holt, Inaba, Kobayashi, Kunimura, Lacy, Morioka, Narvaes, Sakamoto, Silva, Sutton and Takitani.

A concurrent resolution (H.C.R. No. 109) requesting the Department

of Budget and Finance to examine the funding mechanisms which may be established to provide interpreter services for any deaf or hearing impaired person desiring to communicate with or participate in any activity of the legislature or its committees was jointly offered by Representatives de Heer, Anderson, Andrews, Baker, Blair, Crozier, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kihano, Kiyabu, Kunimura, Lee, Lunasco, Masutani, Morioka, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

A concurrent resolution (H.C.R. No. 110) requesting a report on the state's efforts to remedy the problem of asbestos-containing materials in the public schools and related health risks was jointly offered by Representatives Fukunaga and Hagino.

ADJOURNMENT

At 12:00 o'clock noon, on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, March 21, 1980.

FORTY-SECOND DAY

Friday, March 21, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Mrs. Nonohilani Lopes of the Wahiawa B'hai Community, after which the Roll was called showing all members present with the exception of Representatives Aki, Baker, Fukunaga, Kawakami, Kobayashi, Larsen, Lee, Say, Segawa, Takitani, Toguchi, Uechi, Uwaine and D. Yamada, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-First Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 265 to 273) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 265) informing the House that the Senate has, on March 20, 1980, reconsidered the action taken on March 18, 1980, in passing Senate Bill No. 1703, SD 1, HD 1, CD 2, on Final Reading and, upon such reconsideration, said bill was recommitted to the Conference Committee for further study, was placed on file.

A communication from the Senate (Sen. Com. No. 266) transmitting Senate Concurrent Resolution No. 41, congratulating Mr. Les Ehringer, also known as "United's Ambassador to Hawaii", on his retirement, which was adopted by the Senate on March 20, 1980, was placed on file.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, S.C.R. No. 41 was adopted.

A communication from the Senate (Sen. Com. No. 267) transmitting Senate Concurrent Resolution No. 8, requesting a review on recovery of stolen motorcycles, which was adopted by the Senate on March 20, 1980, was placed on file.

By unanimous consent, further

action on S.C.R. No. 8 was deferred until Monday, March 24, 1980.

A communication from the Senate (Sen. Com. No. 268) returning House Concurrent Resolution No. 106, which was adopted by the Senate on March 20, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 269) returning House Bill No. 1982-80, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF PUBLIC LANDS", which passed Third Reading in the Senate on March 20, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 270) returning House Bill No. 713, entitled: "A BILL FOR AN ACT RELATING TO BANKS", which passed Third Reading in the Senate on March 20, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 713, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 713, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 271) returning House Bill No. 714, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS AND LOAN ASSOCIATIONS", which passed Third Reading in the Senate on March 20, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 714, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 714, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 272) returning House Bill No. 2418-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY PRODUCTION FACILITIES IN AGRICULTURE DISTRICTS", which passed Third Reading in the Senate on March 20, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2418-80, HD 1, as amended by the Senate, was placed on the Clerk's

desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2418-80, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 273) returning House Bill No. 2535-80, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE BY FUEL IMPORTERS, MANUFACTURERS, DISTRIBUTORS, AND EXPORTERS", which passed Third Reading in the Senate on March 20, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2535-80, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2535-80, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

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

Representative de Heer introduced the "Einstein of computerized conferencing", Dr. Murray Teroff, from the New Jersey Institute of Technology. He was accompanied by Dr. Roxanne Hilts.

Representative Holt introduced 75 third grade students from Kalihi-Kai Elementary School. They were accompanied by their teachers, Mrs. Elaine Chung, Mrs. Amy Goto and Miss Betsy Tonda.

Representative Uechi introduced 7 students (seventh and eighth graders) from Aiea Intermediate School. They were accompanied by their teacher, Mrs. June Motokawa, and an aide, Mrs. Gayle Taniguchi.

Representative Ikeda introduced 56 fifth grade students from Hahaione Elementary School. They were accompanied by their teachers, Mrs. Tokie Izumi and Mrs. Carol Furukawa, and parents, Mrs. Betty Okuhara, Mrs. Marilyn Kahanu and Mrs. Shan Karas.

Representative Stanley introduced 29 senior citizens from Makamai Housing. They were accompanied by Mrs. Margaret Gibbs.

Representative Hagino introduced 27 first grade students from Kuhio

Elementary School. They were accompanied by their teacher, Miss Margaret Ojima, and parents, Mrs. Sharleen Morikawa and Mrs. Etsuko Nakayama, and a U.H. student helper, Ricky Morita.

Representative Kiyabu introduced 25 fifth grade students from Liholiho School. They were accompanied by their teachers, Mrs. Doris Uchida and Mr. Brian Seki, and parents, Mrs. Josephine Like, Mrs. Aileen Moriguchi and Mrs. Marilyn Benedetto.

Representative Kunimura introduced Mrs. Carol Yotsuda, "an exceptional teacher from Kauai, an exceptional friend, and an exceptional person that makes my life, while I'm here, more liveable because when I go home some weekends, my wife is in a good mood because of her togetherness with the art people of Kauai."

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of the considering several congratulatory resolutions.

INTRODUCTION OF RESOLUTIONS

At this time, the Clerk read House Concurrent Resolution No. 106, welcoming the 61st annual convention of the Associated General Contractors of America, Inc., which was adopted by the House on Wednesday, March 19, 1980.

Representative Peters proceeded to introduce the honorees, stating:

"As you know, we adopted this resolution on Wednesday. We have two individuals from the construction industry with us this morning to receive these certificates and, obviously, all of us in these chambers would like to wish them the very best in their convention, especially as it has to do with dealing with the many problems that the construction industry now has and, hopefully, coming up with some top grade construction activities that, obviously, will yield a cost that people can afford. Certainly, they have a number of challenges to face in that respect.

Two individuals here this morning, one obviously needs no introduction. I'll introduce him first because he was the former president of the General Contractors Association of Hawaii and of the Construction Industry Legislative Organization. He is also the

President of Pan-Pacific Construction Co. and as everyone knows, a very active member of this community, a very active lobbyist, if you will, within these hallowed halls."

Representative Peters then introduced Mr. William (Brother Willy) Nakakura to the members of the House and audience.

Representative Peters continued his introduction:

"The other individual has the rather dubious task of serving as the convention host here in Hawaii. He is the president of the Hawaii Chapter of the General Contractors Association. He is also President of Koga Engineering and this is a point of interest. His company recently won a federal award for saving the government money on a project in Pearl Harbor. This man is a very hardworking, diligent young man."

Representative Peters then introduced Mr. Malcolm Koga to the members of the House and audience.

Red carnation leis were presented to Mr. Nakakura by Representative Kamalii and to Mr. Koga by Representative Stanley. Representative K. Yamada presented the honorees with certified copies of the concurrent resolution.

The following resolutions (H.R. Nos. 366 to 368) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 366) congratulating and commending the Mililani Town Jaycees for their outstanding community service and state awards was jointly offered by Representatives Kihano, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Kihano, seconded by Representative Shito and carried, H.R. No. 366 was adopted.

Representative Kihano proceeded to introduce the honorees, stating:

"Mr. Speaker, it is unfortunate

that we couldn't get all of the members of the Mililani Jaycees, but we have some of the officers and board members here with us and I would like to introduce them to this honorable body," and introduced the following: Mr. Wayne Hamasaki, President; Mr. Warren Hiramoto, Vice President - Management; Mr. Brian Tamamoto, Community Development Vice President; Mr. Paul Zavatchan, Vice President, Individual Development; Mr. John Blair, Director; Mr. Rocky Kuaana, Director; Mr. Roger Soto, past president; and Mr. Glenn Yoshimori, Chairman of the Board.

Representative Hashimoto then presented red carnation leis to Messrs. Hamasaki and Hiramoto; floral leis were presented to the remaining honorees by Representatives Evans, Ikeda, Kamalii, Marumoto and Stanley; and Representative Shito presented them with certified copies of the resolution.

A resolution (H.R. No. 367) commemorating Hawaiian Civil Club Day on March 22, 1980 was jointly offered by Representatives Kamalii, Peters, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Uwaine and D. Yamada.

Representative Kamalii then rose to speak in favor of the resolution and to introduce the honorees, stating:

"Mr. Speaker, thank you.

Mr. Speaker, Prince Kuhio was the best loved Hawaiian leader of this century as the heir-apparent to the throne. He provided a vital and peaceful link between the monarchy of the kingdom in the elective politics of the Territory of Hawaii.

On the social level, Kuhio served to withstand the economic and cultural differences of the islands. Although he is most remembered for his delight in the joys of life, we also think of his concerns for the care and condition of Hawaiians. As Delegate to Congress for nearly 20 years, Prince Kuhio dedicated himself to checking the extension of a dying native Hawaiian race and to return his people to the land -- a dream partially realized by the passage of the Hawaiian Homestead Act in 1920.

I believe Prince Kuhio would be very proud of what has developed

out of his efforts: a renewed and expanded Hawaiian Homes program and a civic club movement which now includes over 4,000 members on all the islands.

Here to receive this resolution this morning are three representatives of the State Association of Hawaiian Civic Clubs."

Representative Kamalii then introduced the following:

Mr. Gardy Kealoha, President of the original club founded by Kuhio in 1917, the Honolulu Hawaiian Civic Club. "Gard is also most known as the Public Information Officer for Alu Like."; Mr. Benson Lee, President of the Oahu Council of the Association of Hawaiian Civic Clubs "who coordinates the efforts of all the clubs on these islands and is a member of the Pearl Harbor Hawaiian Civic Club. I am very proud of Benson for, under his leadership, the Council has greatly expended its scholarship grants to deserving Hawaiian students."; and Mrs. Ethelreda Kahalewai "who is President of the Puuloa Hawaiian Civic Club. Ethelreda is also the secretary to the State Director of Environmental Quality Control."

"Mr. Speaker, although he is not especially mentioned or honored by this resolution, I would like also to introduce Representative Whitney Anderson, the President of the State Association of Hawaiian Civic Clubs.

I would also like to take this opportunity, Mr. Speaker, to invite all the members of this House and the members of the audience in the gallery to help celebrate Prince Kuhio Day tomorrow in Nanakuli, starting at 9:00 o'clock a.m. with a parade and continuing on into the evening. This year, we will be highlighting Kuhio, the sportsman, and for those who know anything about the Prince, I think he would also be very pleased with that even if some of his sporting activities are not to be mentioned."

On motion by Representative Kamalii, seconded by Representative Peters and carried, H.R. No. 367 was adopted.

At this time, red carnation leis were presented to Messrs. Kealoha and Lee by Representatives Evans and Marumoto while Representative Peters presented a white carnation lei to Mrs. Kahalewai. A certified

copy of the resolution was presented by Representative Anderson.

A resolution (H.R. No. 368) commending Project Ho'ona'auao was jointly offered by Representatives Nakamura, Say, Baker, Fukunaga, Honda, Inaba, Kamalii, Kobayashi, Lacy, Larsen, Marumoto, Masutani, Narvaes, Shito, Silva, Stanley, Takamine and Toguchi.

On motion by Representative Nakamura, seconded by Representative Shito and carried, H.R. No. 368 was adopted.

At this time, Representative Nakamura rose and stated:

"Mr. Speaker, members of the House as well as members of the public, we are very, very fortunate to have the Ho'ona'auao. . .this is a hula troupe from the Kulani Correctional Facility. This group has consented to appear before us today for a very special public performance and we are indeed fortunate to have them consent to this public performance.

Mr. Speaker, before I introduce the principals of this very important project, I would like to introduce to the members of this House Mary Matayoshi who is the Director of Continuing Education and Community Services from the Hilo campus, and we also have in the audience Mr. Tom Carpenter from the University of Hawaii representing Dr. Fujio Matsuda."

Representative Nakamura then asked Mrs. Matayoshi and Mr. Carpenter to rise and be recognized.

Representative Nakamura, at this time, introduced the principals involved in this project, as follows: Mr. Eddie Ferris, community liaison for Project Ho'ona'auao; Mr. David Farmer, Project Director; and Mr. Moses Kahumoku, their musician.

Representative Nakamura then said:

"Mr. Speaker, the presentation of the leis and the certificates will be deferred until the performance is completed."

At 12:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of allowing our guests to display their musical talents."

Upon reconvening at 12:37 o'clock p.m., Representative Nakamura introduced the performers, as follows: Mr. George Naope, the master of ancient and modern hula; and dancers, Mr. Robert Kauwe,

Mr. David Keohulua, Mr. Henry Lopes, and Mr. Moroni Napeahi.

Floral leis were presented to the guests by Representatives Kamalii, Evans, Ikeda, Marumoto and Hashimoto while Representative Kihano presented them with certified copies of the resolution.

Representative Nakamura then stated:

"In behalf of the Speaker and the members of this House, members in the audience, we would like to thank you. . . thank you very much for that magnificent performance."

The Chair then said:

"The Chair would also like to extend his personal appreciation for a very splendid performance by the performers this morning and those responsible. . . whoever arranged for it."

At 12: 40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal greetings, welcome and aloha to all those we have honored this morning."

Upon reconvening at 1: 10 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Aki, Baker, Fukunaga, Kobayashi, Larsen, Lee, Lunasco, Say, Segawa, Takitani, Uechi, Uwaine and D. Yamada.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

Senate Bill No. 2292-80, SD 1, was re-referred to the Committee on Ecology and Environmental Protection, then to the Committee on Finance.

House Resolution No. 335 was re-referred to the Committee on Youth and Elderly Affairs, then to the Committee on Finance.

UNFINISHED BUSINESS

H.R. No. 352 for adoption:

By unanimous consent, H.R. No. 352 was placed on the Clerk's desk.

H.R. No. 365 for adoption:

By unanimous consent, H.R. No. 365 was placed on the Clerk's desk.

STANDING COMMITTEE REPORT

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 701-80) informing the House that House Resolution Nos. 353 to 365, House Concurrent Resolution Nos. 107 to 110, Standing Committee Report No. 700-80, and Conference Committee Report Nos. 19 and 20, have been printed and distributed.

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

Representatives Kawakami and Dods, for the Committees on Water, Land Use, Development and Hawaiian Affairs, and Transportation, presented a report (Stand. Com. Rep. No. 702-80) recommending that H.C.R. No. 98, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Fukunaga, seconded by Representative Dods and carried, the report of the Committees was adopted and H.C.R. No. 98, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO PLAN FOR THE REDEVELOPMENT OF THE ALOHA TOWER COMPLEX", was referred to the Committee on Finance.

SPECIAL COMMITTEE REPORTS

Representative Segawa, for the majority of the Committee on Health appointed pursuant to House Resolution No. 844, adopted by the Regular Session of 1979, to examine and review health care cost containment, presented a report (Spec. Com. Rep. No. 19) with certain recommendations.

By unanimous consent, the report was received and placed on file.

Representative Larsen, for the Committee on Ecology and Environmental Protection authorized pursuant to House Resolution No. 844-79, adopted by the Regular Session of 1979, and requested to conduct a review of beverage container deposit and return legislation and related matters, presented a report (Spec. Com. Rep. No. 20) with certain recommendations.

By unanimous consent, the report was received and placed on file.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 377 to 381) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 377) recognizing the Hawaii Easter Seal Society was jointly offered by Representatives Marumoto, Lacy, Aki, Anderson, Andrews, Blair, Crozier, Evans, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lee, Lunasco, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Silva, Stanley, Sutton, Takitani, Uechi, Ushijima, Uwayne and D. Yamada.

On motion by Representative Marumoto, seconded by Representative Lacy and carried, H.R. No. 377 was adopted.

A resolution (H.R. No. 378) congratulating the Punahou Basketball Team was jointly offered by Representatives Marumoto, Kamalii, Aki, Andrews, Baker, Crozier, de Heer, Dods, Hashimoto, Honda, Inaba, Kiyabu, Kobayashi, Narvaes, Sakamoto, Segawa, Sutton, Takamine, Toguchi, Uwayne and D. Yamada.

On motion by Representative Marumoto, seconded by Representative Evans and carried, H.R. No. 378 was adopted.

A resolution (H.R. No. 379) extending congratulations to the Kaneohe Bobby Sox Minor League All-Star Team for winning the 1979 State Championship Tournament was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Evans, seconded by Representative Sakamoto and carried, H.R. No. 379 was adopted.

A resolution (H.R. No. 380) congratulating Abner Nunes was jointly offered by Representatives Say, Morioka, Aki, Anderson, Andrews, Baker, Blair, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto,

Masutani, Nakamura, Narvaes, Sakamoto, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Morioka, seconded by Representative Aki and carried, H.R. No. 380 was adopted.

A resolution (H.R. No. 381) congratulating the Kamehameha Schools for its memorable 58th Annual Song Contest was jointly offered by Representatives Say, Holt, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative K. Yamada, seconded by Representative Peters and carried, H.R. No. 381 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 369 to 376) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 24, 1980:

A resolution (H.R. No. 369) relating to the budgets of the Department of Education and the University of Hawaii was jointly offered by Representatives Ushijima and Lunasco.

A resolution (H.R. No. 370) requesting the Hawaii Visitors Bureau and the Department of Planning and Economic Development to examine the decline in the number of visitors to the island of Hawaii and any resulting adverse impacts on the economy of Hilo was jointly offered by Representatives Segawa, Takamine, K. Yamada, Ikeda, Silva, Anderson, Andrews, Baker, de Heer, Hagino, Honda, Ige, Kiyabu, Lunasco, Morioka, Nakamura, Say and Shito.

A resolution (H.R. No. 371) requesting a study by the Office of the Governor of Hawaii as to the feasibility of creating a new Department of Children, Youth, and the Elderly, and giving special attention to how such creation may serve to strengthen service provision in a manner best serving the public interest was offered by Representative Evans.

A resolution (H.R. No. 372) requesting the Department of Land and Natural

Resources to review existing fish and game regulations was jointly offered by Representatives Toguchi and Sakamoto.

A resolution (H.R. No. 373) requesting the Department of Land and Natural Resources to negotiate with the Bishop Estate for the use of Heeia-Kea fishponds for the culture of limu was jointly offered by Representatives Toguchi and Sakamoto.

A resolution (H.R. No. 374) requesting the Department of Transportation to report on its plans for the siting of the commercial fishing industry was jointly offered by Representatives Toguchi and Sakamoto.

A resolution (H.R. No. 375) requesting the Department of Transportation to contact the various companies which have large trucks and request that they not allow their trucks on the Likelike and Pali Highways during the morning peak hours was jointly offered by Representatives Toguchi and Sakamoto.

A resolution (H.R. No. 376) requesting the Department of Land and Natural Resources to provide guidelines

and recommendations for the implementation of Article XI of the Constitution of the State of Hawaii concerning State licensing of mariculture operations was jointly offered by Representatives Toguchi and Sakamoto.

A concurrent resolution (H.C.R. No. 111) requesting the Department of Land and Natural Resources to provide guidelines and recommendations for the implementation of Article XI of the Constitution of the State of Hawaii concerning State licensing of mariculture operations was jointly offered by Representatives Toguchi and Sakamoto.

At this time, Representative Dods requested the waiver of the 48-hour hearing notice on S.B. No. 1346, relating to the statewide traffic code.

The request was granted by the Chair.

ADJOURNMENT

At 1:15 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned to 11:30 o'clock a.m. on Monday, March 24, 1980.

FORTY-THIRD DAY

Monday, March 24, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend Daniel White of Kalihi Baptist Church, after which the Roll was called showing all members present with the exception of Representative Garcia, who was excused.

By unanimous consent, reading of the Journal was deferred.

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

Representative Sutton introduced Colonel David Williams and his wife Jeanne from Mililani Town.

Representative Sutton also introduced Mr. Lee Heemink and his wife Gloria who were honeymooning in Hawaii. They are from Seattle, Washington.

Representative K. Yamada then introduced a former member of the Hawaii State Legislature, Joe Garcia, from the island of Hawaii.

Representative Aki then made the following introduction:

"Here with us this morning at the State Capitol are pre-schoolers and advocates of our young students in Hawaii. More and more, we in government are realizing that the early and formative years of life are critical to the future development of our children. This year, Mr. Speaker, the legislature is working to strengthen and develop a network of child care service providers. A modest appropriation of \$300,000 is a small but significant step in our effort to insure that our children receive the best possible start in life.

Here with us today are pre-schoolers from various parts of the island and, also, advocates from Hawaii and Maui. I would like to also point out that we do have with us also, Debbie and Janine Kihano, our Vice Speaker's children, and also, Mrs. Elsie Kihano. At this time, it give me great pleasure to ask all the parents, teachers and providers of day care services who are sitting in the gallery to please stand and be recognized."

ORDER OF THE DAY

COMMITTEE REFERRAL

The following Senate Concurrent Resolution (S.C.R. No. 8) was disposed of as follows:

S.C.R. No. Referred to:

8 Committee on Consumer Protection and Commerce

DEFERRED RESOLUTIONS

The following resolutions and concurrent resolutions were disposed of as follows:

H.R. Nos. Referred to:

341 Committee on Water, Land Use, Development and Hawaiian Affairs, then to Committee on Finance

342 Committee on Public Assistance and Human Services, then to Committee on Finance

343 Committee on Transportation, then to Committee on Finance

344 Committee on Judiciary, then to Committee on Finance

345 Jointly to Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce, then

- to Committee on Finance
- 346 Committee on Public Employment and Government Operations, then to Committee on Finance
- 352 Committee on Judiciary
- 354 Committee on Education
- 355 Committee on Legislative Management, then to Committee on Finance
- 356 Jointly to Committees on Health and Judiciary, then to Committee on Finance
- 357 Committee on Finance, then to Committee on Legislative Management
- 358 Jointly to Committees on Health and Education, then to Committee on Finance
- 365 Committee on Judiciary
- 369 Jointly to Committees on Higher Education and Education, then to Committee on Legislative Management
- 370 Committee on Tourism, then to Committee on Finance
- 371 Jointly to Committees on Public Employment and Government Operations and Youth and Elderly Affairs, then to Committee on Finance
- 372 Committee on Ocean and Marine Resources, then to Committee on Finance
- 373 Jointly to Committees on Water, Land Use, Development and Hawaiian Affairs and Ocean and Marine Resources, then to Committee on Finance
- 374 Jointly to Committees on Ocean and Marine Resources and Transportation, then to Committee on Finance
- 375 Committee on Transportation, then to Committee on Finance

- 376 Committee on Ocean and Marine Resources, then to Committee on Finance

H.C.R. Nos.

- 105 Committee on Transportation, then to Committee on Finance
- 107 Jointly to Committees on Health and Judiciary, then to Committee on Finance
- 108 Committee on Finance, then to Committee on Legislative Management
- 109 Committee on Legislative Management, then to Committee on Finance
- 110 Jointly to Committees on Health and Education, then to Committee on Finance
- 111 Committee on Ocean and Marine Resources, then to Committee on Finance

COMMITTEE REASSIGNMENTS

The following resolution and Senate Bills were re-referred as follows:

H.R. No. Re-Referred to:

- 218 Jointly to Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, then to Committee on Legislative Management

S.B. Nos.

- 1838 Jointly to Committees on Judiciary and Finance
- 1851 Jointly to Committees on Judiciary, Corrections and Rehabilitation and Finance
- 3146 Jointly to Committees on Judiciary and Finance

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of taking action on several resolutions out of order.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 382 and 383) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 382) commending the Pearl Harbor Survivors Association, the Fleet Reserve Association and the Arizona Memorial Museum Foundation for securing a new museum facility for the U.S.S. Arizona was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Crozier, de Heer, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kamalii, Kihano, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Say, Segawa, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Evans, seconded by Representative Anderson and carried, H.R. No. 382 was adopted.

A resolution (H.R. No. 383) recognizing and commending Fred Kukonu, Arizona Memorial Historian, was jointly offered by Representatives Evans, Aki, Andrews, Crozier, de Heer, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Say, Segawa, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Evans, seconded by Representative Sutton and carried, H.R. No. 383 was adopted.

Representative Sutton noted that

he might have a conflict on these two resolutions as he was present when the attack occurred.

The Chair noted no conflict.

Representative Evans then introduced the following honorees to the members of the House: Fred Kukonu, Arizona Memorial Historian; Norm Pearson, President, Branch 46, Fleet Reserve Association; Ancil L. "Sandy" Saunders, Arizona Memorial Museum; Lynn O. Robinson, President, Pearl Harbor Survivors Association, Aloha Chapter and Fred Garbuschewski, State Chairman of Pearl Harbor Survivors Association in Hawaii.

Representatives Fukunaga, Ikeda, Kamalii and Marumoto then presented the honorees with flower leis while Representative Evans presented them with copies of the resolution.

At 11:47 o'clock a.m., the Chair declared a recess for the purpose of greeting the honorees.

The House of Representatives reconvened at 12:00 o'clock noon.

At this time, the Speaker assumed the rostrum.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 703) informing the House that House Resolution Nos. 366 to 381, House Concurrent Resolution No. 111 and Standing Committee Report No. 702-80 have been printed and distributed.

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

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 704) recommending that S.B. No. 2883-80, SD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2883-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 705-80) recommending that S.B. No. 2869-80, SD3, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2869-80, SD3, HD1, entitled: "A BILL FOR AN ACT RELATING TO COURT EXPENSES", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 706-80) recommending that S.B. No. 1944-80, SD1, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 1944-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 707-80) recommending that S.B. No. 2277-80, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2277-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO

THE JUDICIARY", passed Second Reading and was referred to the Committee on Finance.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 708-80) recommending that H.R. No. 273 be referred to the Committee on Finance.

On motion by Representative Dods, seconded by Representative Masutani and carried, the report of the Committee was adopted and H.R. No. 273, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE DIFFERENT TYPES OF GOVERNMENT STRUCTURES RESPONSIBLE FOR LAND TRANSPORTATION PROGRAMS ON THE MAINLAND AT THE STATE AND LOCAL LEVELS", was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 709-80) recommending that S.B. No. 2278-80, SD2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2278-80, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was referred to the Committee on Finance.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 710-80) recommending that S.B. No. 2302-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative de Heer and carried, the report of the Committee was adopted and S.B. No. 2302-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION PROGRAM COMMISSION", passed Second Reading and was referred to the Committee on Finance.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 711-80) recommending that S.B. No. 2914-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative de Heer and carried, the report of the Committee was adopted and S.B. No. 2914-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", passed Second Reading and was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 712-80) recommending that S.B. No. 1827-80, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 1827-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representative Larsen, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 713-80) recommending that S.B. No. 3085-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Larsen, seconded by Representative Takitani and carried, the report of the Committee was adopted and S.B. No. 3085-80, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representatives Blair and D. Yamada, for the Committees on Con-

sumer Protection and Commerce and Judiciary, presented a joint report (Stand. Com. Rep. No. 714-80) recommending that S.B. No. 3145-80, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative D. Yamada and carried, the joint report of the Committees was adopted and S.B. No. 3145-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 715-80) recommending that S.B. No. 2740-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2740-80, entitled: "A BILL FOR AN ACT RELATING TO SHARES WITHOUT PAR VALUE", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 716-80) recommending that S.B. No. 2515-80, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2515-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 717-80)

recommending that S.B. No. 2186-80, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2186-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO NUMBER PLATES", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representative Larsen, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 718-80) recommending that S.B. No. 2292-80, SD1, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Larsen, seconded by Representative Takitani and carried, the report of the Committee was adopted and S.B. No. 2292-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL", was referred to the Committee on Finance.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 719-80) recommending that S.B. No. 1992-80, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 1992-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO TRADE-MARKS, PRINTS, LABELS AND TRADE NAMES", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 720-80) recommending that S.B. No. 1519, SD1, pass Second Reading and be

placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 1519, SD1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII BANK ACT OF 1931", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representatives Blair and Stanley, for the Committees on Consumer Protection and Commerce and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 721-80) recommending that S.B. No. 2214-80, SD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Blair, seconded by Representative Stanley and carried, the joint report of the Committee was adopted and S.B. No. 2214-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Second Reading and was referred to the Committee on Finance.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 722-80) recommending that S.B. No. 2066-80, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2066-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 723-80) recommending that S.B. No. 2120-80, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2120-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO MINORS", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 724-80) recommending that S.B. No. 2557-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2557-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING AND LOAN PROGRAMS, CHAPTER 356, HAWAII REVISED STATUTES", passed Second Reading and was referred to the Committee on Finance.

Representatives Dods and D. Yamada, for the Committees on Transportation and Judiciary, presented a joint report (Stand. Com. Rep. No. 725-80) recommending that S.B. No. 2003-80, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Dods, seconded by Representative D. Yamada and carried, the joint report of the Committees was adopted and S.B. No. 2003-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representatives Ushijima and Uwaine, for the Committees on Higher Education and Energy, presented a joint report (Stand. Com. Rep. No. 726-80) recommending that S.B. No. 108, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Takitani and carried, the joint report of the Committees was adopted and S.B. No. 108, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATURAL ENERGY INSTITUTE", passed Second Reading and was referred to the Committee on Finance.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 727-80) recommending that S.B. No. 3026-80, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Takamine, seconded by Representative de Heer and carried, the report of the Committee was adopted and S.B. No. 3026-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 728-80) recommending that S.B. No. 2004-80, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Dods, seconded by Representative Masutani and carried, the report of the Committee was adopted and S.B. No. 2004-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

The Chair directed the Clerk to note that printed copies of the following Senate Bills were made available to the members of the House at 11:30 o'clock a.m.: S.B. Nos. 1827-80, SD1, HD1; 3085-80; 3145-80, SD1, HD1; 2740-80; 2515-80, SD1; 2186-80, SD1, HD1; 1992-80, SD1; 1519, SD1; 2066-80, SD1; 2120-80, HD1; 2003-80, SD1; 3026-80, SD1 and 2004-80, SD1.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 387 to 390) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 387) congratulating Dr. Joyce Tsunoda for outstanding service in promoting community college education in Hawaii was jointly offered by Representatives Morioka, Ushijima, Aki, Andrews, Baker, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Masutani, Medeiros, Nakamura, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Morioka, seconded by Representative Ushijima and carried, H.R. No. 387 was adopted.

A resolution (H.R. No. 388) congratulating the Healani women's crew for finishing first in the Koa Division in the 1979 Women's Molokai to Oahu Canoe Race was jointly offered by Representatives Evans, Fukunaga, Hashimoto, Ikeda, Kamalii, Marumoto, Stanley, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Garcia, Hagino, Holt, Honda, Ige, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Fukunaga, seconded by Representative Marumoto and carried, H.R. No. 388 was adopted.

A resolution (H.R. No. 389) congratulating the Neighborhood Justice Center of Honolulu was jointly offered by Representatives Fukunaga, Ushijima, de Heer, Marumoto, Aki, Anderson, Andrews, Baker, Blair, Crozier, Dods, Garcia, Hashimoto, Holt, Honda, Ikeda, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen,

Lee, Lunasco, Masutani, Morioka, Nakamura, Narvaes, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine and D. Yamada.

On motion by Representative Fukunaga, seconded by Representative Ushijima and carried, H.R. No. 389 was adopted.

A resolution (H. R. No. 390) honoring the memory of David E. Thompson and offering sympathy to his family and friends was jointly offered by Representatives Takamine, Aki, Anderson, Andrews, 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, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Takamine, seconded by Representative Kunimura and carried, H.R. No. 390 was adopted by a rising vote.

By unanimous consent, the following resolutions (H.R. Nos. 384 to 386) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 25, 1980.

A resolution (H.R. No. 384) requesting the Hawaii Housing Authority to develop a comprehensive housing plan for the elderly was jointly offered by Representatives Ige, Shito and Aki.

A resolution (H.R. No. 385) requesting a status report and study of alumni affairs at the University of Hawaii was jointly offered by Representatives Ushijima, Aki, Anderson, Blair, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Larsen, Lee, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Silva, Takitani, Toguchi,

Uechi and Uwaine.

A resolution (H.R. No. 386) recognizing the efforts of the Hawaii Dietetic Association and declaring the month of March, 1980, to be Nutrition Month in Hawaii was jointly offered by Representatives Segawa, Aki, Baker, Blair, Honda, Ige, Kobayashi, Lacy, Lee, Shito, Sutton, Ushijima and D. Yamada.

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

The House of Representatives reconvened at 12:11 o'clock p.m.

At this time, Representative Morioka requested that the 48-hour hearing notice be waived for Senate bills being heard by the Finance Committee.

The Chair granted the waiver.

The Chair then reminded all members to make themselves available today for the purpose of signing Committee reports and to check with the Committee Chairmen to determine the place and time for signing such reports, otherwise they will be counted as excused.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives recessed until 9:00 o'clock p.m.

The House of Representatives reconvened at 9:15 o'clock p.m.

At this time, the Vice Speaker assumed the rostrum.

STANDING COMMITTEE REPORTS

Representatives Stanley and Takamine, for the Committees on Public Employment and Government Operations and Employment Opportunities and Labor Relations, presented a joint report (Stand. Com. Rep. No. 729-80) recommending that S.B. No. 1988-80 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Takamine and carried, the joint report of the Committees was adopted and S.B. No. 1988-80, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SICK LEAVE CREDITS WITH WORKERS' COMPENSATION BENEFITS", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 730-80) recommending that S.B. No. 2225-80 pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 2225-80, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 731-80) recommending that S.B. No. 2977-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 2977-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES COVERED BY CHAPTER 77, HAWAII REVISED STATUTES", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 732-80) recommending that S.B. No. 2800-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley,

seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 2800-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING", passed Second Reading and was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 733-80) recommending that S.B. No. 1878-80, SD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Andrews and carried, the report of the Committee was adopted and S.B. No. 1878-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND", passed Second Reading and was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Education, presented a report (Stand. Com. Rep. No. 734-80) recommending that S.B. No. 1873-80, SD2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Andrews and carried, the report of the Committee was adopted and S.B. No. 1873-80, SD2, entitled: "A BILL FOR AN ACT RELATING TO ADDITIONAL SUPPORT TO THE UNIVERSITY OF HAWAII FROM EXTRAMURAL FUNDS", passed Second Reading and was referred to the Committee on Finance.

Representatives Segawa and Aki, for the Committees on Health and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 735-80) recommending that S.B. No. 1982-80, SD2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ige, seconded by Representative Masutani

and carried, the joint report of the Committees was adopted and S.B. No. 1982-80, SD2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH SERVICES FOR CHILDREN AND YOUTH", passed Second Reading and was referred to the Committee on Finance.

Representatives Kawakami and Uwaine, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Energy, presented a joint report (Stand. Com. Rep. No. 736-80) recommending that S.B. No. 1889-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Kawakami, seconded by Representative Uwaine and carried, the joint report of the Committees was adopted and S.B. No. 1889-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 737-80) recommending that S.B. No. 2512-80, SD1, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 2512-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PURCHASING AND CONTRACTING", passed Second Reading and was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 738-80) recommending that S.B. No. 744, SD3, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 744,

SD3, HD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", passed Second Reading and was referred to the Committee on Finance.

Representatives D. Yamada and Dods, for the Committees on Judiciary and Transportation, presented a joint report (Stand. Com. Rep. No. 739-80) recommending that S.B. No. 2002-80, SD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Honda, seconded by Representative Dods and carried, the joint report of the Committees was adopted and S.B. No. 2002-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO LOST AND FOUND MONEY OR PROPERTY AT AIRPORTS", passed Second Reading and was referred to the Committee on Finance.

Representatives Lunasco and Stanley, for the Committees on Education and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 740-80) recommending that S.B. No. 1942-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and S.B. No. 1942-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LIBRARY SYSTEM", passed Second Reading and was referred to the Committee on Finance.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 741-80) recommending that S.B. No. 3119-80, SD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Ushijima and carried, the report of the Committee was adopted and S.B. No. 3119-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO EXEMPTION OF ADULT EDUCATION

SPECIAL FUNDS", passed Second Reading and was referred to the Committee on Finance.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 742-80) recommending that S.B. No. 1933-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Ushijima and carried, the report of the Committee was adopted and S.B. No. 1933-80, SD2, HD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TROUBLED STUDENTS", passed Second Reading and was referred to the Committee on Finance.

Representatives Uwayne and Kawakami, for the Committees on Energy and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 743-80) recommending that S.B. No. 2635-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uwayne, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and S.B. No. 2635-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR INDUSTRIAL ENTERPRISES", passed Second Reading and was referred to the Committee on Finance.

Representative Uwayne, for the Committee on Energy, presented a report (Stand. Com. Rep. No. 744-80) recommending that S.B. No. 2376-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uwayne, seconded by Representative Hashimoto and carried, the report of the Committee was adopted and S.B. No. 2376-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC", passed Second Reading and was referred

to the Committee on Finance.

Representatives Uwaine and Blair, for the Committees on Energy and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 745-80) recommending that S.B. No. 1899-80, SD2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uwaine, seconded by Representative Blair and carried, the joint report of the Committees was adopted and S.B. No. 1899-80, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF NON-FOSSIL FUEL GENERATED ELECTRICITY", passed Second Reading and was referred to the Committee on Finance.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 746-80) recommending that S.B. No. 2188-80, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2188-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO ARTICLES OF INCORPORATION", passed Second Reading and was placed on the calendar for Third Reading Thursday, March 27, 1980.

Representatives Segawa and Lee, for the Committees on Health and Public Assistance and Human Services, presented a joint report (Stand. Com. Rep. No. 747-80) recommending that S.B. No. 2665-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Ige, seconded by Representative Lee and carried, the joint report of the Committees was adopted and S.B. No. 2665-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", passed Second Reading and was referred to the Committee on Finance.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 748-80) recommending that S.B. No. 2232-80, SD1, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Dods, seconded by Representative Masutani and carried, the report of the Committee was adopted and S.B. No. 2232-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT PARKING CONTROL", passed Second Reading and was referred to the Committee on Finance.

Representative Nakamura, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 749-80) recommending that S.B. No. 2197-80, SD1, be referred to the Committee on Finance.

On motion by Representative Nakamura, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 2197-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES", was referred to the Committee on Finance.

Representative Nakamura, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 750-80) recommending that S.B. No. 2155-80, SD1, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Nakamura, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and S.B. No. 2155-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS", was referred to the Committee on Finance.

Representatives Uwaine and Dods, for the Committees on Energy and Transportation, presented a joint report (Stand. Com. Rep. No. 751-80) recommending that S.B. No. 1906-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Uwaine, seconded by Representative Dods and carried, the joint report of the Committees was adopted and S.B. No. 1906-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO GASOHOL", passed Second Reading and was referred to the Committee on Finance.

Representatives Uwaine, Kawakami, Uechi and Dods, for the majority of the Committees on Energy, Water, Land Use, Development and Hawaiian Affairs, Agriculture and Transportation, presented a joint report (Stand. Com. Rep. No. 752-80) recommending that S.B. No. 2554-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

Representative Dods then rose to speak in opposition to S.B. No. 2554-80, SD2, HD1:

"Mr. Speaker, I firmly believe that government should only intervene in the operations of the private sector when there is a clear and present danger to the public welfare.

This bill provides \$6,000,000 in state funds to assist in the establishment of privately owned alcohol production facilities, and I underscore privately owned.

Mr. Speaker, there are at least two privately owned energy companies in this state, one of which has already stated publicly that it plans to develop the same type of alcohol production facilities that this bill seeks to promote without any public funds. If a private company is already willing to construct an alcohol processing plant without state assistance, then why are we being asked to provide state funds to assist in this matter, unless the legislature is now in the business of developing competitors.

If the legislature has agreed, as public policy, that alcohol production is so important and so essential to our welfare, then why don't we provide for a state-owned and operated alcohol production facility.

Mr. Speaker, I think we are setting a dangerous precedent in passing such an obvious special interest bill. I urge all of my colleagues to vote no on this measure. It is not needed. It will establish alcohol production facilities only to compete with similar facilities already proposed by an existing privately owned energy company. There are too many unanswered questions for us to vote in favor of this bill. Thank you very much."

Representative Sutton then stated:

"I would like to incorporate the remarks of Representative Dods as my own."

Representative Larsen rose to speak in favor of this measure:

"The measure before us is not specifically for any company. Admittedly, it started out that way, but it's no longer phrased that way.

The idea that private enterprise is going to do this thing is now under study. I agree with the Chairman of Transportation that studies have been in the process of evaluation, but there's no guarantee that private industry is going to step forward and do this project because it doesn't show any economic feasibility at this time. They are still in the process of getting data together.

What we're doing is setting up the possibility that the state will be able to help private enterprise go into the business and, I believe at this point in time, we should support the measure to insure that at least the mechanism is there so that we can fund it if it is necessary for the state to support this idea. Thank you."

On motion by Representative Uwaine, seconded by Representative Kawakami and carried, the joint report of the majority of the Committees was adopted and S.B. No. 2554-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII SELF-SUFFICIENCY FUEL FUND", passed Second Reading and was referred to the Committee

on Finance, with Representatives Dods and Sutton voting no.

At 9:27 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:40 o'clock p.m.

At this time, the Speaker assumed the rostrum.

Representative Lunasco, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 753-80) recommending that S.B. No. 1934-80, SD2, as amended in HD1, pass Second Reading and be referred to the Committee on Finance.

Representative Sutton rose to speak in opposition to S.B. No. 1934-80, SD2, HD1:

"Mr. Speaker, at the very beginning of section 1 it says 'it is the intent of the legislature that students in the public school system acquire the knowledge, skills and confidence required'. Confidence. Now, this idea of taking examinations is all skill and technique.

I hold more examination records than anybody in this room. That doesn't mean I know anything. The technique of taking examinations, Mr. Speaker, is one of not tensing up, having a prior practice taking exams. There are many schools, like the Johnny Hunt School, that will teach you how to take examinations. That is not a true test of the competency of an individual. There are many other facets of an education.

Are you going to deny this very confidence that the individual needs in life. Certainly the school teacher has seen that individual perform, knows how he can make verbal presentations, knows how he can relate to various subjects and show capacity for creative thinking. But it does not mean that he should have all the roll of the dice on one examination.

The most famous examination in the world is called the Stanford-Binet Test. The Stanford-Binet Test, Mr. Speaker, tests your I.Q. Actually, it doesn't really test your I.Q., it tests your prior knowledge. This prior knowledge is something that cannot help but come out in one of these examinations. Therefore, we do not have a true testing system. Testing is, for all intents and purposes, in the pioneer stage.

We have had some of the greatest minds in the country that couldn't pass examinations, and now, all of a sudden, we are going to say that we're going to deny to these high school people a chance to get a diploma and we are, therefore, putting an arbitrary hurdle.

Mr. Speaker, I would ask that you vote against this on Second Reading and, if it comes back, would you also please vote no. Thank you."

Representative Say then stated:

"I believe the previous speaker has a conflict of interest because his children have gone through the private school system."

Representative Evans then rose on a point of order:

"I think this is entirely unnecessary. He should stick to the merits or demerits of the bill."

The Speaker then stated:

"Representative Evans, I think you are overly reacting. I think this was said in fun in the reference to Representative Sutton."

Representative Evans then stated:

"It is in poor taste and out of order."

At 9:44 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:45 o'clock p.m.

On motion by Representative Lunasco,

seconded by Representative Say and carried, the report of the majority of the Committee was adopted and S.B. No. 1934-80, SD2, HD1, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE QUALIFYING EXAMINATION FOR STUDENTS SEEKING HIGH SCHOOL CERTIFICATES OF GRADUATION", passed Second Reading and was referred to the Committee on Finance, with Representatives Evans, Kiyabu, Stanley, Sutton and Toguchi voting no.

The Chair directed the Clerk to

note that printed copies of S.B. No. 2188-80, SD1, were made available to the members of the House at 9:00 o'clock p.m.

ADJOURNMENT

At 9:46 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, March 25, 1980.

FORTY-FOURTH DAY

Tuesday, March 25, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Arthur Cartier of the Mililani Presbyterian Church, after which the Roll was called showing all members present with the exception of Representatives de Heer, Garcia, Kobayashi, Lee, Peters, Uechi and D. Yamada, who were excused.

The Clerk proceeded to read the Journals of the House of Representatives of the Thirty-Third, Fortieth and Forty-First Days.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journals were dispensed with and the Journals of the Thirty-Third, Fortieth and Forty-First Days were approved.

By unanimous consent, reading and approval of the Journal of the Forty-Third Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 274 and 275) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 274) returning House Bill No. 1999-80, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW", which passed Third Reading in the Senate on March 24, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1999-80, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1999-80, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 275) returning House Bill No. 2073-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION",

which passed Third Reading in the Senate on March 24, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2073-80, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2073-80, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

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

Representative Sutton introduced Colonel Frank Deam who is the husband of his secretary, Mrs. Bridget Deam, and their two sons, Frank III and Michael.

Representative Narvaez introduced 20 ninth grade students from Dole Intermediate School. They were accompanied by their teacher, Mrs. Itokazu.

Representative Takitani introduced 8 senior girl scouts from Molokai. They were accompanied by their leader, Linda Lingo.

Representative Sutton then introduced Representative Virgil C. Wikoff, a member of the Illinois State Legislature, and his wife, Helen.

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering certain congratulatory resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 391, 392 and 398) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 391) congratulating Keone Cook on her selection as Miss Leeward Oahu 1980 and congratulating her court was jointly offered by Representatives Shito, Kihano, Hashimoto, Aki, Masutani, Uechi, Peters, Lunasco, Wakatsuki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen,

Lee, Marumoto, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Shito, seconded by Representative Kihano and carried, H.R. No. 391 was adopted.

Representative Shito proceeded to introduce the honorees, stating:

"Mr. Speaker, it is my pleasure this morning, on behalf of the Leeward delegation, to proudly introduce the winners of the 1980 Miss Leeward Scholarship Pageant.

I want to give a little short background on the queen, Keone Cook. She is a 1975 graduate of St. Joseph High School in Hilo and a graduate of the University of Puget Sound and is currently employed at the Hyatt Regency Hotel and is active as a batik artist and a model."

Representative Shito then presented Queen Keone Cook to the members of the House and audience.

Representative Shito continued his introduction:

"First runner-up, Kathleen Ann Akiona, is an honor graduate of James Campbell High School and is majoring in business administration at Chaminade University," and presented Kathleen Ann Akiona to the members of the House and audience.

"Miss Congeniality, Tammy Takamatsu, is a 1979 graduate of Aiea High School and a graduate of Leeward Community College and is continuing her education in art and advertising," and presented Tammy Takamatsu to the members of the House and audience.

"All of these beautiful young ladies have attained the enviable recognition for their high scholarship and outstanding talent. I wish to extend to them our heartiest congratulations to the winners of this pageant."

Representative Shito then introduced Mr. Gordon Matsuoka, President of the Leeward Oahu Jaycees, and Mr. Clarence Ishihara, Chairman of the Pageant.

White carnation leis were presented to Queen Keone Cook by Representative Kihano, to Kathleen Ann Akiona by Representative Aki, and to Tammy Takamatsu by Representative Uechi;

red carnation leis were presented to Messrs. Matsuoka and Ishihara by Representative Hashimoto; and Representative Masutani presented the honorees with certified copies of the resolution.

At 11:44 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal congratulations to the Queen and members of the group. . . extending our best wishes also and aloha."

Upon reconvening at 11:44 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives de Heer, Kobayashi, Lee, Peters, Uechi and D. Yamada.

A resolution (H.R. No. 392) recognizing and commending Mr. Reisuke Shiraishi for his outstanding accomplishments in the art of judo was jointly offered by Representatives Hashimoto, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Hashimoto, seconded by Representative Toguchi and carried, H.R. No. 392 was adopted.

At this time, Representative Hashimoto introduced the following: Mr. Reisuke Shiraishi and his wife, Kiyoko, Mr. Nakasone, Mr. Iwamuro, Mr. Sumida and Mr. Yoshinobu. Representative Hashimoto then asked a group of boys from Pearl City who studied under Sensei Shiraishi to rise and be recognized.

Representative Hashimoto then presented a red carnation lei and a certified copy of the resolution to Sensei Shiraishi while Representative Toguchi presented Mrs. Shiraishi a floral lei.

Representative Toguchi then introduced Mr. Hashimoto, Representative Hashimoto's father, who was seated in the gallery.

At 12:06 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal congratulations and warm wishes to our guests."

Upon reconvening at 12:13 o'clock p.m., the Vice Speaker assumed the

rostrum.

A resolution (H.R. No. 398) honoring Jesse Takamiyama Kuhaulua was jointly offered by Representatives Kunimura, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and Wakatsuki.

Representative Kunimura then rose and stated:

"Mr. Speaker, I am not going to speak for the resolution because the resolution is self-explanatory, but I would like to share with you my great happiness in having Brother Jesse come back to Hawaii because a long time ago when Tadao Beppu was Speaker of this House, we took a picture together down at the Junior Chamber of Commerce and that picture has helped me at home. . . the photograph, because everytime my wife would complain about my eating and my size, I would show her the picture and I would look real tiny besides Jesse. And I have not been able to consume as many chanko nabes but I know another man here in the House of Representatives that can, equivalent to chanko nabes, the bowl of poi, and that is Brother Gil Silva, and someday, for the benefit of the retired members of the Legislature, we are going to have the weirdest match of Jesse and Gil Silva attacking the poi, and I am pretty sure we can raise about \$150,000, so we would let everybody know when that day comes.

Mr. Speaker, it is with great pride and joy that we vote on this resolution because, truly, our keiki o aina of Maui made good in this area of sports."

On motion by Representative Takitani, seconded by Representative Kawakami and carried, H.R. No. 398 was adopted.

Representative Kunimura then presented the honoree, Jesse Takamiyama Kuhaulua, to the members of the House and audience and asked Representative Hashimoto to present him a maile lei.

Representative Kunimura then

introduced a former member of the House, Mr. Kats Miho, who accompanied Jesse.

At 12:21 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of getting re-acquainted with Jesse and giving him our aloha."

The House of Representatives reconvened at 12:26 o'clock p.m.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 384 to 386) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
384	Jointly to the Committees on Youth and Elderly Affairs and Housing, then to the Committee on Finance
385	Committee on Higher Education, then to the Committee on Finance
386	Committee on Health

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 754-80) informing the House that House Resolution Nos. 382 to 390, and Standing Committee Report Nos. 704-80 to 752-80, have been printed and distributed.

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

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 755-80) recommending that S.B. No. 2536-80, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Baker and carried, Stand. Com. Rep. No. 755-80 and S.B. No. 2536-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES", were recommitted to the Committee on Public Assistance and Human Services.

Representative Dods, for the Committee on Transportation, presented a report

(Stand. Com. Rep. No. 756-80) recommending that H.R. No. 232 be referred to the Committee on Finance.

On motion by Representative Dods, seconded by Representative Masutani and carried, the report of the Committee was adopted and H.R. No. 232 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO IMMEDIATELY REPAIR AND CLEAN UP THE KAWAIHAE SMALL BOAT HARBOR", was referred to the Committee on Finance.

Representatives Dods and Lee, for the Committees on Transportation and Public Assistance and Human Services, presented a joint report (Stand. Com. Rep. No. 757-80) recommending that H.R. No. 195 be referred to the Committee on Finance.

On motion by Representative Dods, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.R. No. 195 entitled: "HOUSE RESOLUTION CONCERNING THE CONTROL OF TRAFFIC CONTROL SIGNALS BY EMERGENCY VEHICLES", was referred to the Committee on Finance, with Representative Sutton voting no.

Representatives Segawa, Lee and Aki, for the Committees on Health; Public Assistance and Human Services; and Youth and Elderly Affairs, presented a joint report (Stand. Com. Rep. No. 758-80) recommending that H.R. No. 268 be referred to the Committee on Legislative Management.

On motion by Representative Segawa, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.R. No. 268 entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM STUDY ON LONG-TERM CARE", was referred to the Committee on Legislative Management.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 759-80) recommending that H.R. No. 274 be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and H.R. No. 274 entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY AND PROPOSE

LEGISLATION THAT WILL ASSURE COMPLIANCE WITH EXISTING REQUIREMENTS IN PLANS FOR STATE AND COUNTY BUILDINGS AND FACILITIES TO ACCOMMODATE THE HANDICAPPED", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 760-80) recommending that H.C.R. No. 88 be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and H.C.R. No. 88 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY AND PROPOSE LEGISLATION THAT WILL ASSURE COMPLIANCE WITH EXISTING REQUIREMENTS IN PLANS FOR STATE AND COUNTY BUILDINGS AND FACILITIES TO ACCOMMODATE THE HANDICAPPED", was referred to the Committee on Finance.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 761-80) recommending that S.B. No. 2097-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2097-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF COSMETOLOGY", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 762-80) recommending that S.B. No. 3131-80, SD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 3131-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MORTUARIES AND FUNERALS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 763-80) recommending that S.B. No. 2093-80, as amended in HD 1,

pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2093-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 1980.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 764-80) recommending that S.B. No. 1871-80, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ushijima, seconded by Representative Anderson and carried, the report of the Committee was adopted and S.B. No. 1871-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 1980.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, presented a joint report (Stand. Com. Rep. No. 765-80) recommending that S.B. No. 2208-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kawakami, seconded by Representative K. Yamada and carried, the joint report of the Committees was adopted and S.B. No. 2208-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 766-80) recommending that S.B. No. 2358-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 2358-80, SD 1, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO AUDIT AND ACCOUNTING", passed Second Reading and was placed on the calendar for Third Reading on Thursday, March 27, 1980.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2097-80, HD 1; 3131-80, SD 2; 2093-80, HD 1; 1871-80, SD 1; 2208-80, SD 1, HD 1; and 2358-80, SD 1, HD 1, were made available to the members of the House at 11:30 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 399 and 400) and concurrent resolution (H.C.R. No. 113) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 399) recognizing and commending the call to prayer was jointly offered by Representatives Wakatsuki, Aki, Anderson, Andrews, 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, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Peters, seconded by Representative K. Yamada and carried, H.R. No. 399 was adopted.

A resolution (H.R. No. 400) congratulating the cast and crew of the Maryknoll High School play "our Town" and encouraging increased student participation in dramatic and theatrical activities was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Crozier, Fukunaga, Garcia, Hagino, Hashimoto, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Lacy, Larsen, Marumoto, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Evans, seconded by Representative K. Yamada and carried, H.R. No. 400 was adopted.

A concurrent resolution (H.C.R. No. 113) congratulating State Senator D.G. "Andy" Anderson upon his selection as Businessman of the Year was jointly offered by Representatives Kamalii, Evans, Ikeda, Medeiros, Aki, Anderson, Andrews, Baker, Crozier, de Heer,

Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Kamalii, seconded by Representative Evans and carried, H.C.R. No. 113 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 393 to 397) and concurrent resolution (H.C.R. No. 112) were referred to the Committee on Legislative Management and further action was deferred until Thursday, March 27, 1980:

A resolution (H.R. No. 393) requesting a study of the benefits of allowing tax credits against State income taxes for savings was jointly offered by Representatives Marumoto, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Hagino, Holt, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Medeiros, Narvaes, Peters, Stanley, Sutton, Takitani, Toguchi, Ushijima and Uwayne.

A resolution (H.R. No. 394) requesting the Department of Hawaiian Home Lands to provide an interpretation or a detailed definition of a cultural "live-in" park was jointly offered by Representatives Kawakami, Say, Aki, Andrews, Baker, Blair, Crozier, de Heer, Fukunaga, Hashimoto, Holt, Inaba, Kunimura, Lacy, Larsen, Morioka, Narvaes, Peters, Sakamoto, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima and D. Yamada.

A resolution (H.R. No. 395) requesting a study of the feasibility of establishing a cultural center on the grounds of

the Bishop Museum was jointly offered by Representatives Ige, Say and Holt.

A resolution (H.R. No. 396) providing for the use of gender-neutral nouns, pronouns, and adjectives in the Hawaii Revised Statutes was jointly offered by Representatives Fukunaga, Stanley, Kamalii, Evans, Hashimoto, Ikeda and Marumoto.

A resolution (H.R. No. 397) relating to the budget of the University of Hawaii was jointly offered by Representatives Ushijima and Andrews.

A concurrent resolution (H.C.R. No. 112) providing for the use of gender-neutral nouns, pronouns, and adjectives in the Hawaii Revised Statutes was jointly offered by Representatives Fukunaga, Stanley, Hashimoto, Ikeda, Kamalii, Evans and Marumoto.

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

The House of Representatives reconvened at 12:40 o'clock p.m.

At this time, Representative Honda requested a waiver of the 48-hour hearing notice on House Resolution No. 365.

The request was granted by the Chair.

ADJOURNMENT

At 12:43 o'clock p.m., on motion by Representative Kunimura, seconded by Representative Evans and carried, the House of Representatives adjourned to 11:00 o'clock a.m. on Thursday, March 27, 1980, in honor of Prince Jonah Kuhio.

FORTY-FIFTH DAY

Thursday, March 27, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Elder Sam Shimabukuro representing the Church of Jesus Christ of Latter Day Saints, after which the Roll was called showing all members present with the exception of Representative Takitani, who was excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Second Day.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journal was dispensed with and the Journal of the Forty-Second Day was approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos 102 to 105) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 102) transmitting copies of a report prepared by the Department of Agriculture pursuant to ACT 226, SLH 1974, relating to planning and development of North Kohala, was placed on file.

A message from the Governor (Gov. Msg. No. 103) transmitting copies of a report entitled "Job Sharing as a Management Tool" prepared by the Department of Personnel Services, was placed on file.

A message from the Governor (Gov. Msg. No. 104) transmitting copies of the State Housing Plan which was formulated in compliance with the Hawaii State Plan Act, Chapter 226, Hawaii Revised Statutes, was placed on file.

A message from the Governor (Gov. Msg. No. 105) transmitting copies of a report prepared by the Executive Office on Aging in response to H.R. No. 390 requesting development and implementation of a food advisory service for the elderly, was placed on file.

DEPARTMENTAL COMMUNICATION

A communication from Durward Long, Chancellor, University of Hawaii at Manoa (Dept. Com. No. 11) acknowledging receipt of H.R. No. 308 extending heartiest congratulations of the House of Representatives to the University of Hawaii Rainbow Warriors Football Team and best wishes for continued success in the seasons ahead, was placed on file.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 16 to 18) were read by the Clerk and were disposed of as follows:

A communication from Cherry Matano, Administrative Assistant to Senator Matsunaga (Misc. Com. No. 16) acknowledging receipt of H.C.R. No. 92, was placed on file.

A communication from Fowler C. West, Staff Director, Committee on Agriculture, U. S. House of Representatives (Misc. Com. No. 17) acknowledging receipt of H.R. No. 142, was placed on file.

A communication from Arthur S. Best, Divisional Vice President for Pan Am (Misc. Com. No. 18) acknowledging receipt of H.C.R. No. 87 congratulating Pan Am for sponsoring the Pan Am Clipper Cup Yacht Series, was placed on file.

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

Representative Inaba introduced several students from various high schools on the Big Island who are taking part in the legislative experience program. The students were accompanied by Marsha Ohata.

Representative Kiyabu then introduced a young artist whose painting is hanging in Representative Kiyabu's office, Peter Ulufale and his mother, Mrs. Ulufale. Peter is a student at Jefferson Orthopedic School.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 393 to 397) and concurrent resolution (H.C.R. No. 112) were disposed of as follows:

<u>H.R. No.</u>	<u>Referred to:</u>
393	Committee on Finance
394	Committee on Water, Land Use, Development and Hawaiian Affairs
395	Jointly to Committees on Culture and the Arts and Water, Land Use, Development and Hawaiian Affairs, then to Committee on Finance
396	Committee on Judiciary
397	Committee on Higher Education, then to Committee on Finance

<u>H.C.R. No.</u>	
112	Committee on Judiciary

COMMITTEE REASSIGNMENT

<u>S.B. No.</u>	<u>Re-referred to:</u>
2536	Committee on Finance

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative

Evans and carried, the rules were suspended for the purpose of taking action on certain congratulatory resolutions out of order.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 401 and 402) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 401) congratulating Kahi Ching, winner of five awards in the 1980 Hawaii Regional Scholastic Art Awards Program was jointly offered by Representatives Kunimura, Ige, Sakamoto, Aki, Andrews, Baker, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Lunasco, Masutani, Morioka, Nakamura, Narvaes, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Ushijima, D. Yamada and K. Yamada.

On motion by Representative Ige, seconded by Representative Kunimura and carried, H.R. No. 401 was adopted.

Representative Kunimura then rose to introduce the honoree and his guests:

"Mr. Speaker, as the resolution stated, this is a very unusual story of a human being. Mr. Speaker, if I were Kahi, and if what happened to Kahi happened to me, I am pretty sure I wouldn't be here, but maybe locked up in an insane asylum or in an institution because my anger would have overcome me and I would not be able to rationalize the everyday happenings of being here on this earth.

But, Kahi is a very unusual person. He is a very young individual. With all the things that have happened to him, and if I may, Mr. Speaker, without casting any rocks against our Department of Education, because regardless of what we do, regardless of how much money we put into education or anything that we do, because it's human beings that do really control. We make mistakes, as shown in this very bad, but

rewarding story.

Kahi had to go through school almost until graduation to be discovered, to find out what really was happening to him, and the beautiful part is that now, everybody realizes the great injustice that occurred and they can't do enough now to help Kahi catch up. The Castle High School principal, teachers and an individual who, later on, we will bring before this body, I hope, a substitute teacher who volunteered her own time to give Kahi tutoring instruction after school. These are the things that make Hawaii beautiful.

So, Mr. Speaker, may I, without further ado, introduce a very bright star who is going to be shining in the heavens over Hawaii in the future so that others may look to him as a guiding star; you've got to keep the faith and keep plugging, Mr. Kahi Ching, Mr. and Mrs. Arthur Ching and Mr. Uesugi, the principal of Castle High School."

Representatives Evans, Hashimoto, Ikeda and Say presented the honorees with flower leis while Representative Kunimura presented them with copies of the resolution.

At 11:20 o'clock a.m., the Chair declared a recess for the purpose of extending best wishes and aloha to the honored guests.

The House of Representatives reconvened at 11:30 o'clock a.m.

A resolution (H.R. No. 402) congratulating the Living Treasures of Hawaii was jointly offered by Representatives Fukunaga, Say, Hagino, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Garcia, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Narvaes, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Fukunaga,

seconded by Representative Say and carried, H.R. No. 402 was adopted.

Representative Fukunaga then rose to introduce the honored guests:

"Mr. Speaker, before introducing some of our honorees here this morning, I would like to say that we have here some of the individuals who have been designated this year's Living Treasures of Hawaii and I believe by recognizing some of these people who have contributed their experiences, their values and accomplishments to our culture and history, we also reaffirm our own commitment to preserving this island way of life that is so important to us.

It gives me great pleasure to introduce to this honorable body this morning, three of this year's Living Treasures. We have Mrs. Pilahi Paki, Mr. Alfred Preis and Mrs. Maxine Hong Kingston.

Mrs. Paki is a chanter, composer and translator. She has been instrumental in reviving interest in ancient Hawaiiiana, literature, music and the art of chanting.

Mr. Preis is an architect and art administrator who has come to Hawaii. Among some of his more famous works are the Zoo entrance, the ILWU building and the Arizona Memorial. Most recently, he has been the administrator of the State Foundation on Culture and the Arts.

Mrs. Kingston is a novelist, who has come here from California, originally from Canton, China. She has received the national book award for her first novel, 'Woman Warrior, a Girlhood among Ghosts', and is currently working on her second novel.

This morning we are very privileged to have these three individuals here, and I would like to ask the three of them to rise and be recognized."

At this time, Representatives Fukunaga, Hagino and Say presented flower leis and copies of the resolution to the honorees.

At 11:45 o'clock a.m., the Chair declared a recess for the purpose of extending personal congratulations to the honored guests.

The House of Representatives reconvened at 11:55 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 767-80) informing the House that House Resolution Nos. 391 to 400, House Concurrent Resolution Nos. 112 and 113 and Standing Committee Report No. 753-80 have been printed and distributed.

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

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 768-80) recommending that H.R. No. 10, as amended in HD1, be adopted.

On motion by Representative Takamine, seconded by Representative de Heer and carried, the report of the Committee was adopted and H.R. No. 10, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT, UNIVERSITY OF HAWAII, AND THE HAWAII HOTEL ASSOCIATION TO DEVELOP UNIFORM JOB CLASSIFICATIONS, DESCRIPTIONS, QUALIFICATIONS AND TITLES AND CAREER LADDERS FOR JOBS IN THE VISITOR INDUSTRY", was adopted.

Representatives Kawakami and Say, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 769-80) recommending that H.R. No. 187 be adopted.

On motion by Representative Kawakami, seconded by Representative Say and carried, the joint report of

the Committees was adopted and H.R. No. 187, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON THE OPERATION OF THE IOLANI PALACE", was adopted.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, presented a report (Stand. Com. Rep. No. 770-80) recommending that H.R. No. 108 be adopted.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the joint report of the Committees was adopted and H.R. No. 108, entitled: "HOUSE RESOLUTION REQUESTING REPORTS ON AGRICULTURAL PARKS", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 771-80) recommending that H.R. No. 214, as amended in HD1, be adopted.

On motion by Representative Kawakami, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 214, HD1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF CERTAIN EXECUTING ORDERS SETTING ASIDE LAND ON THE FORT ARMSTRONG PENNINSULA, WHICH MAY BE NECESSARY TO THE TIMELY DEVELOPMENT OF THE STATE PARK", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 772-80) recommending that H.C.R. No. 68, as amended in HD1, be adopted.

On motion by Representative Kawakami, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.C.R. No. 68, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF CERTAIN EXECUTING ORDERS SETTING ASIDE LAND ON THE FORT ARMSTRONG PENNINSULA, WHICH MAY BE NECESSARY TO THE TIMELY DEVELOPMENT

OF THE STATE PARK", was adopted.

Representatives Kawakami and Uechi, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, presented a joint report (Stand. Com. Rep. No. 773-80) recommending that H.R. No. 218, as amended in HD1, be referred to the Committee on Legislative Management.

On motion by Representative Kawakami, seconded by Representative Uechi and carried, the joint report of the Committees was adopted and H.R. No. 218, HD1, entitled: "HOUSE RESOLUTION REQUESTING A HEARING BY THE HAWAII STATE HOUSE OF REPRESENTATIVES CONCERNING THE LEASING OF LANDS FOR AGRICULTURAL PURPOSES", was referred to the Committee on Legislative Management.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 774-80) recommending that H.C.R. No. 67, as amended in HD1, be adopted.

On motion by Representative Kawakami, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.C.R. No. 67, HD1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE DEFENSIVE SEA AREAS DESIGNATED BY EXECUTIVE ORDERS NOS. 8681 and 8987, AT KANEOHE BAY AND ALONG THE ENTIRE HONOLULU COASTLINE", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 775-80) recommending that H.R. No. 163 be adopted.

On motion by Representative Kawakami, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 163, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING

AND GENERAL SERVICES TO PROVIDE A REPORT ON WHAT FACILITIES CAN BE MADE AVAILABLE FOR THE OFFICE OF HAWAIIAN AFFAIRS", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 776-80) recommending that H.R. No. 219 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 219, entitled: "HOUSE RESOLUTION RESPECTFULLY URGING HAWAII'S DELEGATION TO THE CONGRESS OF THE UNITED STATES TO SPONSOR AND ACTIVELY SUPPORT THE PASSAGE OF LEGISLATION RELATING TO EDIBLE FRESH GINGER-SPICE ROOTS, ZINGIBER OFFICIANALE", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 777-80) recommending that H.R. No. 217 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 217, entitled: "HOUSE RESOLUTION URGING CREATION OF MANAGEMENT CONSULTANT TEAM TO ADVISE AND ASSIST NEW AND FLEDGLING AGRICULTURE COOPERATIVE ASSOCIATIONS", was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 778-80) recommending that H.R. No. 216 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 216, entitled: "HOUSE RESOLUTION RESPECTFULLY URGING THE UNITED STATES SECRETARY OF AGRICULTURE AND THE SOIL CONSERVATION SERVICE ADMINISTRATOR TO PERMIT THE CONTINUANCE OF THE SOIL CONSERVATION SERVICE, PLANT MATERIALS PROGRAM IN THE STATE OF HAWAII",

was adopted.

Representative Uechi, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 779-80) recommending that H.C.R. No. 69 be adopted.

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY URGING THE UNITED STATES, SECRETARY OF AGRICULTURE AND THE SOIL CONSERVATION SERVICE ADMINISTRATOR TO PERMIT THE CONTINUANCE OF THE SOIL CONSERVATION SERVICE PLANT MATERIALS PROGRAM IN THE STATE OF HAWAII", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 780-80) recommending that H.R. No. 301, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 301, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON EXTERNAL DEGREE PROGRAMS OFFERED IN HAWAII BY MAINLAND-BASED INSTITUTIONS OF HIGHER LEARNING", was referred to the Committee on Finance.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 781-80) recommending that H.R. No. 196, as amended in HD1, be adopted.

On motion by Representative Andrews, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 196, HD1, entitled: "HOUSE RESOLUTION CONCERNING ACADEMIC ADVISING SERVICES OF THE COLLEGE OF ARTS AND SCIENCES, UNIVERSITY OF HAWAII AT MANOA", was adopted.

Representative Ushijima, for the

Committee on Higher Education, presented a report (Stand. Com. Rep. No. 782-80) recommending that H.R. No. 115 be adopted.

On motion by Representative Andrews, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 115, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON THE UNIVERSITY OF HAWAII'S FACILITY PLANNING AND CONSTRUCTION PROGRAM", was adopted.

Representative Ushijima, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No. 783-80) recommending that H.R. No. 11, as amended in HD1, be adopted.

On motion by Representative Andrews, seconded by Representative Lunasco and carried, the report of the Committee was adopted and H.R. No. 11, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO PROVIDE BUSINESS COURSES IN THE DEVELOPMENT, OWNERSHIP AND OPERATION OF VISITOR INDUSTRY BUSINESSES", was adopted.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 784) recommending that S.B. No. 2081-80, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, S.B. No. 2081-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", was recommitted to the Committee on Consumer Protection and Commerce.

INTRODUCTION OF RESOLUTIONS

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

A resolution (H.R. No. 409) extending congratulations to St. Ann's girls' volleyball team for winning the Catholic Youth Organization Championship

Tournament was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Kamalii, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Narvaes, Sakamoto, Say, Segawa, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Evans, seconded by Representative Toguchi and carried, H.R. No. 409 was adopted.

A resolution (H.R. No. 410) congratulating the St. Ann's School girls basketball team on being named the Catholic Youth Organization Tournament Champions was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Evans, seconded by Representative Toguchi and carried, H.R. No. 410 was adopted.

A resolution (H.R. No. 411) congratulating the Kamehameha Schools Warrior Band and Color Guard on its accomplishments was jointly offered by Representatives Lee, Holt, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Lee,

seconded by Representative Holt and carried, H.R. No. 411 was adopted.

A resolution (H.R. No. 412) extending best wishes and success to the Pacific Islands Conference and Program and a warm Aloha to all participants was jointly offered by Representatives Wakatsuki, Aki, Anderson, Andrews, Baker, Blair, Crozier, Evans, Fukunaga, Hagino, Honda, Ige, Ikeda, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Morioka, Nakamura, Peters, Sakamoto, Say, Shito, Silva, Stanley, Takitani, Toguchi, Uechi, Ushijima, Uwaine and K. Yamada.

On motion by Representative Blair, seconded by Representative Sakamoto and carried, H.R. No. 412 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 403 to 408) and concurrent resolutions (H.C.R. Nos. 114 to 116) were referred to the Committee on Legislative Management and further action was deferred until tomorrow, March 28, 1980:

A resolution (H.R. No. 403) requesting the Legislative Reference Bureau to study the gaps in medicare health insurance coverage and to recommend regulations governing the sale of health insurance to the elderly was offered by Representative Baker.

A resolution (H.R. No. 404) requesting the Department of the Attorney General to conduct an investigation into the pricing of molasses in Hawaii was offered by Representative Uechi.

A resolution (H.R. No. 405) requesting a study of the feasibility of establishing youth service centers was jointly offered by Representatives K. Yamada, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Garcia, Hagino, Holt, Honda, Ige, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Larsen, Lee, Lunasco, Marumoto, Nakamura, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

A resolution (H.R. No. 406) requesting

that the University of Hawaii study the feasibility of establishing a small business development center in Hilo was jointly offered by Representatives K. Yamada, Aki, Anderson, Andrews, Baker, Blair, Crozier, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Lee, Lunasco, Nakamura, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Ushijima, Uwayne and D. Yamada.

A resolution (H.R. No. 407) requesting that the Department of Budget and Finance and the Executive and Judiciary Departments conduct a study of basic needs programs and services of non-governmental agencies and establish criteria for state-funding of basic needs programs was jointly offered by Representatives K. Yamada, Aki, Anderson, Andrews, Baker, Blair, Crozier, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Lee, Lunasco, Morioka, Nakamura, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Ushijima, Uwayne and D. Yamada.

A resolution (H.R. No. 408) requesting congress to defeat the "Downey Amendment" was jointly offered by Representatives Ikeda, Shito, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Hagino, Holt, Honda, Ige, Inaba, Kamalii, Kawakami, Kunimura, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne and K. Yamada.

A concurrent resolution (H.C.R. No. 114) requesting the Department of the Attorney General to conduct an investigation into the pricing of molasses in Hawaii was offered by Representative Uechi.

A concurrent resolution (H.C.R. No. 115) requesting the Department of Land and Natural Resources to conduct public hearings for community input and to work in cooperation with private native Hawaiian organizations in developing the Sand Island

State Park redevelopment project was jointly offered by Representatives Say and Hagino.

A concurrent resolution (H.C.R. No. 116) requesting Congress to defeat the "Downey Amendment" was jointly offered by Representatives Ikeda, Shito, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Evans, Hagino, Holt, Honda, Ige, Inaba, Kamalii, Kawakami, Kunimura, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne and K. Yamada.

SUSPENSION OF RULES

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

THIRD READING

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

S.B. No. 3085-80

On motion by Representative Larsen, seconded by Representative K. Yamada, S.B. No. 3085-80, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 3145-80, SD1, HD1

On motion by Representative Blair, seconded by Representative D. Yamada, S.B. No. 3145-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION", passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Evans and Sutton voting no and Representative Takitani being excused.

S.B. No. 2740-80

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 2740-80 entitled: "A BILL FOR AN ACT RELATING TO SHARES WITHOUT PAR VALUE", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

The Chair directed the Clerk to note that S.B. Nos. 3085-80; 3145-80, SD1, HD1; and 2740-80 passed Third Reading at 11:56 o'clock a.m.

S.B. No. 2515-80, SD1

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 2515-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 2186-80, SD1, HD1

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 2186-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO NUMBER PLATES", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 1992-80, SD1

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 1992-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO TRADEMARKS, PRINTS, LABELS AND TRADE NAMES", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 1519, SD1

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 1519, SD1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII BANK ACT OF 1931", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

The Chair directed the Clerk to note that S.B. Nos. 2515-80, SD1; 2186-80, SD1, HD1; 1992-80, SD1 and 1519, SD1, passed Third Reading at 11:57 o'clock a.m.

S.B. No. 2066-80, SD1

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 2066-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 2120-80, HD1

On motion by Representative D. Yamada, seconded by Representative Honda, S.B. No. 2120-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO MINORS", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

The Chair directed the Clerk to note that S.B. Nos. 2066-80, SD1 and 2120-80, HD1, passed Third Reading at 11:58 o'clock a.m.

S.B. No. 2003-80, SD1

On motion by Representative Dods, seconded by Representative D. Yamada, S.B. No. 2003-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY LAW", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 3026-80, SD1

On motion by Representative Takamine, seconded by Representative de Heer, S.B. No. 3026-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 2004-80, SD1

On motion by Representative Dods,

seconded by Representative Masutani, S.B. No. 2004-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

The Chair directed the Clerk to note that S.B. Nos. 2003-80, SD1; 3026-80, SD1, and 2004-80, SD1, passed Third Reading at 11:59 o'clock a.m.

S.B. No. 2188-80, SD1

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 2188-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO ARTICLES OF INCORPORATION", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 2097-80, HD1

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 2097-80, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF COSMETOLOGY", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

The Chair directed the Clerk to note that S.B. Nos. 2188-80, SD1, and 2097-80, HD1, passed Third Reading at 12:00 o'clock noon.

S.B. No. 3131-80, SD2

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 3131-80, SD2, entitled: "A BILL FOR AN ACT RELATING TO MORTUARIES AND FUNERALS", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 2093-80, HD1

On motion by Representative Blair, seconded by Representative Shito, S.B. No. 2093-80, HD1, entitled:

"A BILL FOR AN ACT RELATING TO THE BOARD OF BARBERS", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

S.B. No. 1871-80, SD1

On motion by Representative Ushijima, seconded by Representative Andrews, S.B. No. 1871-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

The Chair directed the Clerk to note that S.B. Nos. 3131-80, SD2; 2093-80, HD1; and 1871-80, SD1 passed Third Reading at 12:01 o'clock p.m.

S.B. No. 2208-80, SD1, HD1

Representative Kawakami moved that S.B. No. 2208-80, SD1, HD1, pass Third Reading, seconded by Representative Uechi.

At this time, Representative Sutton rose to speak against this measure:

"Mr. Speaker, I am opposed to this bill for several reasons. At a time when the use of public land is coming under long-needed and far greater scrutiny, we now have this bill come before us which would allow the state government to dispose of vast areas of public lands without following the normal procedure.

This procedure calls for public notice, the setting of criteria and determining the applicants who meet that criteria. That is what we should be doing.

Now, let me give you some indication of the frightening order of magnitude of what we are talking about, Mr. Speaker. Currently, public lands can be disposed of through direct negotiation for purposes of airline, aircraft, marine and maritime use. These direct negotiations which are kept secret beforehand from the

public are handled by the Department of Transportation and they affect less than 1,000 acres of public land.

The blanket of secrecy covering this procedure is, in itself, very questionable, even though it does not include the vast amount of acres this other does. But now we have S.B. No. 2208-80, SD1, HD1. This bill would also throw the cloak of secrecy over all the procedures applicable to public land used for agricultural purposes, an area of approximately one-half million acres in this state. I repeat, Mr. Speaker, one-half million acres is subject to this procedure.

Now, I caution you, Mr. Speaker, that these statistics are used to give you an order of magnitude of what we are doing here today. Firm figures are unavailable because the DLNR has yet to complete its inventory of public lands because the Department of Transportation does not keep a running tally of public lands that it administers.

Nevertheless, these estimates made today by responsible state officials do indicate that it would be unconscionable for this high body to even contemplate allowing such vast portions of the state of Hawaii to be disposed of without even giving the citizens of Hawaii prior notice of their disposition.

Therefore, Mr. Speaker, I would urge you and members of this high body to vote against this bill."

The motion to pass S.B. No. 2208-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", on Third Reading was put by the Chair and carried by a vote of 47 ayes to 3 noes, with Representatives Evans, Narvaes and Sutton voting no and Representative Takitani being excused.

S.B. No. 2358-80, SD1, HD1

On motion by Representative Morioka, seconded by Representative Inaba, S.B. No. 2358-80, SD1, HD1, entitled:

"A BILL FOR AN ACT RELATING TO AUDIT AND ACCOUNTING", passed Third Reading by a vote of 50 ayes, with Representative Takitani being excused.

The Chair directed the Clerk to note that S.B. Nos. 2208-80, SD1, HD1 and 2358-80, SD1, HD1, passed Third Reading at 12:05 o'clock p.m.

At 12:06 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

S.B. No. 1827-80, SD1, HD1

Representative D. Yamada moved that S.B. No. 1827-80, SD1, HD1, pass Third Reading, seconded by Representative Honda.

Representative Evans rose to speak in favor of this bill, but with serious reservations:

"Mr. Speaker, I rise to speak in favor of this bill, but with serious reservation regarding a particular rule, rule 609, impeachment by evidence of conviction of crime.

S.B. No. 1827-80, SD1, HD1, would allow evidence of a witness's prior convictions only if relevant to a witness's character for truthfulness or untruthfulness and evidence of truthfulness may only be allowed after the witness's truthfulness has been attacked.

This varies substantially from federal rule 609. The federal rule would admit evidence of certain prior convictions regardless of whether or not the conviction is probative of the witness's character for truth or veracity.

I would hope that this is addressed in the Conference Committee. Thank you."

Representative Sutton then rose to speak against this measure:

"Mr. Speaker, we have a very, very comprehensive bill here, probably as comprehensive as anything we've done since the probate code which I, Mr. Speaker, introduced.

Mr. Speaker, we are going back into some very enormously significant parts of the law when we talk about communications between public agency officers and their lawyers and giving that the total privilege of the attorney-client communication. We are going beyond the common law.

What we have done here, Mr. Speaker, as you know, in the common law, first of all the attorney-client relationship established under the common law to keep that secret, but it was a private concept. Here we are expending it beyond what the Senate, and into a sphere of something that might cause people to have suspicion of secrecy or something that is held under cover or some conspiracy.

Now, I recognize that Hawaii was one of the first states to have a very erroneous relationship between a priest and a client. The famous Wybaugh case where an individual made a confession in church and then the evidence of that confession was used for a murder indictment; and I recognize that this state has had to get rid of that terrible burden which the Supreme Court of the United States addressed itself to.

The relationship between a priest and a confessor is not nearly as strong as the attorney-client relationship. The attorney-client relationship is the strongest there is; then we come down to the relationship between a doctor and his client. But I figure when we extend this tremendously important confidentiality over to a public official, that there will be suspicion of something that is held away from the public.

Therefore, I think we've gone too far in rule no. 503D16. Now, the Supreme Court of the United States, I recognize, passed last week an adjudication concerning the spousal privilege and yet we

are extending that spousal privilege even further than the U. S. Supreme Court did. The relationship between a husband and wife can only suffer when we allow one spouse to testify against the accused.

When we come down to what my learned colleague, Representative Evans, has brought out, I see an attempt on the part of the learned gentleman from Kauai who heads this Judiciary Committee to try to codify two Supreme Court decisions; one, *Asato vs. Furtado*, which limited the statute by holding the admission of prior crimes to be limited to those convictions which are relevant to truth or veracity and then, a further limitation of the Supreme Court occurred in *State vs. Santiago* relating to the constitutional due process requirement in criminal cases.

Now, Mr. Speaker, assume that you have a criminal and he takes the stand. The moment he takes the stand under the common law, he submits himself to cross-examination. Why, therefore, should he not be invincible for prior convictions and why, therefore, Mr. Speaker, do we feel that we have to codify our own Supreme Court. We are the ones that make the rules, Mr. Speaker. We're the ones that make the laws. We do not have to codify what the Supreme Court does. We can make our own and we have a very excellent federal rule. The federal rule would admit evidence of certain prior convictions regardless of whether or not the conviction is prohibitive of the witness's character or truth or veracity.

I think that we should make these rules closer to the federal rules because the federal rules have proven to be so excellent. Therefore, Mr. Speaker, I would ask that you vote no at this time."

Representative Marumoto also rose to speak against this bill:

"The Senate draft of this bill would have granted the attorney-client privilege to communications between a public officer or agency and its lawyers only if the communication

were concerning a pending investigation, claim or action.

The House version grants the attorney-client privilege to all communications between a public officer or agency and their lawyer, the attorney general. I feel that the attorney general is supported by taxpayers and their business should be a little more open to the public. For instance, if they did issue a letter in response to a request from an agency or officer, I feel that it's a very important letter, it should be available to the public.

The bottom line is I believe that the public's business should be conducted in the public, so I am voting no on this bill. Thank you very much."

The motion to pass S.B. No. 1827-80, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE", on Third Reading was put by the

Chair and carried by a vote of 47 ayes to 3 noes, with Representatives Marumoto, Narvaes and Sutton voting no and Representative Takitani being excused.

The Chair directed the Clerk to note that S.B. No. 1827-80, SD1, HD1, passed Third Reading at 12:33 o'clock p.m.

At this time, the Chair reminded all members to check with their Committee Chairmen as to availability of Committee reports for the purpose of signatures. He also advised all members to be prepared for a long, busy day tomorrow.

ADJOURNMENT

At 12:35 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, March 28, 1980.

FORTY-SIXTH DAY

Friday, March 28, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:30 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Reverend Nathan Mamo of Saint John Vianney Church, after which the Roll was called showing all members present with the exception of Representatives Garcia, Holt, Kobayashi, Peters, Toguchi and Wakatsuki, who were excused.

The Clerk proceeded to read the Journals of the House of Representatives of the Forty-Third and Forty-Fifth Days.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journals was dispensed with and the Journals of the Forty-Third and Forty-Fifth Days were approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 276 to 300) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 276) transmitting Senate Concurrent Resolution No. 44, congratulating and extending best wishes to Mr. and Mrs. Tomitaro Iida on celebrating their Golden Anniversary, which was adopted by the Senate on March 27, 1980, was placed on file.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, S.C.R. No. 44 was adopted.

A communication from the Senate (Sen. Com. No. 277) returning House Concurrent Resolution No. 113 which was adopted by the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 278) returning House Bill No. 1801-80, entitled: "A BILL FOR AN ACT RELATING TO POLICE", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1801-80, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1801-80, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 279) returning House Bill No. 1813-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1813-80, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1813-80, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 280) returning House Bill No. 1821-80, entitled: "A BILL FOR AN ACT RELATING TO BAIL BONDS", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1821-80, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1821-80, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 281) returning House Bill No. 1977-80, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 1977-80, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1977-80, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 282) returning House

Bill No. 2062-80, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2062-80, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2062-80, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 283) returning House Bill No. 2191-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNERSHIP AND POSSESSION OF FIREARMS", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2191-80, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2191-80, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 284) returning House Bill No. 2258-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSPENSION OF SENTENCE AND PROBATION", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2258-80, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2258-80, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 285) returning House Bill No. 2265-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STRIKING NAMES OF DISQUALIFIED VOTERS FROM THE REGISTER", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2265-80, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2265-80, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 286) returning House Bill No. 2362-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2362-80, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2362-80, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 287) returning House Bill No. 2845-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIMARY ELECTIONS", which passed Third Reading in the Senate on March 27, 1980, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2845-80, HD 1, as amended by the Senate, was placed on the Clerk's desk and, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2845-80, HD 1, SD 1, were made available to the members of the House at 11:30 o'clock a.m.

A communication from the Senate (Sen. Com. No. 288) returning House Bill No. 1313, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT FAMILY BOARDING HOMES", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 289) returning House Bill No. 1685, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 290) returning House Bill No. 1802-80, entitled: "A BILL FOR AN ACT RELATING TO THE MILITIA", which passed Third Reading in the

Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 291) returning House Bill No. 1803-80, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE GUARD", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 292) returning House Bill No. 1804-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 293) returning House Bill No. 1805-80, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FORESTER", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 294) returning House Bill No. 1826-80, entitled: "A BILL FOR AN ACT RELATING TO PENSION AND RETIREMENT SYSTEMS", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 295) returning House Bill No. 1957-80, entitled: "A BILL FOR AN ACT RELATING TO THE CERTIFICATION OF CIVIL SERVICE ELIGIBLES", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 296) returning House Bill No. 1997-80, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF SOCIAL SERVICES", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 297) returning House Bill No. 2163-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 298) returning House Bill No. 2174-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EXPUNGEMENT OF ARREST RECORDS", which passed Third

Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 299) returning House Bill No. 2178-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LIMITATION OF FEES", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 300) returning House Bill No. 2179-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SAFETY OF BOILERS, ELEVATORS AND AMUSEMENT RIDES", which passed Third Reading in the Senate on March 27, 1980, was placed on file.

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

Representative Sutton introduced Mr. and Mrs. Arthur Wright from Wilmington, Delaware; Mr. and Mrs. Nicholas Baker from Situate, Massachusetts; and Mrs. Phillip C. Shakespeare from Largo, Florida.

Representative Crozier introduced Mr. and Mrs. Robert Frazier from Los Angeles, California, parents of his administrative aide, and Jesse Town.

Representative Ikeda introduced 24 girl scouts (fourth to sixth grade students) of Troop No. 542 from Koko Head. They were accompanied by their advisor, Kay Allen, and assistants, Lynn Flag and Mrs. Carol Mansfield.

Representative Hagino introduced 28 four-year olds from Mother Rice Pre-School. They were accompanied by their Vice Principal, Dale Holopai; teachers, Miss Kimoto and Miss Taira; and aides, Miss Shimizu and Miss Taira.

At 11:43 o'clock a.m., Representative Lee requested a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:46 o'clock a.m., the Speaker assumed the rostrum.

The Chair then said:

"Before going into the Order of the Day, the Chair would like to remind all Committee chairmen to review the House bills returned by the Senate with Senate amendments. Be prepared to either agree or disagree sometime next week."

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of considering a congratulatory resolution.

INTRODUCTION OF RESOLUTION

At this time, the Clerk read House Resolution No. 411, congratulating the Kamehameha Schools Warrior Band and Color Guard on its accomplishments, which was adopted by the House of Representatives on Thursday, March 27, 1980.

Representative Lee then introduced the following: Mr. John Riggle, Band Director; Band officers as follows: Mark Taum, President; Charles Nakaima, Vice-President; and Gina Wong, Treasurer; Mrs. Lei Lee Loy, "a hardworking, supportive parent"; her daughter, Leianne; and Mr. Hartwell Lee Loy who was seated in the gallery. Other parents in the gallery were then asked to stand and be recognized.

Representative Kamalii then presented a red carnation lei to Mr. Riggle while Representative Lee presented him with a certified copy of the resolution.

At 11:52 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal congratulations to our honorees."

Upon reconvening at 12:14 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Garcia and Holt.

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

Representative Kihano introduced the Honorable Raymo Mancini of the Ontario Parliament.

Representative Sutton introduced Clyde and Eileen Seigel from Buck's County, Pennsylvania.

Representative Honda introduced 22 students from Baldwin High School (Maui) who are members of the Kiwanettes Club. They were accompanied by Mrs. Janet Shimada and Mrs. Jo Ann Jones.

Representative Crozier introduced 17 eighth grade students from St.

Joseph's School in Makawao, Maui. They were accompanied by their teacher, Mrs. Ruth Silberstein, and parents, Mr. Carl Downs, Mrs. Pat Tavares, Mr. and Mrs. Ben Aganos, Mr. and Mrs. Abel Carvalho, Mrs. Shirley DeCoite, and Mrs. Laverne Teves.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 403 to 408) and concurrent resolutions (H.C.R. Nos. 114 to 116) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
403	Jointly to the Committees on Consumer Protection and Commerce and Public Assistance and Human Services, then to the Committee on Finance
404	Committee on Agriculture, then to the Committee on Finance
405	Committee on Corrections and Rehabilitation, then to the Committee on Legislative Management
406	Jointly to the Committees on Higher Education and Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
407	Committee on Finance
408	Committee on Housing

H.C.R. Nos.

114	Committee on Agriculture, then to the Committee on Finance
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STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 785-80) informing the House that House Resolution Nos. 401 to 412, House Concurrent Resolution Nos. 114 to 116, and Standing Committee Report Nos. 755-80 to 766-80, have been printed and distributed.

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

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 786-80) recommending that H.R. No. 335

be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Ige and carried, the report of the Committee was adopted and H.R. No. 335, entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF LAWS AND GOVERNMENTAL POLICIES AND THEIR IMPACT ON FAMILIES", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 787-80) recommending that H.R. No. 34, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 34, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF THE RESPECTIVE COUNTIES IN UTILIZING THE STATE'S ELECTRONIC COMPUTER SYSTEMS", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 788-80) recommending that H.R. No. 90 be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 90, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON CONSTRUCTION STANDARDS FOR STATE BUILDINGS", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 789-80) recommending that H.C.R. No. 65 be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF", was referred to the Committee on Finance.

Representative Stanley, for the

Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 790-80) recommending that H.C.R. No. 18, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 18, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF AN ELECTRONIC INFORMATION AND COMMUNICATION SYSTEM FOR THE LEGISLATURE", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 791-80) recommending that H.R. No. 36, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 36, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ESTABLISH AN ELECTRONIC DATA PROCESSING (EDP) COMMITTEE", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 792-80) recommending that H.C.R. No. 17, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 17, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO ESTABLISH AN ELECTRONIC DATA PROCESSING (EDP) COMMITTEE", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 793-80) recommending that H.R. No. 22, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 22, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE VARIOUS USER

AGENCIES TO ACTIVATE ITS LIAISONS TO COORDINATE THE DESIGN AND CONSTRUCTION OF THE AGENCIES' PROJECTS AND REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO MAKE ADDITIONAL EFFORTS TO PROMOTE BETTER FEEDBACK INVOLVING BUILDING DESIGN TO THE ARCHITECT", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 794-80) recommending that H.C.R. No. 10, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 10, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE VARIOUS USER AGENCIES TO ACTIVATE ITS LIAISONS TO COORDINATE THE DESIGN AND CONSTRUCTION OF THE AGENCIES' PROJECTS AND REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO MAKE ADDITIONAL EFFORTS TO PROMOTE BETTER FEEDBACK INVOLVING BUILDING DESIGN TO THE ARCHITECT", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 795-80) recommending that H.R. No. 39, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 39, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ALL STATE AND COUNTY GOVERNMENT OFFICERS AND ALL PRIVATE BUSINESSES TO ESTABLISH A FLEXIBLE WORK-HOURS AND FLEXIBLE WORKWEEK PROGRAM", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 796-80) recommending that H.C.R. No. 14, as amended in HD 1, be referred to the Committee on Finance.

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

was adopted and H.C.R. No. 14, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL STATE AND COUNTY GOVERNMENT OFFICERS AND ALL PRIVATE BUSINESSES TO ESTABLISH A FLEXIBLE WORK-HOURS AND FLEXIBLE WORKWEEK PROGRAM", was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 797-80) recommending that H.R. No. 334, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Ige and carried, the report of the Committee was adopted and H.R. No. 334, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE REVIEW AND STUDY OF THE FORMATION OF A STATE INTERAGENCY COORDINATION COMMITTEE ON CHILD ABUSE AND NEGLECT", was referred to the Committee on Finance.

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 798-80) recommending that H.C.R. No. 103, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Aki, seconded by Representative Ige and carried, the report of the Committee was adopted and H.C.R. No. 103, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE REVIEW AND STUDY OF THE FORMATION OF A STATE INTERAGENCY COORDINATION COMMITTEE ON CHILD ABUSE AND NEGLECT", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 799-80) recommending that S.C.R. No. 15, SD 1, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.C.R. No. 15, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE IMPLEMENTATION OF A CENTRALIZED COPIER AND COPIER/DPLICATOR MANAGEMENT PROGRAM AND REVIEW OF THE COMPETITIVE BIDDING FOR COPIER AND COPIER/DPLICATOR EQUIPMENT IN HAWAII", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and

Government Operations, presented a report (Stand. Com. Rep. No. 800-80) recommending that H.R. No. 198 be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 198, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY AND EFFECTS ON OFFICE PERFORMANCE OF STAGGERED WORK HOURS FOR STATE EMPLOYEES", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 801-80) recommending that H.C.R. No. 56 be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY AND EFFECTS ON OFFICE PERFORMANCE OF STAGGERED WORK HOURS FOR STATE EMPLOYEES", was referred to the Committee on Finance.

Representative Larsen, for the Committee on Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 802-80) recommending that S.B. No. 2005-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Larsen, seconded by Representative Takitani and carried, the report of the Committee was adopted and S.B. No. 2005-80, entitled: "A BILL FOR AN ACT RELATING TO THE JUNKYARD CONTROL ACT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 803-80) recommending that S.B. No. 2191-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2191-80, entitled: "A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2005-80 and 2191-80 were made available to the members of the House at 11:30 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 415, 418 and 419) and concurrent resolutions (H.C.R. Nos. 117 and 118) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 415) congratulating and commending Karen White upon her being awarded the "Meritorious Service Award" of the Hawaii Judiciary and for her exemplary performance as a public employee was jointly offered by Representatives Hashimoto, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Garcia, Hagino, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Hashimoto, seconded by Representative de Heer and carried, H.R. No. 415 was adopted.

A resolution (H.R. No. 418) congratulating and commending Harriet Schimmelfennig upon her being awarded the "Meritorious Service Award" of the Hawaii Judiciary and for her exemplary performance as a public employee was jointly offered by Representatives Hashimoto, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Hashimoto, seconded by Representative de Heer and carried, H.R. No. 418 was adopted.

A resolution (H.R. No. 419) commending and congratulating Gunji Izumoto

for receiving the first "Distinguished Service Award" as the outstanding employee of 1979 of the Hawaii Judiciary and recognizing his exemplary performance as a public employee of the highest order was jointly offered by Representatives de Heer, Ushijima, Fukunaga, Aki, Anderson, Andrews, Baker, Blair, Crozier, Dods, Evans, Garcia, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative de Heer, seconded by Representative Fukunaga and carried, H.R. No. 419 was adopted.

A concurrent resolution (H.C.R. No. 117) extending condolences and deepest sympathy to the family of the late Dr. Allan H.H. Leong was jointly offered by Representatives Segawa, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lunasco, Marumoto, Masutani, Nakamura, Narvaes, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Ige, seconded by Representative Aki and carried, H.C.R. No. 117 was adopted by a rising vote.

A concurrent resolution (H.C.R. No. 118) extending the most profound mahalo of the people of Hawaii to Jack Lord, a living legend in his own time, for his innumerable and lasting contributions to Hawaii and its people was jointly offered by Representatives Kunimura, Kawakami, Kihano, Peters, Say, Silva, Ushijima, D. Yamada, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kiyabu, Kobayashi, Lacy, Larsen, Lee, Marumoto, Masutani, Morioka, Narvaes, Sakamoto, Segawa, Shito, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine and K. Yamada.

On motion by Representative Kunimura, seconded by Representative Peters and carried, H.C.R. No. 118 was

adopted.

By unanimous consent, the following resolutions (H.R. No. 413, 414, 416 and 417) were referred to the Committee on Legislative Management and further action was deferred until Monday, March 31, 1980:

A resolution (H.R. No. 413) requesting the Department of Land and Natural Resources to conduct a study and recommend whether the concept of living parks should be pursued by the State for cultural, educational and other purposes was jointly offered by Representatives Anderson, Aki, Andrews, Baker, Dods, Evans, Hagino, Ikeda, Kamalii, Kawakami, Lee, Marumoto, Masutani, Medeiros, Narvaes, Segawa, Sutton and Uwaine.

A resolution (H.R. No. 414) requesting a review of the State policy on senior centers was jointly offered by Representatives Aki, Anderson, Andrews, Baker, Crozier, Evans, Fukunaga, Honda, Ige, Ikeda, Inaba, Kobayashi, Kunimura, Lacy, Masutani, Morioka, Narvaes, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Toguchi, Uechi and Uwaine.

A resolution (H.R. No. 416) requesting a study on the feasibility of establishing an executive office on the handicapped to coordinate the programs for the handicapped was jointly offered by Representatives Segawa, Baker, Ige, Kobayashi, Lee, Shito and Sutton.

A resolution (H.R. No. 417) relating to a master plan for a Windward Community Complex was offered by Representative Ige.

At this time, Representative Morioka requested waiver of the 48-hour notice for decision-making on bills that were heard earlier.

The waiver was granted by the Chair.

At 12:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:28 o'clock p.m., the Chair stated:

"The Chair again would like to remind all members to be available to sign Committee reports, this being the last day to deck Senate bills with House drafts. We would like to have the Committee reports down at the Clerk's office so that it can be printed. Logistically, we want to avoid a logjam at the printshop.

It is intended that we recess until 9:30 o'clock this evening. Check with your chairmen as to when these Committee reports will be available.

At 12:29 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives stood in recess until 9:30 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 9:45 o'clock p.m.

The Chair then directed the Clerk to note the presence of Representative Kobayashi.

COMMITTEE REASSIGNMENTS

The following Senate bills were re-referred as follows:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
118	Committee on Consumer Protection and Commerce only
2784-80	Committee on Judiciary only

STANDING COMMITTEE REPORTS

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 804-80) recommending that S.B. No. 2070-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2070-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives Dods and D. Yamada, for the Committees on Transportation and Judiciary, presented a joint report (Stand. Com. Rep. No. 805-80) recommending that S.B. No. 2006-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Dods, seconded by Representative D.

Yamada and carried, the joint report of the Committees was adopted and S.B. No. 2006-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE HIGHWAYS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives D. Yamada and Dods, for the Committees on Judiciary and Transportation, presented a joint report (Stand. Com. Rep. No. 806-80) recommending that S.B. No. 2007-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Dods and carried, the joint report of the Committees was adopted and S.B. No. 2007-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VENDING FROM STATE HIGHWAYS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 807-80) recommending that S.B. No. 2581-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 2581-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASED OR RENTED PERSONAL PROPERTY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 808-80) recommending that S.B. No. 2071-80, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Blair and carried, the report of the majority of the Committee was adopted and S.B. No. 2071-80, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS COURT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 809-

80) recommending that S.B. No. 2156-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 2156-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 810-80) recommending that S.B. No. 2744-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 2744-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INSANITY DEFENSE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives Say and Kawakami, for the Committees on Culture and the Arts and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 811-80) recommending that S.B. No. 2693-80, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Say, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and S.B. No. 2693-80, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORICAL OBJECTS AND SITES; CULTURE AND ARTS; AND HISTORY AND THE HUMANITIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 812-80) recommending that S.B. No. 2155-80, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka,

seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 2155-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2070-80, HD 1; 2006-80, HD 1; 2007-80, HD 1; 2581-80, HD 1; 2071-80, SD 2, HD 1; 2156-80, HD 1; 2744-80, SD 1, HD 1; 2693-80, SD 2, HD 1; and 2155-80, SD 1, HD 1, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 813-80) recommending that S.B. No. 2512-80, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 813-80 on S.B. No. 2512-80, SD 1, HD 2, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2512-80, SD 1, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 814-80) recommending that S.B. No. 2557-80, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 814-80 on S.B. No. 2557-80, SD 2, HD 2, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2557-80, SD 2, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 815-80) recommending that S.B. No. 209, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 815-80 on S.B. No. 209, SD 2, HD 2, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B.

No. 209, SD 2, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 816-80) recommending that S.B. No. 1944-80, SD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 816-80 on S.B. No. 1944-80, SD 1, HD 2, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1944-80, SD 1, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 817-80) recommending that S.B. No. 2869-80, SD 3, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 817-80 on S.B. No. 2869-80, SD 3, HD 1, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2869-80, SD 3, HD 1, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 818-80) recommending that S.B. No. 2232-80, SD 1, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 818-80 on S.B. No. 2232-80, SD 1, HD 1, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2232-80, SD 1, HD 1, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 819-80) recommending that S.B. No. 2277-80, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 819-80 on S.B. No. 2277-80, HD 2, was

deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2277-80, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 820-80) recommending that S.B. No. 2302-80, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 820-80 on S.B. No. 2302-80, SD 2, HD 2, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2302-80, SD 2, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 821-80) recommending that S.B. No. 2292-80, SD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the majority of the Committee was adopted and S.B. No. 2292-80, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

The Chair directed the Clerk to note that printed copies of S.B. No. 2292-80, SD 1, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 822-80) recommending that S.B. No. 2977-80, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 822-80 on S.B. No. 2977-80, SD 2, HD 2, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2977-80, SD 2, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative Morioka, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 823-80) recommending that S.B. No. 2665-80, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 823-80, SD 2, HD 2, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2665-80, SD 2, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative D. Yamada, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 824-80) recommending that S.B. No. 1161, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the majority of the Committee was adopted and S.B. No. 1161, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES AND COSTS AND EXPENSES OF LITIGATION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 825-80) recommending that S.B. No. 1832-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1832-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREER CRIMINALS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 826-80) recommending that S.B. No. 2419-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative

Lee and carried, the report of the Committee was adopted and S.B. No. 2419-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 827-80) recommending that S.B. No. 2741-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2741-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FITNESS TO PROCEED", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 828-80) recommending that S.B. No. 1960-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 1960-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 829-80) recommending that S.B. No. 3, SD 3, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 3, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AND AUTHORIZING THE ISSUANCE OF BONDS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives D. Yamada, Nakamura and Morioka, for the majority of the Committees on Judiciary; Corrections

and Rehabilitation; and Finance, presented a joint report (Stand. Com. Rep. No. 830-80) recommending that S.B. No. 1851-80, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the joint report of the majority of the Committees was adopted and S.B. No. 1851-80, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUVENILE JUSTICE SYSTEM", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 831-80) recommending that S.B. No. 3012-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3012-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF LOBBYISTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 832-80) recommending that S.B. No. 2514-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2514-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 833-80) recommending that S.B. No. 2081-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2081-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Blair, for the majority of the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 834-80) recommending that S.B. No. 2682-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the majority of the Committee was adopted and S.B. No. 2682-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 835-80) recommending that S.B. No. 118, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 118, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND OCCUPATIONAL BOARDS AND COMMISSIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives D. Yamada and Morioka, for the majority of the Committees on Judiciary and Finance, presented a joint report (Stand. Com. Rep. No. 836-80) recommending that S.B. No. 3146-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Morioka and carried, the joint report of the majority of the Committees was adopted and S.B. No. 3146-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 837-80) recommending that S.B. No. 2870-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2870-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ARRESTS BY POLICE OFFICERS WITHOUT WARRANT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 838-80) recommending that S.B. No. 3003-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 3003-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 839-80) recommending that S.B. No. 2501-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2501-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABSOLUTE LIABILITY OF ANIMAL OWNERS: PENALTIES FOR VIOLATIONS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 840-80) recommending that S.B. No. 1834-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1834-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANNULMENT OF A MARRIAGE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 841-80) recommending that S.B. No. 2877-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2877-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 842-80) recommending that S.B. No. 2329-80, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2329-80, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives Blair and Segawa, for the Committees on Consumer Protection and Commerce and Health, presented a joint report (Stand. Com. Rep. No. 843-80) recommending that S.B. No. 2202-80, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Segawa and carried, the joint report of the Committees was adopted and S.B. No. 2202-80, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF RADIATION THERAPY TECHNOLOGISTS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Kiyabu, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 844-80) recommending that S.B. No. 2770-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Andrews and carried, the report of the Committee was adopted and S.B. No. 2770-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 845-80) recommending that S.B. No. 2571-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Silva and carried, the report of the Committee was adopted and S.B. No. 2571-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives Kiyabu and Kawakami, for the Committees on State General Planning and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 846-80) recommending that S.B. No. 1003, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and S.B. No. 1003, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ZONING", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 1161, SD 1, HD 1; 1832-80, SD 1, HD 1; 2419-80, SD 1, HD 1; 2741-80, SD 1, HD 1; 1960-80, SD 1, HD 1; 3, SD 3, HD 1; 1851-80, SD 2, HD 1; 3012-80, SD 1, HD 1; 2514-80, SD 1; HD 1; 2081-80, SD

1, HD 1; 2682-80, SD 1, HD 1; 118, SD 2, HD 1; 3146-80, SD 1, HD 1; 2870-80, SD 1, HD 1; 3003-80, SD 1, HD 1; 2501-80, SD 1, HD 1; 1834-80, HD 1; 2877-80, SD 1, HD 1; 2329-80, SD 2, HD 1; 2202-80, SD 2, HD 1; 2770-80, SD 1, HD 1; 2571-80, HD 1; 1003, SD 1, HD 1, were made available to the members of the House at 9:30 o'clock p.m.

At 9:55 o'clock p.m., Representative Kamalii asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:36 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 847-80) recommending that S.B. No. 2914-80, SD 2, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 847-80 on S.B. No. 2914-80, SD 2, HD 2, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2914-80, SD 2, HD 2, were made available to the members of the House at 9:30 o'clock p.m.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 848-80) recommending that S.B. No. 2784-80, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 2784-80, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives D. Yamada and Morioka, for the Committees on Judiciary and Finance, presented a joint report (Stand. Com. Rep. No. 849-80) recommending that S.B. No. 1838-80, SD 3, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Sutton then rose to speak against the bill, as follows:

"Mr. Speaker, you have heard the old saying, 'Hang your clothes on

a hickory limb but don't go near the water.' Mr. Speaker, we have done just that here. We have hung our clothes on the hickory limb but we are not going to go near the water. What we have done here, Mr. Speaker, is to completely emasculate this bill. We talk about research, research, research, but never be allowed the essential word 'investigate' to get into this bill. We have a Legislative Auditor, we have an Attorney General; we've got loads of people to do research. That's not what we need here -- we need somebody to investigate.

Now, what do we do with the commission? The chairman is going to get \$75 but no one else gets a penny and, Mr. Speaker, I think that you could probably remember that six years ago I was on national television with Governor Thompson and, subsequently, Governor Thompson sent to me the Chicago Crime Commission. . . the Illinois Crime Commission papers and I hand delivered them to then Lieutenant Governor Doi, and that was one for your example -- investigate.

Now, one of the investigators who was at the meeting held jointly by the Judiciary and Finance was Edward Hitchcock. Eddie Hitchcock made all-star with me, Mr. Speaker, and Eddie Hitchcock is a very competent police officer. He was in the police force for 20 years and he is a very competent investigator. But, he doesn't know anything about research and he can't possibly accomplish any mission by research. He is an investigator. So what have we done to Eddie? We've emasculated him.

Mr. Speaker, two years ago, you heard many bits of praise about this crime commission but now look at this language -- you can't believe it! We are providing for the narrowing of the scope of the functions of the commission. Narrowing. . . we've narrowed this scope so that it's ridiculous and it is supposed to evaluate existing programs, agencies and projects relating to crime. Oh, I can do that reading a newspaper, Mr. Speaker. And then, Mr. Speaker, what do we do? We took away their subpoena powers. Why did we take them away? Why did we take them away? Well, here's the reasoning. It's the primary function of the commission, as amended, to conduct research so they don't need subpoena powers.

Now, Mr. Speaker, look at some of this language. Let's all look at section 4 on page 7: 'Develop, recommend, and where appropriate,

implement public education. . . ' We don't want them to educate somebody unless it is appropriate, and who is going to determine appropriateness?

Number 5, page 7: 'Develop, recommend, and where appropriate. . . ' Again, implement programs of public education. Doesn't say anything different than (4) above, but we repeated.

And showing people how to provide defensive living. Who is going to learn how to do defensive living? You're sound asleep in bed you don't do any defensive living. You're sound asleep. You're supposed to have some crime commission take care of it so that you don't have to worry about defensive living and there is no such thing as defensive sleeping.

Now, Mr. Speaker, I hate to take too much of your time this evening and I will elaborate on Third Reading, but I do hope you vote no with me on this at this time."

The Chair responded:

"The Chair will remind Representative Sutton that on Third Reading, the Chair wishes, the Chair hopes. . . expects that your argument raised this evening will be incorporated by reference on Third Reading."

On motion by Representative D. Yamada, seconded by Representative Morioka and carried, the joint report of the Committees was adopted and S.B. No. 1838-80, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980, with Representative Sutton voting no.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 850-80) recommending that S.B. No. 2253-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2253-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 851-80) recommending that S.B.

No. 1441, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 1441, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives Blair and Uwaine, for the Committees on Consumer Protection and Commerce and Energy, presented a joint report (Stand. Com. Rep. No. 852-80) recommending that S.B. No. 1897-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Blair, seconded by Representative Uwaine and carried, the joint report of the Committees was adopted and S.B. No. 1897-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representatives D. Yamada and Segawa, for the Committees on Judiciary and Health, presented a joint report (Stand. Com. Rep. No. 853-80) recommending that S.B. No. 2927-80, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Segawa and carried, the joint report of the Committees was adopted and S.B. No. 2927-80, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 854-80) recommending that S.B. No. 2938-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2938-80, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 855-80) recommending that S.B. No. 1831-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative D. Yamada, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1831-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2784-80, SD 2, HD 1; 1838-80, SD 3, HD 1; 2253-80, SD 1, HD 1; 1441, SD 1, HD 1; 1897-80, SD 1, HD 1; 2927-80, SD 2, HD 1; 2938-80, HD 1; and 1831-80, SD 1, HD 1, were made available to the members of the House at 9:30 o'clock p.m.

At 10:44 o'clock p.m., Representative Peters asked for a recess and the Chair declared a recess, subject to the call of the Chair.

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

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 856-80) recommending that S.B. No. 2635-80, SD 2, HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 856-80 on S.B. No. 2635-80, SD 2, HD 1, was deferred until Monday, March 31, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2635-80, SD 2, HD 1, were made available to the members of the House at 10:45 o'clock p.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 857-80) recommending that S.B. No. 2531-80, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee

was adopted and S.B. No. 2531-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980, with Representative Sutton voting no.

At 10:50 o'clock p.m., Representative Kamalii asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:20 o'clock p.m., the Chair stated:

"The Chair would like to indicate for the record that on pages 6 and 7 of Senate Bill 2795-80, SD 1, HD 1, there is a typographical omission, the omission being that HD 1 was not typed thereon. The Chair, at this time, directs the Clerk to type HD 1 on pages 6 and 7 on the original of the bill when said bill is transmitted to the Senate."

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 858-80) recommending that S.B. No. 2795-80, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Morioka, seconded by Representative Inaba

and carried, the report of the Committee was adopted and S.B. No. 2795-80, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGETARY PROCESS", passed Second Reading and was placed on the calendar for Third Reading on Monday, March 31, 1980, with Representatives Marumoto and Sutton voting no.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2531-80, HD 1, and 2795-80, SD 1, HD 1, were made available to the members of the House at 10:45 o'clock p.m.

The Chair, at this time, made the following announcement:

"The Chair would like to announce that we shall convene the session on Monday at 10:00 o'clock a.m. and proceed as far as we can get on the calendar. We will have approximately 58 bills or thereabouts on Third Reading. Please come prepared for a long day."

ADJOURNMENT

At 11:24 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned until 10:00 o'clock a.m. on Monday, March 31, 1980.