

FIFTY-SEVENTH DAY

Tuesday, April 15, 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 Fred King of Kaneohe Congregational Church, after which the Roll was called showing all members present with the exception of Representative Garcia, who was excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Second and Fifty-Fifth Days.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, reading of the Journals was dispensed with the the Journals of the Fifty-Second and Fifty-Fifth Days were approved.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 118) informing the House that on April 12, 1980, he signed the following bills into law, was placed on file:

Senate Bill No. 2093-80 as Act 14, entitled: "RELATING TO THE BOARD OF BARBERS";

Senate Bill No. 2097-80 as Act 15, entitled: "RELATING TO THE BOARD OF COSMETOLOGY";

House Bill No. 1685 as Act 16, entitled: "RELATING TO PUBLIC ASSISTANCE";

House Bill No. 1804-80 as Act 17, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1805-80 as Act 18, entitled: "RELATING TO THE STATE FORESTER";

House Bill No. 2179-80 as Act 19, entitled: "RELATING TO THE SAFETY OF BOILERS, ELEVATORS AND AMUSEMENT RIDES".

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 610) informing

the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1441, SD1, and that Senate Bill No. 1441, SD1, HD1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", passed Final Reading in the Senate on April 14, 1980, was placed on file.

At this time, Representative Takitani made the following introduction to the members of the House. He introduced a good friend of his from the Lahaina area, Mr. Dave Blaine.

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 up certain congratulatory resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 532 and 533) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 532) congratulating Hawaii P.A.L. stars, 1979 Colt World Series Champions was jointly offered by Representatives Ushijima, 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, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Silva and carried, H.R. No. 532 was adopted.

Representative Ushijima then rose to speak on the resolution and to introduce the honorees.

"Mr. Speaker, the resolution certainly speaks for itself. This is the first time that the Hawaii team has ever won the Colt World Series and it is an honor for the state of Hawaii; more particularly so for the members of the team, some of whom are present here this morning."

Representative Ushijima then introduced the manager, David Eldredge; and the team members who were present: Les Akeo, Collin Ibara, Glenn Imanaka, Ken Kanetake, George Simao, Curtis Goya, Warren Ponce, Jason Shimabukuro, Jayson Kozaki, Keith Komeiji, Sid Fernandez, Preston Love, Marc Matsubara, Randy Inaba and Ross Hayashi. Representative Ushijima also extended best wishes and congratulations to the coach, Len "Kaspy" Kasparovitch and Business Manager, Greg Church who were not able to be present this morning.

At this time, Representatives Evans, Stanley, Hashimoto, Ikeda, Marumoto and Fukunaga presented flower leis to the honorees while Representative Ushijima presented the resolutions.

A resolution (H.R. No. 533) congratulating the winners of the 1980 Miss Kalihi Scholarship Pageant was jointly offered by Representatives Narvaes, Aki, Anderson, Evans, Hashimoto, Holt, Honda, Ikeda, Inaba, Kawakami, Kobayashi, Marumoto, Segawa and Uwaine.

On motion by Representative Narvaes, seconded by Representative Holt and carried, H.R. No. 533 was adopted.

Representative Narvaes then rose to speak on the resolution and to introduce the honorees to the members of the House.

"Mr. Speaker, it is indeed an honor to sponsor a resolution like this, with Representative Holt.

We have with us today the beautiful product of our multi-cultural society. Once again we are reminded of our good fortune to be a part of such a diversity of people to enjoy the mixture of ethnic backgrounds in our community.

We have with us here today wonderful examples of the beauty of the people of Kalihi, the winners of the 1980 Miss Kalihi Pageant. Mr. Speaker, I would like to present to you Miss Irene Diamond, Miss Kalihi and Miss Belinda Bacal, first runner-up.

Mr. Speaker, it is no easy task to conduct a pageant such as this so that all runs smoothly and so that the contestants as well as the community are satisfied with its standards. It's a tremendous undertaking. It involves a great deal of hard work

and organization. With this in mind, I would like to present to this honorable body the General Chairman of the 1980 Miss Kalihi Scholarship Pageant, Mr. Allen Miyakado.

Mr. Speaker, we also have with us a very humble man who has done a great deal of work in the community for the youth and all of us are aware of this man, we've seen him here on opening day, taking pictures of us, Mr. George Kodama, President of the Kalihi Business Association which sponsored the pageant."

At this time, Representatives Narvaes, Holt and Marumoto presented flower leis to the honorees, while Representative Sutton presented the resolutions.

Representative Takitani then stated:

"Before we have a chance to personally meet our honored guests, I would like to say that Miss Diamond is truly a gem; and I was discussing with Representative Holt and we kind of felt personally aggrieved because back in 1968 I played in the Pony League World Series and in 1969 Representative Holt played in the Colt World Series and we were never honored on the floor of this House. After discussing it for a little while, we figured out the reason - we didn't win."

At 11:30 o'clock a.m., the Chair declared a recess for the purpose of greeting the honorees and extending personal Aloha.

The House of Representatives reconvened at 11:43 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 956-80) informing the House that House Resolution Nos. 522 to 531, House Concurrent Resolution No. 146, Standing Committee Report Nos. 957-80 to 995-80 and Conference Committee Report Nos. 4-80 to 25-80 have been printed and distributed.

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

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 957-80) recommending that H.R. No. 469, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 469, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HOUSING AUTHORITY TO SUBMIT A PROGRESS REPORT ON THE HULA MAE PROGRAM", was adopted, notwithstanding the report of the Committee.

Representatives Segawa and D. Yamada, for the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 958-80) recommending that H.R. No. 356, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the joint report of the Committees was adopted and H.R. No. 356, HD1, entitled: "HOUSE RESOLUTION REQUESTING AN EXAMINATION OF THE HAWAII STATE HOSPITAL", was referred to the Committee on Finance.

Representatives Segawa and D. Yamada, for the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 959-80) recommending that H.C.R. No. 107, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the joint report of the Committees was adopted and H.C.R. No. 107, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EXAMINATION OF THE HAWAII STATE HOSPITAL", was referred to the Committee on Finance.

Representatives Segawa and Larsen, for the Committees on Health and Ecology and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 960-80) recommending that H.R. No. 472, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Takitani and carried, the joint report of the Committees was adopted and H.R. No. 472, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE AN ADVISORY COMMITTEE TO STUDY RADIOLOGICAL SAFETY", was referred to the Committee on Finance.

Representatives Say and Kiyabu,

for the Committees on Culture and the Arts and State General Planning, presented a joint report (Stand. Com. Rep. No. 961-80) recommending that H.R. No. 319, as amended in HD1, be adopted.

On motion by Representative Say, seconded by Representative Kiyabu and carried, the joint report of the Committees was adopted and H.R. No. 319, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE ADOPTION OF MORE FLEXIBLE AND POSITIVE STANDARDS TO PROVIDE RESIDENTS OF PLANTATION COMMUNITIES, SUBDIVISION AND/OR HOMEOWNERSHIP OPTIONS TO FACILITATE THE PRESERVATION OF PLANTATION COMMUNITIES", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 962-80) recommending that H.R. No. 77 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 77, entitled: "HOUSE RESOLUTION RELATING TO THE TAX REVIEW COMMISSION", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 963-80) recommending that H.C.R. No. 28 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE TAX REVIEW COMMISSION", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 964-80) recommending that H.C.R. No. 124 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 965-

80) recommending that H.R. No. 311, as amended in HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 311, HD1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 966-80) recommending that H.R. No. 304, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 304, HD1, entitled: "HOUSE RESOLUTION REQUESTING CONTINUATION AND EVALUATION OF THE STAY STRAIGHT YOUTH AWARENESS PROGRAM", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 967-80) recommending that H.R. No. 277, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 277, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE ENERGY RESOURCES COORDINATOR TO MONITOR AND REPORT TO THE 1981 LEGISLATURE ON THE EFFECTIVENESS OF FOSSIL FUEL CATALYSTS TO LIQUID FUEL IN REDUCING ENERGY CONSUMPTION AND AIR POLLUTION", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 968-80) recommending that H.R. No. 385, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 385, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STATUS REPORT AND STUDY OF ALUMNI AFFAIRS AT THE UNIVERSITY OF HAWAII", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 969-80) recommending that H.R.

No. 374 be adopted.

Representative Morioka then noted a typographical error on page 1 of the Committee report. In the last paragraph of that page, 1955 should read 1995.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 374, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO REPORT ON ITS PLANS FOR THE SITING OF THE COMMERCIAL FISHING INDUSTRY", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 970-80) recommending that H.R. No. 260 be adopted.

Representative de Heer then requested that his remarks in favor of this resolution be inserted into the Journal. The Chair, noting no objections, so ordered.

"Mr. Speaker, this measure takes a constructive and positive approach to creating a new industry for Hawaii. Hopefully, this is a first step toward making our state an international, duty-free money center.

The direction of this measure is, however, not to replace our local financial institutions. Potentially, a duty-free money center city will stimulate economic activity to benefit all our people. Thank you."

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 260, entitled: "HOUSE RESOLUTION REQUESTING THAT CONGRESS CONSIDER AMENDING THE FEDERAL LAWS RELATING TO BANKING AND THE TAXATION OF BANKS TO ALLOW CERTAIN CITIES TO BE DESIGNATED AS DUTY-FREE MONEY CENTER CITIES", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 971-80) recommending that H.R. No. 212 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba 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'EHILAGOON", was adopted.

Representative Morioka, for the

majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 972-80) recommending that H.R. No. 98, as amended in HD2, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the majority of the Committee was adopted and H.R. No. 98, HD2, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF AN ENERGY CONSERVATION PLAN FOR ALL STATE FACILITIES", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 973-80) recommending that H.R. No. 376 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 376, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 974-80) recommending that H.R. No. 47 be adopted.

Representative de Heer then requested that his remarks in favor of this resolution be inserted into the Journal. The Chair, noting no objections, so ordered.

"Mr. Speaker, the purpose of this measure is to request our Department of Education to conduct a feasibility study on establishing computer based education in our school system. Computer based education can and does provide a constructive and positive alternative to our students.

There are numerous studies that indicate the desirability of computer based education and computer assisted instruction. In many cases test scores of 'deprived' students have increased virtually overnight, with minimum expense to taxpayers and without replacing a single teacher. It is important to remember that machines cannot replace teachers. The teacher provides an important educational and social function.

With the use of computer based education, as I believe the study will indicate, the teacher will accomplish this function more effectively. Thank you."

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 47, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON COMPUTER EDUCATION", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 975-80) recommending that H.R. No. 75 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 75, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF SOLAR ENERGY SYSTEM STANDARDS AND OTHER RELATED CONSUMER PROTECTION CONCERNS", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 976-80) recommending that H.R. No. 26, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 26, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A STUDY OF WAYS TO INCLUDE MORE HIGH FIBER FOODS IN SCHOOL LUNCHES AND TO PREPARE SUCH FOODS MORE ATTRACTIVELY", was adopted.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 977-80) recommending that H.R. No. 39, HD1, be adopted.

Representative de Heer then requested that his remarks in favor of this resolution be inserted into the Journal and the Chair, noting no objections, so ordered.

"Mr. Speaker, as the price of gasoline will shortly exceed \$2 per gallon, and as traffic congestion reaches all-time highs, we must look to constructive and positive solutions. These measures address these problems.

They include the private sector as well and I hope this will encourage them to support energy conservation in this way.

In planning for our future, many of us realize that the four-day work week will become the norm. In effect, flex-hours will be instituted. H.R. No. 39, HD1 and H.C.R. No. 14, HD1, provide a framework for positive change. Thank you."

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the majority of the Committee was adopted and H.R. No. 39, HD1, 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 978-80) recommending that H.C.R. No. 14, HD1, be adopted.

Representative de Heer then requested that his previous remarks on H.R. No. 39, HD1, also be shown as pertaining to H.C.R. No. 14, HD1.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.C.R. No. 14, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL STATE AND COUNTY GOVERNMENT OFFICERS AND ALL PRIVATE BUSINESS TO ESTABLISH A FLEXIBLE WORK-HOURS AND FLEXIBLE WORKWEEK PROGRAM", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 979-80) recommending that H.R. No. 186, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 186, HD1, 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 980-80) recommending that S.C.R. No. 15, SD1, as amended in HD2, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and S.C.R. No. 15, SD1, HD2, 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 adopted.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 981-80) recommending that H.R. No. 12, HD1, be adopted.

On motion by Representative Lunasco, seconded by Representative Say 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 adopted.

Representative Kawakami, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 982-80) recommending that H.R. No. 284 be adopted.

On motion by Representative Fukunaga, seconded by Representative Takitani and carried, the report of the Committee was adopted and H.R. No. 284, entitled: "HOUSE RESOLUTION REQUESTING THE EDUCATION AND LABOR COMMITTEE OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO CONDUCT HEARINGS AND SUPPORT THE PASSAGE OF THE NATIVE HAWAIIAN EDUCATION ACT", was adopted, with Representative Lunasco voting no.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 983-80) recommending that H.C.R. No. 90 be adopted.

Representative Sutton then asked that his remarks in support of this resolution be inserted into the Journal and the Chair, noting no objections, so ordered.

"Representative Carl Perkins is one of the most powerful congressmen in Washington. He is the Chairman of one of the most influential congressional committees, the House Education and Labor Committee, and he represents that easternmost district of Kentucky that comprises part of Appalachia.

This district, although filled with some of our nation's richest mineral

deposits, namely anthracite coal, contains a population that has historically been among the most poverty stricken and disadvantaged in the nation. Thanks to Representative Perkins and others, tremendous federal resources have been channeled into this deserving area. I also agree that a country as rich as the United States should not turn its back on such pockets of unhappiness.

Now, all that we are asking in this H.C.R. No. 90 is that Representative Perkins and his compassionate committee extend these same economic and educational advantages to deserving native Hawaiians. This request first requires that the good congressman from Kentucky schedule productive committee hearings on U.S. Senate Bill 916 titled, "THE NATIVE HAWAIIAN EDUCATION ACT", and then that his committee support passage of this bill as it winds its way through the full House. It has already passed the U.S. Senate.

Passage of this national legislation is not only essential, but it is also long overdue. Enactment of this bill would be a major step in assisting disadvantaged Hawaiian students in overcoming educational, social, economic and related difficulties which impede their progress in school. Neglect of these Hawaiians who, through no fault of their own, have for so long been under-privileged and overlooked in their own native land constitutes a national outrage that must immediately be exorcised."

Representative Kamalii then asked that her remarks in support of this resolution also be inserted into the Journal and the Chair, noting no objections, so ordered.

"Mr. Speaker, I have followed the development and hearings on the 'Native Hawaiian Education Act' in Congress. I have seen this bill offered as an end-run to opposition by American Indians and hesitant congressional members.

Perhaps what the Hawaiians most need to be educated about is that even so basic a 'fish and poi' issue as education, when it concerns Hawaiians, is subject to controversy and antagonism. This hostility, unfortunately, is not confined to Washington or to Indians protective of their own meager resources.

As admirable as this support for congressional action for Hawaiian education is, I am sorely disappointed

about the same lack of support for state action in this vital area.

Every other citizen and their children are guaranteed a free public education. This has not been the case for native Hawaiians. Under the terms of Act 4, passed in 1965, the Hawaiian Homes program was forced to subsidize needed educational projects for their own children. Over \$3 million went, I believe improperly, as a reimbursement to the state general fund for these schools.

If we genuinely mean to demonstrate our support for native Hawaiian education, then I believe that there are far more meaningful ways of doing so than simple support for federal action and money.

We, in this House and especially in the Senate, should provide the model for Washington. Only then may we say that we have learned the value of education and offer to re-teach others. Thank you."

On motion by Representative Fukunaga, seconded by Representative Takitani and carried, the report of the Committee was adopted and H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EDUCATION AND LABOR COMMITTEE OF THE UNITED STATES HOUSE OF REPRESENTATIVES TO CONDUCT HEARINGS AND SUPPORT THE PASSAGE OF THE NATIVE HAWAIIAN EDUCATION ACT", was adopted, with Representative Lunasco voting no.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 984-80) recommending that H.R. No. 331 be adopted.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.R. No. 331, entitled: "HOUSE RESOLUTION 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 adopted.

Representatives Larsen and Kawakami, for the Committees on Ecology and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 985-80) recommending that H.C.R. No. 43, as amended in HD1, be adopted.

On motion by Representative Larsen, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.C.R. No. 43, HD1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO LOW-LEVEL RADIOACTIVE WASTE DISPOSAL", was adopted.

Representatives Takamine, Ushijima and Lunasco, for the Committees on Employment Opportunities and Labor Relations and Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 986-80) recommending that H.C.R. No. 96, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Ushijima and carried, the joint report of the Committees was adopted and H.C.R. No. 96, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE EFFECTIVENESS OF THE COORDINATION OF EMPLOYMENT TRAINING, VOCATIONAL-TECHNICAL EDUCATION AND RELATED MANPOWER TRAINING PROGRAMS IN THE STATE OF HAWAII", was referred to the Committee on Finance.

Representatives Takamine and Stanley, for the Committees on Employment Opportunities and Labor Relations and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 987-80) recommending that H.R. No. 474 be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and H.R. No. 474, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES CONGRESS AND SECRETARY OF LABOR TO DEVISE AN EQUITABLE AND WORKABLE CETA-PUBLIC SERVICE EMPLOYMENT AVERAGE ANNUAL WAGE INDEX THAT WILL SERVE THE INTENT OF THE ACT", was referred to the Committee on Finance.

Representatives Takamine and Blair, for the Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 988-80) recommending that H.R. No. 345, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Takamine,

seconded by Representative Blair and carried, the joint report of the Committees was adopted and H.R. No. 345, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE PROVISION OF OCCUPATIONAL SAFETY AND HEALTH HAZARD CONTROL AND PREVENTION SERVICES", was referred to the Committee on Finance.

Representatives Takamine, Ushijima and Lunasco, for the Committees on Employment Opportunities and Labor Relations and Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 989-80) recommending that H.R. No. 297, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Ushijima and carried, the report of the Committee was adopted and H.R. No. 297, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO DETERMINE THE EFFECTIVENESS OF THE COORDINATION OF EMPLOYMENT TRAINING, VOCATIONAL-TECHNICAL EDUCATION AND RELATED MANPOWER TRAINING PROGRAMS IN THE STATE OF HAWAII", was referred to the Committee on Finance.

Representatives Kiyabu and Uwaine, for the Committees on State General Planning and Energy, presented a joint report (Stand. Com. Rep. No. 990-80) recommending that H.C.R. No. 73, as amended in HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Silva and carried, the joint report of the Committees was adopted and H.C.R. No. 73, HD1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO AN ENERGY FUNCTIONAL PLAN", was adopted.

Representatives Kiyabu and Shito, for the majority of the Committees on State General Planning and Housing, presented a joint report (Stand. Com. Rep. No. 991-80) recommending that H.C.R. No. 104, as amended in HD1, be adopted.

Representative Shito then requested that his remarks in favor of this resolution be inserted into the Journal and the Chair, noting no objections, so ordered.

"The State Housing Plan has been prepared by the Hawaii Housing Authority as one of the twelve functional plans mandated under chapter 226 to further implement the Hawaii State Plan.

I believe that the Hawaii Housing Authority has performed well in putting together the Housing Plan. The Plan's

technical report provides valuable information on housing need, population trends, building costs and other factors related to our housing problems. This functional plan has been formulated with the active participation of a citizen advisory committee; federal, state and county agencies; the state plan policy council and citizens and community organizations participating in public meetings. HHA's submission to the legislature adequately addresses the many concerns that have been expressed about the relation of housing to other aspects of public policy.

Your Committees on State General Planning and Housing have reviewed the State Housing Plan thoroughly and have made a number of changes in the House draft brought before you. Most notably, the Committees have determined that the HHA submission should serve as the primary technical reference. Thus, the Committees have identified major action recommendations with a common format showing implementing and supporting agencies, time frame and budget estimates.

The action narrative becomes the state's functional plan for housing which, coupled with the concurrent resolution text, establishes state policy in this area. I feel that the changes made in the House draft make the Housing Plan both more readable and more responsive to citizen and legislative concerns.

I believe that implementation of the many recommendations contained in the state's functional plan for housing will relieve a number of problems faced by Hawaii families in obtaining suitable, affordable shelter. Several of the Housing Plan's major initiatives will be supported by current legislation, although additional detailed proposals will need to be studied in 1981 and future years. The Hawaii Housing Authority is designated as the lead organization in fulfilling the Housing Plan, and we look forward to working closely with HHA in implementation.

This functional plan for housing is not a perfect plan. All associated with the plan acknowledge that continuous work will be needed to better interpret, implement and refine the Housing Plan in changing conditions. The House should take the first step in bringing the housing plan process into reality by adopting House Concurrent Resolution No. 104, HD1."

On motion by Representative Kiyabu, seconded by Representative Shito and carried, the joint report of the majority of the Committees was adopted and H.C.R. No. 104, HD1, entitled: "HOUSE CONCURRENT RESOLUTION ADOPTING A FUNCTIONAL PLAN FOR HOUSING", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 992-80) recommending that H.R. No. 394, as amended in HD1, be adopted.

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

"Mr. Speaker, the learned gentleman from Kauai has an excellent resolution, here, that his Committee has put out. We had several bills to take care of the people in my area that like to use Sand Island for a live-in.

Now, Mr. Speaker, I, myself, stayed on an Indian reservation for two weeks in one of these live-ins. We had a cultural park and recreation and learned all the traditional ways of the American Indian, these were the Santa Clara, and it is a wonderful concept.

This philosophy is something we should adopt here. It's a concept of ohana and kukua, laulima and aululike and lokahi. The Finance Committee went in and saw many possibilities on the island of Hawaii for this same type of cultural live-in.

It asks for a definition. If you would please tell the learned Chairman of this Committee that I would like very much to assist with that definition from my own experiences in living with the American Indians. Thank you."

On motion by Representative Kawakami, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.R. No. 394, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE AN INTERPRETATION OR A DETAILED DEFINITION OF A CULTURAL LIVE-IN PARK", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 993-80) recommending that H.R. No. 22, as amended in HD2, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba

and carried, the report of the Committee was adopted and H.R. No. 22, HD2, 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 994-80) recommending that H.C.R. No. 65 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 995-80) recommending that H.C.R. No. 98, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.C.R. No. 98, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO PLAN FOR THE REDEVELOPMENT OF THE ALOHA TOWER COMPLEX", was adopted.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 534 to 542) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 534) congratulating James Manalili on being selected state Athletic Director of the Year by the National Council of Secondary School Athletic Directors was jointly offered by Representatives Inaba, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, 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 Inaba, seconded by Representative Takamine and carried, H.R. No. 534 was adopted.

A resolution (H.R. No. 535) commending the contributors and participants of the state's recycling campaign was jointly offered by Representatives Larsen and Takitani.

On motion by Representative Larsen, seconded by Representative Takitani and carried, H.R. No. 535 was adopted.

A resolution (H.R. No. 536) extending congratulations and deep appreciation to Sharla Jean Olsen for serving as Miss Kalihi 1979 was jointly offered by Representatives Narvaes, Lee, Sutton, Baker, Garcia, Holt, Dods, Hagino, Ikeda, Kobayashi, Lacy, Marumoto, Medeiros, Say and Segawa.

On motion by Representative Narvaes, seconded by Representative Lee and carried, H.R. No. 536 was adopted.

A resolution (H.R. No. 537) extending best wishes to the delegates of the 1980 Hawaii State Student Conference was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Blair, Dods, Fukunaga, Hagino, Honda, Ikeda, Kawakami, Kihano, Kiyabu, Lacy, Larsen, Lunasco, Marumoto, Masutani, Nakamura, Narvaes, Say, Shito, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne and D. Yamada.

On motion by Representative Evans, seconded by Representative Lunasco and carried, H.R. No. 537 was adopted.

A resolution (H.R. No. 538) commending the Waiialua High School Future Farmers of America for repeated national recognition of its community development activities 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, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Lunasco, seconded by Representative Ushijima and carried, H.R. No. 538 was adopted.

A resolution (H.R. No. 539) honoring the memory of Victoria Holt and extending condolences and deepest sympathy to her family was jointly offered by Representatives Wakatsuki, Aki, Andrews,

Baker, de Heer, Dods, Fukunaga, Hashimoto, Holt, Honda, Ige, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Larsen, Lunasco, Masutani, Morioka, Peters, Sakamoto, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Ushijima and D. Yamada.

On motion by Representative Peters, seconded by Representative Morioka and carried, H.R. No. 539 was adopted by a rising vote.

A resolution (H.R. No. 540) honoring Mr. and Mrs. Larry Kazuto Miura on the occasion of their fiftieth wedding anniversary was jointly offered by Representatives Holt, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Lee, seconded by Representative Blair and carried, H.R. No. 540 was adopted.

A resolution (H.R. No. 541) honoring Dr. Donald Dean Kilolani Mitchell for his outstanding contributions with the Kamehameha Schools and Hawaiiana was jointly offered by Representatives Holt, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Lee, seconded by Representative Blair and carried, H.R. No. 541 was adopted.

A resolution (H.R. No. 542) congratulating Catherine Anne Enomoto on her selection as an outstanding young woman of America for 1979 was jointly offered by Representatives Holt, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto,

Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Blair, seconded by Representative Lee and carried, H.R. No. 542 was adopted.

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

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

STANDING COMMITTEE REPORTS

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 996-80) recommending that H.R. No. 375 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. 375, entitled: "HOUSE RESOLUTION 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 referred to the Committee on Finance.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 997-80) recommending that H.R. No. 422 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. 422, entitled: "HOUSE RESOLUTION IN SUPPORT OF A BIKEWAY BETWEEN WAIMEA AND KEKAHA, KAUAI", was referred to the Committee on Finance.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 998-80) recommending that H.R. No. 234 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. 234, entitled: "HOUSE RESOLUTION REQUESTING THE HIGHWAYS DIVISION, DEPARTMENT OF TRANSPORTATION, STATE OF HAWAII, TO CONSERVE ENERGY BY REPLACING EXISTING INCANDESCENT AND MERCURY VAPOR STREET LIGHTS WITH HIGH EFFICIENCY LOW WATTAGE HIGH AND LOW PRESSURE SODIUM

LAMPS ON STATE HIGHWAYS", was referred to the Committee on Finance.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 999-80) recommending that H.R. No. 343 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. 343, entitled: "HOUSE RESOLUTION 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 referred to the Committee on Finance.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1000-80) recommending that H.C.R. No. 105 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. 105, entitled: "HOUSE CONCURRENT RESOLUTION 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 referred to the Committee on Finance.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1001-80) recommending that H.R. No. 306, as amended in HD1, be referred to the Committee on Finance.

Representative Sutton then rose and stated:

"Please tell the Finance Committee to put some money into this. We need a Veterans Home. We're the only state in the union that doesn't have a Veterans Home and we are the only state in the union that has 96,000 veterans; so please ask the Finance Committee to put some money into this."

On motion by Representative Baker, seconded by Representative Kobayashi

and carried, the report of the Committee was adopted and H.R. No. 306, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A HAWAII STATE VETERANS HOME", was referred to the Committee on Finance.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1002-80) recommending that H.C.R. No. 99, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Baker, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and H.C.R. No. 99, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A HAWAII STATE VETERANS HOME", was referred to the Committee on Finance.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1003-80) recommending that H.R. No. 322 be referred to the Committee on Finance.

On motion by Representative Baker, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and H.R. No. 322, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A RELATIVE HOME MAINTENANCE ASSISTANCE PROGRAM", was referred to the Committee on Finance.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1004-80) recommending that H.R. No. 342 be referred to the Committee on Finance.

On motion by Representative Baker, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and H.B. No. 342, entitled: "HOUSE RESOLUTION REQUESTING THE STATE OF HAWAII TO INCREASE SERVICES TO DEVELOPMENTALLY DISABLED ADULTS AGE TWENTY AND OVER", was referred to the Committee on Finance.

At 12:34 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:36 o'clock p.m.

Representatives Lee and Stanley, for the Committees on Public Assistance and Human Services and Public Employment and Government Operations, presented

a joint report (Stand. Com. Rep. No. 1005-80) recommending that H.R. No. 150, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and H.R. No. 150, entitled: "HOUSE RESOLUTION REQUESTING THE ELECTRONIC DATA PROCESSING DIVISION OF THE DEPARTMENT OF BUDGET AND FINANCE AND THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO COOPERATIVELY PROVIDE FOR THE PRIORITY UPGRADING OF THE ELECTRONIC DATA SYSTEMS FOR THE FINANCIAL ASSISTANCE PROGRAMS AND IMMEDIATE IMPLEMENTATION OF DISTRIBUTED PROCESSING FOR THE SATELLITE FINANCIAL ASSISTANCE UNITS OF THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", was referred to the Committee on Finance.

Representatives Lee and Stanley, for the Committees on Public Assistance and Human Services and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 1006-80) recommending that H.R. No. 470 be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and H.R. No. 470, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO STUDY THE ADEQUACY OF PERSONNEL REQUIREMENTS IN THE PUBLIC ASSISTANCE PROGRAMS AND ITS IMPACT IN THE ADMINISTRATION OF THE PROGRAMS", was referred to the Committee on Finance.

Representatives Lee and Blair, for the Committees on Public Assistance and Human Services and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1007-80) recommending that H.R. No. 487, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative K. Yamada and carried, the joint report of the Committees was adopted and H.R. No. 487, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A UTILITY ENERGY COUPON PROGRAM", was referred to the Committee on

Finance.

Representatives Lee and Blair, for the Committees on Public Assistance and Human Services and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1008-80) recommending that H.C.R. No. 135, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative K. Yamada and carried, the joint report of the Committees was adopted and H.C.R. No. 135, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A UTILITY ENERGY COUPON PROGRAM", was referred to the Committee on Finance.

Representatives Lee and Segawa, for the Committees on Public Assistance and Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1009-80) recommending that H.C.R. No. 44, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Kobayashi and carried, the joint report of the Committees was adopted and H.C.R. No. 44, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY BY THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING OF ESTABLISHING AND IMPLEMENTING A TELECOMMUNICATIONS SYSTEM FOR DEAF AND HOME-BOUND HANDICAPPED PERSONS", was referred to the Committee on Finance.

Representatives Lee and Segawa, for the Committees on Public Assistance and Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1010-80) recommending that H.R. No. 35, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Kobayashi and carried, the joint report of the Committees was adopted and H.R. No. 35, HD1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY BY THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING OF ESTABLISHING AND IMPLEMENTING A TELECOMMUNICATIONS SYSTEM FOR DEAF AND HOME-BOUND HANDICAPPED PERSONS", was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1011-80) recommending that S.B. No. 2439-

80 pass Second Reading and be placed on the calendar for Third Reading.

Representative Kunimura then rose to speak in support of S.B. No. 2439-80:

"This very innocuous looking bill, and it is now, but at one time I thought it was one of the most hideous bills ever introduced and considered by this House and I attacked this bill because of my fear that the long struggle and the many battles won by the working people of this state was being rapidly eroded.

But, Mr. Speaker, I am satisfied today. I have had many, many visitations, counseling and everything else and I would like to assure and say for the record that I have not been intimidated in any manner, shape or form. The people from organized labor were very receptive and they were very kind and they felt that if I really felt that this bill was bad, they agreed with me that it should die. And on that premise, I searched for the truth and I'm happy to report today, Mr. Speaker, that my colleague from Kauai, Representative D. Yamada, has done a good job, but like any person coming from the state of Missouri, I had to be shown first and I assured him that I would give him an answer. Sometime yesterday I said I was satisfied that this bill will not take away rights.

Litigations that are now in court will not be put aside because of the passage of this bill and the enactment of this law; and in the future, should any irresponsible union or its officers become involved in negligence or derelict in carrying out their responsibilities or commit an overt act, physical or otherwise, to injure in a workmen's comp type of injury, it does not cover as far as immunity is concerned.

This year there will be several unions that will be negotiating their contracts. In the negotiation, it becomes very apparent that they are trying to insert that the unions be given the opportunity to participate in making the working place safer for the workingman and they have been warned by their attorneys that without this type of immunity, immunity from third party liability, that the union would be treading on very dangerous grounds.

My fear was exactly there; but

I am thoroughly satisfied now that this bill will make Hawaii a safer place for our working men and give the unions the opportunity to work together with employers to provide safer working conditions and I, therefore, urge all members to vote in favor of this bill and in doing so, Mr. Speaker, may I ask the kind indulgence of my colleague from Honokaa. If I was a little harsh on the day the Committee report came out and the bill being reported to Judiciary, I would like to ask his forgiveness at this time; but I will in the future continue to work with the Chairman of the Committee but I would appreciate it if they would show me the way like they have in this bill. Thank you, Mr. Speaker."

Representative Takamine also rose to speak in support of S.B. No. 2439-80:

"Mr. Speaker, I concur with the Representative from Kauai and I would like the record to show that, with his permission, his remarks be inserted in the Journal as being my own."

Representative Sutton then rose to speak against this bill:

"Mr. Speaker, the common law had a basic concept that one can sue wherever there is a tort injury. This can be a third party of any nature. When we restrict the common law concept of remedial rights punitive damages, assessment of damages, we are for all intents and purposes, putting those employees who are under workmen's compensation under a handicap that this bill further strengthens.

I would like to see the various concerns that have been voiced about invalidating employee's actions against the unions themselves, brought out on this floor. I heard the first speech of the learned gentleman from Kauai and did some research after he brought these points out and I felt that his first speech did bring these concerns into focus.

Therefore, even though I realized that the specific intent here is to allow the employees safety and health in the process of collective bargaining, I still do not like to see these rights curtailed statutorily that the common law for years has engraved as a possible remedy for the individual.

And, therefore, Mr. Speaker, will you record a no vote for me at this juncture and I'd like a no on Third Reading but I'll be here to tell you."

Representative Kunimura then rose

in rebuttal:

"I'm happy I am not an attorney because if I was an attorney I could not use my common sense because I would look at things out of context. And, Mr. Speaker, I mean some attorneys.

Reference was made by the previous speaker pertaining to common law. It seems to me if we were to abide by all the common laws and not change any of them, we would still be in the dark ages and we still would be living under the fief system and many of us would be serfs; but because of our strong desire to be free and strong desire to give the lowest man on the totem pole equal protection as the King or the Lord, Mr. Speaker, we have enacted laws.

We do give immunity to the employer; and I agree because if we didn't, then there would be no workmen's compensation insurance. Who's going to pay for it? And for that exchange, we have given the employer his immunity. Now we are trying to, Mr. Speaker, by this law, provide, to even improve, before the accident happens. What's the use of having workmen's compensation act and after the blood is let to go and remedy or try and cure. Can you put a dead man on his feet again, or back to work? Can you put a maimed hand or a limb lost, can you re-graft and make the man whole again?

Mr. Speaker, in this day and age we do and we strive for preventive medicine, preventive programs to correct our social ills and this, Mr. Speaker, is to provide some preventive programs in the area of safety for the working man.

Therefore, Mr. Speaker, if we must strive for improvement, then sometimes we've got to give up some of our common law rights so that we can have a better situation than the serfs and the fiefs and all those that lived under the barons and the lords and the dukes in the past. Thank you."

Representative Sutton then rose in rebuttal:

"Mr. Speaker, the learned gentleman from Kauai has brought out a concept of an exchange. I'm saying that the exchange is not worth it. I'm saying, Mr. Speaker, that if they preserve the right to compensatory damages, even with a death, we

still have a widow; we have a widow and we have children and a death case is as good a case as when the man is alive from the point of view of getting damages. But once we limit that right, Mr. Speaker, to get those damages. . . . Now, Mr. Speaker, he talked about attorneys. I would like to point out to that gentleman that this is the second oldest profession. Thank you."

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2439-80, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", passed Second Reading and was placed on the calendar for Third Reading Thursday, April 17, 1980, with Representative Sutton voting no.

The Chair directed the Clerk to note that printed copies of S.B. No. 2439-80 were made available to the members of the House at 12:20 o'clock p.m.

At 12:45 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:55 o'clock p.m.

At this time, the Speaker assumed the rostrum.

RECONSIDERATION OF ACTION TAKEN

Representative K. Yamada moved that the House reconsider its action taken on S.B. No. 1906-80, SD2, HD1, seconded by Representative Kamalii and carried.

The Chair then re-referred S.B. No. 1906-80, SD2, HD1 to the Committee on Energy.

The Chair announced that the Conferees on the part of the House at the conference to be held on S.B. No. 2202-80, SD2, HD1 were discharged. He then appointed Representatives Blair, Chairman; Aki, Larsen, Masutani, Shito and Ikeda as Managers on the part of the House at such conference.

The Chair also announced that the House would recess until midnight for the purpose of decking conference drafts.

SUSPENSION OF RULES

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

DISPOSITION OF MATTERS
PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 2733-80, as amended by the Senate, was taken from the clerk's desk.

On motion by Representative Blair, seconded by Representative Shito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2733-80 and H.B. No. 2733-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSE", passed Final Reading by a vote of 50 ayes, with Representative Garcia being excused.

At 2:00 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Kamalii and carried, the House of Representatives recessed until 12:00 o'clock midnight.

CONFERENCE COMMITTEE REPORTS

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1911-80, HD1, presented a report (Conf. Com. Rep. No. 26-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 26-80 on H.B. No. 1911-80, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1911-80, HD1, SD1, CD1, were made available to the members of the House at 2:20 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2091-80, HD1, presented a report (Conf. Com. Rep. No. 27-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 27-80 on H.B. No. 2091-80, HD1, SD1, CD1 was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2091-80, HD1, SD1, CD1 were made available to the members of the House at 2:20 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1915-80, HD1, presented a report (Conf. Com. Rep. No. 28-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 28-80 on H.B. No. 1915-80, HD1, SD1, CD1 was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1915-80, HD1, SD1, CD1 were made available to the members of the House at 2:20 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2241-80, HD1, presented a report (Conf. Com. Rep. No. 29-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 29-80 on H.B. No. 2241-80, HD1, SD1, CD1 was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2241-80, HD1, SD1, CD1 were made available to the members of the House at 2:20 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2175-80, presented a report (Conf. Com. Rep. No. 30-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 30-80 on H.B. No. 2175-80, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2175-80, SD2, CD1 were made available to the members of the House

at 2:20 o'clock p.m.

Representative Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2532-80, presented a report (Conf. Com. Rep. No. 31-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 31-80 on H.B. No. 2532-80, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2532-80, SD1, CD1 were made available to the members of the House at 2:20 o'clock p.m.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2914-80, SD2, presented a report (Conf. Com. Rep. No. 32-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 32-80 on S.B. No. 2914-80, SD2, HD2, CD1, was deferred until Thursday, April 17, 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, SD2, HD2, CD1 were made available to the members of the House at 2:20 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2058-80, HD1, presented a report (Conf. Com. Rep. No. 33-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 33-80 on H.B. No. 2058-80, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2058-80, HD1, SD1, CD1 were made available to the members of the House at 2:20 o'clock p.m.

Representative D. Yamada, for

the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1919-80, presented a report (Conf. Com. Rep. No. 34-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 34-80 on H.B. No. 1919-80, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1919-80, SD1, CD1 were made available to the members of the House at 2:20 o'clock p.m.

Representatives Blair and Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1985-80, HD1, presented a report (Conf. Com. Rep. No. 35-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 35-80 on H.B. No. 1985-80, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1985-80, HD1, SD1, CD1 were made available to the members of the House at 4:30 o'clock p.m.

Representatives Blair and Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2359-80, presented a report (Conf. Com. Rep. No. 36-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 36-80 on H.B. No. 2359-80, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2359-80, SD1, CD1 were made available to the members of the House at 4:30 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the House to S.B. No. 1516, SD1, presented a report (Conf. Com. Rep. No. 37-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 37-80 on S.B. No. 1516, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1516, SD1, HD1, CD1 were made available to the members of the House at 4:30 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2253-80, SD1, presented a report (Conf. Com. Rep. No. 38-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 38-80 on S.B. No. 2253-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2253-80, SD1, HD1, CD1 were made available to the members of the House at 4:30 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2202-80, SD2, presented a report (Conf. Com. Rep. No. 39-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 39-80 on S.B. No. 2202-80, SD2, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2202-80, SD2, HD1, CD1 were made available to the members of the House at 4:30 o'clock p.m.

Representatives Kawakami and Say, for the majority of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2693-80, SD2, presented a report (Conf. Com. Rep. No. 40-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 40-80 on S.B. No. 2693-80, SD2, HD1, CD1, was deferred until Thursday, April

17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2693-80, SD2, HD1, CD1 were made available to the members of the House at 6:17 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1960-80, SD1, presented a report (Conf. Com. Rep. No. 41-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 41-80 on S.B. No. 1960-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1960-80, SD1, HD1, CD1 were made available to the members of the House at 6:17 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2501-80, SD1, presented a report (Conf. Com. Rep. No. 42-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 42-80 on S.B. No. 2501-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2501-80, SD1, HD1, CD1 were made available to the members of the House at 6:17 o'clock p.m.

Representative Lee, for the Committee on Conference on the disagreeing vote of the House the amendments proposed by the Senate to H.B. No. 2286-80, HD1, presented a report (Conf. Com. Rep. No. 43-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 43-80 on H.B. No. 2286-80, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2286-80, HD1, SD1, CD1 were made available to the members of the House at 6:17 o'clock p.m.

Representative Blair, for the Committee

on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 118, SD2, presented a report (Conf. Com. Rep. No. 44-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 44-80 on S.B. No. 118, SD2, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 118, SD2, HD1, CD1 were made available to the members of the House at 6:17 o'clock p.m.

Representatives Blair and Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1782-80, HD2, presented a report (Conf. Com. Rep. No. 45-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 45-80 on H.B. No. 1782-80, HD2, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1782-80, HD2, SD1, CD1 were made available to the members of the House at 6:17 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 501, HD1, presented a report (Conf. Com. Rep. No. 46-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 46-80 on H.B. No. 501, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 501, HD1, SD1, CD1 were made available to the members of the House at 6:45 o'clock p.m.

Representatives Blair and Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1871-80, HD1, presented a report (Conf. Com. Rep. No. 47-80) recommending

to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 47-80 on H.B. No. 1871-80, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1871-80, HD1, SD1, CD1 were made available to the members of the House at 6:45 o'clock p.m.

Representatives Blair and Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1925-80, HD1, presented a report (Conf. Com. Rep. No. 48-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 48-80 on H.B. No. 1925-80, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1925-80, HD1, SD1, CD1 were made available to the members of the House at 6:45 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2357-80, presented a report (Conf. Com. Rep. No. 49-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 49-80 on H.B. No. 2357-80, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2357-80, SD2, CD1 were made available to the members of the House at 6:45 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3146-80, SD1, presented a report (Conf. Com. Rep. No. 50-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 50-80 on S.B. No. 3146-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution

of the State of Hawaii, printed copies of S.B. No. 3146-80, SD1, HD1, CD1 were made available to the members of the House at 6:45 o'clock p.m.

Representative Kiyabu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1775-80, HD2, presented a report (Conf. Com. Rep. No. 51-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 51-80 on H.B. No. 1775-80, HD2, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1775-80, HD2, SD1, CD1 were made available to the members of the House at 7:00 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2877-80, SD1, presented a report (Conf. Com. Rep. No. 52-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 52-80 on S.B. No. 2877-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2877-80, SD1, HD1, CD1 were made available to the members of the House at 7:00 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1831-80, SD1, presented a report (Conf. Com. Rep. No. 53-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 53-80 on S.B. No. 1831-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1831-80, SD1, HD1, CD1 were made available to the

members of the House at 7:00 o'clock p.m.

Representative Kiyabu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1003, SD1, presented a report (Conf. Com. Rep. No. 54-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 54-80 on S.B. No. 1003, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1003, SD1, HD1, CD1 were made available to the members of the House at 7:00 o'clock p.m.

Representatives Stanley and Morioka, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2634-80, HD2, presented a report (Conf. Com. Rep. No. 55-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 55-80 on H.B. No. 2634-80 HD2, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2634-80, HD2, SD2, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1832-80, SD1, presented a report (Conf. Com. Rep. No. 56-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 56-80 on S.B. No. 1832-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1832-80, SD1, HD1, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2581-80, presented a report (Conf. Com. Rep. No. 57-80) recommending

to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 57-80 on S.B. No. 2581-80, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2581-80, HD1, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1758, HD2, presented a report (Conf. Com. Rep. No. 58-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 58-80 on H.B. No. 1758, HD2, SD3, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1758, HD2, SD3, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2723-80, HD2, presented a report (Conf. Com. Rep. No. 59-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 59-80 on H.B. No. 2723-80, HD2, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2723-80, HD2, SD2, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representatives Stanley and Morioka, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2977-80, SD2, presented a report (Conf. Com. Rep. No. 60-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 60-80 on S.B. No. 2977-80, SD2, HD2, CD1, was deferred until Thursday, April 17, 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, SD2, HD2, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2029-80, HD2, presented a report (Conf. Com. Rep. No. 61-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 61-80 on H.B. No. 2029-80, HD2, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2029-80, HD2, SD2, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2944-80, HD2, presented a report (Conf. Com. Rep. No. 62-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 62-80 on H.B. No. 2944-80, HD2, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2944-80, HD2, SD2, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representative Uechi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2172-80, presented a report (Conf. Com. Rep. No. 63-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 63-80 on H.B. No. 2172-80, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2172-80, SD1, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representative Lunasco, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No.

2672-80, HD1, presented a report (Conf. Com. Rep. No. 64-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 64-80 on H.B. No. 2672-80, HD1, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2672-80, HD1, SD2, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representatives Dods and D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2006-80, presented a report (Conf. Com. Rep. No. 65-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 65-80 on S.B. No. 2006-80, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2006-80, HD1, CD1 were made available to the members of the House at 8:50 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2059-80, presented a report (Conf. Com. Rep. No. 66-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 66-80 on H.B. No. 2059-80, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2059-80, SD2, CD1 were made available to the members of the House at 9:50 o'clock p.m.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2302-80, SD2, presented a report (Conf. Com. Rep. No. 67-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 67-80 on S.B. No. 2302-80, SD2, HD2, CD1, was deferred until Thursday, April 17, 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, SD2, HD2, CD1 were made available to the members of the House at 9:50 o'clock p.m.

Representative Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2071-80, HD1, presented a report (Conf. Com. Rep. No. 68-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 68-80 on H.B. No. 2071-80, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2071-80, HD1, SD1, CD1 were made available to the members of the House at 9:50 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2665-80, SD2, presented a report (Conf. Com. Rep. No. 69-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 69-80 on S.B. No. 2665-80, SD2, HD2, CD1, was deferred until Thursday, April 17, 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, SD2, HD2, CD1 were made available to the members of the House at 9:50 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3012-80, SD1, presented a report (Conf. Com. Rep. No. 70-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 70-80 on S.B. No. 3012-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 3012-80, SD1, HD1, CD1 were made available to the members

of the House at 9:50 o'clock p.m.

Representative Lee, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1684, HD1, presented a report (Conf. Com. Rep. No. 71-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 71-80 on H.B. No. 1684, HD1, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1684, HD1, SD2, CD1 were made available to the members of the House at 9:50 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2744-80, SD1, presented a report (Conf. Com. Rep. No. 72-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 72-80 on S.B. No. 2744-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2744-80, SD1, HD1, CD1 were made available to the members of the House at 9:50 o'clock p.m.

Representative Stanley, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1494, HD1, presented a report (Conf. Com. Rep. No. 73-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 73-80 on H.B. No. 1494, HD1, SD2, CD2, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1494, HD1, SD2, CD2 were made available to the members of the House at 9:50 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the House to

the amendments proposed by the Senate to H.B. No. 687, HD1, presented a report (Conf. Com. Rep. No. 74-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 74-80 on H.B. No. 687, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 687, HD1, SD1, CD1 were made available to the members of the House at 9:50 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 3145-80, SD1, presented a report (Conf. Com. Rep. No. 75-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 75-80 on S.B. No. 3145-80, SD1, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 3145-80, SD1, HD1, CD1 were made available to the members of the House at 9:50 o'clock p.m.

Representative Blair, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 870, SD2, presented a report (Conf. Com. Rep. No. 76-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 76-80 on S.B. No. 870, SD2, HD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 870, SD2, HD1, CD1 were made available to the members of the House at 9:50 o'clock p.m.

Representative Segawa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 25, HD1, presented a report (Conf. Com. Rep. No. 77-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 77-80 on H.B.

No. 25, HD1, SD3, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 25, HD1, SD3, CD1 were made available to the members of the House at 10:10 o'clock p.m.

Representative Dods, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2647-80, HD2, presented a report (Conf. Com. Rep. No. 78-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 78-80 on H.B. No. 2647-80, HD2, SD2, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2647-80, HD2, SD2, CD1 were made available to the members of the House at 10:10 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2558-80, HD1, presented a report (Conf. Com. Rep. No. 79-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 79-80 on H.B. No. 2558-80, HD1, SD1, CD1, was deferred until Thursday, April 17, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2558-80, HD1, SD1, CD1 were made available to the members of the House at 10:10 o'clock p.m.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, April 16, 1980.

FIFTY-EIGHTH DAY

Wednesday, April 16, 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 J. Jarman of the Kalihi Union Church, after which the Roll was called showing all members present with the exception of Representatives Crozier, de Heer, Fukunaga, Garcia, Hashimoto, Holt, Ige, Ikeda, Peters, Sakamoto, Sutton, Takitani, Wakatsuki and D. Yamada, who were excused.

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

At this time, the Chair directed the Clerk to note the presence of Representatives Fukunaga, Hashimoto and Holt.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 611 to 618) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 611) returning House Bill No. 1964-80, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEE COMPENSATION LAW", which passed Third Reading in the Senate on April 14, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 612) returning House Bill No. 2064-80, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", which passed Third Reading in the Senate on April 14, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 613) returning House Bill No. 2166-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", which passed Third Reading in the Senate on April 14, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 614) returning House Bill No. 2181-80, entitled: "A BILL FOR AN ACT RELATING

TO EMPLOYMENT SECURITY", which passed Third Reading in the Senate on April 14, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 615) returning House Bill No. 2259-80, entitled: "A BILL FOR AN ACT RELATING TO CRIMES", which passed Third Reading in the Senate on April 14, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 616) returning House Bill No. 2472-80, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET", which passed Third Reading in the Senate on April 14, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 617) returning House Bill No. 2589-80, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", which passed Third Reading in the Senate on April 14, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 618) returning House Bill No. 2629-80, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", which passed Third Reading in the Senate on April 14, 1980, was placed on file.

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

Representative Kiyabu introduced 65 juniors and seniors from Kaimuki High School. They were accompanied by their teacher, Miss Romana Rivera.

Representative Holt introduced 100 fifth and sixth grade students (social studies class) from Kamehameha Schools. They were accompanied by their teachers, Miss Lee Foster, Miss Georgette Kalaa, Miss Julie Wyse, and Mr. Tom Scarlet.

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. 543 to 545) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 543) congratulating the Kaimuki Intermediate School Team for winning the 1980 Mathematics Papahana was jointly offered by Representatives Kiyabu, Kobayashi, Larsen, Marumoto, Aki, Anderson, Andrews, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hashimoto, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kunimura, Lacy, Lee, Lunasco, Masutani, Medeiros, Narvaes, Sakamoto, Say, Segawa, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Kiyabu, seconded by Representative Kobayashi and carried, H.R. No. 543 was adopted.

Representative Kiyabu then rose and stated:

"Mr. Speaker, I am very proud of the Kaimuki Intermediate team for winning this contest. I think much has been said in the past, and even presently, about our public school education, but I think that a team like this represents what the students and teachers that they have can accomplish. The resolution does not say who they competed against but they competed against other public schools and private schools like Punahou, Iolani and St. Louis, and at this time, I am very proud, and I would like to present the members of the team: Owen Nishikawa, Janice Soneda, Catherine Fuller, Sean Wakayama, Gayle Takasaki, Kimberly Seto, Janis Hirose and Neal Nakafuji.

"Mr. Speaker, you know, it's like a football team; besides having the product or the team members, much congratulations should go to the coaches. I am sure they have spent a lot of time and these two teachers have, in the past years, won this contest with other students", and introduced the coaches, Miss Audry Kanesue and Miss Claire Mizokami.

Flower leis were then presented to the honorees by Representatives Kobayashi, Say, Morioka, Marumoto, Hashimoto, Stanley, Holt, Lunasco, Larsen and Inaba, while Representative Kiyabu presented them with certified copies of the resolution.

Representative Kiyabu then asked the alternates of the team: Nolan Higa, Edwin Matsuda, David Imamura and Anne Nilsson, who were seated in the gallery to stand and be recognized.

A resolution (H.R. No. 544) recognizing "Public Schools Week" (April 21 through 25) and urging all of the people of Hawaii to support the teachers, administrators, and staff of the public schools in all phases of educational activities 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, 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 Say and carried, H.R. No. 544 was adopted.

Representative Lunasco then introduced Mr. Oswald J.B. Lau, PM Inspector of the 385th Masonic District of the Grand Lodge of California and Hawaii. Accompanying Mr. Lau was Mr. Olino Oranga, Chairman of the Public School Observance Committee.

Representative Stanley then presented Mr. Lau with a pink carnation lei while Representative Fukunaga presented Mr. Oranga with a white carnation lei. Representative Say presented Mr. Lau with a certified copy of the resolution.

Representative Lunasco then asked the other Masons in the gallery to stand and be recognized.

A resolution (H.R. No. 545) extending congratulations to the Puerto Rican community in Hawaii on their 80th Anniversary was jointly offered by Representatives Say, Narvaes, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Sakamoto, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Say, seconded by Representative Narvaes and carried, H.R. No. 545 was adopted.

Representative Say then proceeded to introduce the honorees, stating:

"Mr. Speaker, the Puerto Rican community which has been in this

State for many years has contributed a lot to this particular cultural state. We are called the 'Melting Pot of the Pacific' and I believe it is true with the contributions made by the Puerto Rican community," and introduced the following persons: Father Benito Caraballo, a Catholic priest and religious leader; Mr. Johnathan Ortiz, an attorney in the Public Defender's office; Mr. Raymond Pagan, Captain in the Honolulu Police Department; Mr. Adolf Samuel, city worker and labor organizer; Mrs. Blase C. Souza, an educator; and Mrs. Christine Camacho.

Representatives Kamalii, Fukunaga, Marumoto, Ikeda, Silva and Narvaes then presented flower leis to the above named honorees, respectively, and Representative Silva also presented them with certified copies of the resolution.

Representative Say then asked a colleague, Representative Faith Evans, to stand and take a bow while Representative Narvaes presented her with a flower lei.

At this time, the Clerk read House Resolution No. 529, honoring the visit of Mr. Jerome Waldie, Executive Director of the 1981 White House Conference on Aging, which was adopted on Monday, April 14, 1980.

Representative Aki then rose to introduce the honoree, stating:

"Mr. Speaker, it is my pleasure and my great honor to introduce to you and to the members of the House a very special person, Mr. Jerome Waldie, who is the Executive Director of the White House Conference on Aging. Mr. Waldie has made Hawaii his first stop in his efforts to visit every state before the 1981 White House Conference on Aging.

Mr. Speaker, we have heard of the difficult job that Mr. Waldie has undertaken, but I truly believe that he has the rare mix of ability and experience to do the job and to get the job well done. Mr. Waldie is, by training, an attorney, having graduated from Boat Hall in 1953. After several years in private practice, he was elected to the Assembly of the California Legislature in 1959 and was Majority Leader of that body from 1961 to 1966 when he was elected to the United States Congress as a member of the House of Representatives. He served in Congress until 1974 when he returned to the private practice of law. Before accepting this appointment as Executive Director on the White House Conference on Aging, Mr. Waldie was chairman

of the Federal Mine Safety and Health Review Commission.

Mr. Jerome Waldie, we welcome you to our shores and wish you every success in your work with the White House Conference on Aging."

Representative Aki then asked Mr. Jerome Waldie to stand and be recognized.

Representative Hashimoto presented Mr. Waldie with a pakalana lei while Representative Aki presented him with a certified copy of the resolution.

Representative Kunimura was recognized and he stated:

"Mr. Speaker, may I introduce a person connected with and has always been connected with our elderly, and I would say she is the angel of the elderly. I am pretty sure you remember the time you were subcommittee chairman doing the interim work of the problems of the elderly when we went over to Kona, into the coffee fields, and we almost ran out of gas because your calculation on the capacity of the gasoline tank was off and we barely made it to Kamuela when we had to get her out of bed and have her brother share some of their very precious gasoline during those days of almost rationing. We were able to return to Hilo and do the rest of our work there.

Mr. Speaker, with your permission, I would like to introduce to the members of this House a person who has been very close to many of us as the prime mover of our elderly program in the State of Hawaii and continuing to do so -- Mrs. Shimeji Kanazawa. I guess she knew what I was going to do so, anyway, let us give Mrs. Kanazawa a round of applause."

At 11:40 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the privilege of each of us meeting the honorees and offering our aloha."

Upon reconvening at 11:57 o'clock a.m., the Speaker assumed the rostrum.

The Chair then directed the Clerk to note the presence of Representatives Crozier, Garcia, Peters and Sakamoto.

At this time, Representative Holt was permitted to make a late introduction and he introduced the brother of his roommate at Harvard, Mr. Gabe Skiller. Accompanying Mr. Skiller were his wife, Janice, and daughter, Celeste. "They are visiting the islands and

are going back to California today."

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following resolution and concurrent resolutions were re-referred as follows:

<u>H.R. No.</u>	<u>Re-referred to:</u>
355	Committee on Finance

<u>H.C.R. Nos.</u>	
109	Committee on Finance
37	Committee on Finance

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1012-80) informing the House that House Resolution Nos. 532 to 542, Standing Committee Report Nos. 996-80 to 1011-80, and Conference Committee Report Nos. 26-80 to 79-80, have been printed and distributed.

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

At this time, the Chair re-referred H.R. No. 17, HD 1, to the Committee on Employment Opportunities and Labor Relations, then to the Committee on Legislative Management.

Representative Takamine, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 1013-80) recommending that H.R. No. 17, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Takamine, seconded by Representative de Heer and carried, the report of the Committee was adopted and H.R. No. 17, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE PROGRESS OF THE HAWAII STATE OCCUPATIONAL INFORMATION COORDINATING COMMITTEE IN DEVELOPING THE HAWAII CAREER INFORMATION DELIVERY SYSTEM", was referred to the Committee on Legislative Management.

Representative Ushijima, for the

Committee on Higher Education, presented a report (Stand. Com. Rep. No. 1014-80) recommending that H.R. No. 423 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. 423, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVIEW THE STATUS OF STATE FINANCIAL AIDS UNITS", was referred to the Committee on Finance.

Representatives Ushijima and Kawakami, for the Committees on Higher Education and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1015-80) recommending that H.R. No. 406, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Ushijima, seconded by Representative Fukunaga and carried, the joint report of the Committees was adopted and H.R. No. 406, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII STUDY THE FEASIBILITY OF ESTABLISHING A SMALL BUSINESS DEVELOPMENT CENTER IN HILO", was referred to the Committee on Finance.

Representatives Lee and Dods, for the Committees on Public Assistance and Human Services and Transportation, presented a joint report (Stand. Com. Rep. No. 1016-80) recommending that H.R. No. 426, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Dods and carried, the joint report of the Committees was adopted and H.R. No. 426, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF TRANSPORTATION NEEDS OF THE HANDICAPPED", was referred to the Committee on Finance.

Representatives Lee and Dods, for the Committees on Public Assistance and Human Services and Transportation, presented a joint report (Stand. Com. Rep. No. 1017-80) recommending that H.C.R. No. 121, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Lee, seconded by Representative Dods and carried, the joint report of the Committees was adopted and H.C.R. No. 121, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING

A STUDY OF TRANSPORTATION NEEDS OF THE HANDICAPPED", was referred to the Committee on Finance.

Representatives Segawa and Lee, for the Committees on Health and Public Assistance and Human Services, presented a joint report (Stand. Com. Rep. No. 1018-80) recommending that H.R. No. 416, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Kobayashi, seconded by Representative Lee and carried, the joint report of the Committees was adopted and H.R. No. 416, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING AN EXECUTIVE OFFICE ON THE HANDICAPPED TO COORDINATE THE PROGRAMS FOR THE HANDICAPPED", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1019-80) recommending that H.R. No. 483 be referred to the Committee on Finance.

On motion by Representative Kobayashi, seconded by Representative Ige and carried, the report of the Committee was adopted and H.R. No. 483, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY FOR A REIMBURSEMENT FORMULARY FOR PERSONS SUFFERING FROM LONG-TERM CATASTROPHIC ILLNESSES", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1020-80) recommending that H.R. No. 328, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Kobayashi, seconded by Representative Ige and carried, the report of the Committee was adopted and H.R. No. 328, HD 1, entitled: "HOUSE RESOLUTION 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 referred to the Committee on Finance.

Representative Segawa, for the

Committee on Health, presented a report (Stand. Com. Rep. No. 1021-80) recommending that H.R. No. 480 be referred to the Committee on Finance.

On motion by Representative Kobayashi, seconded by Representative Ige and carried, the report of the Committee was adopted and H.R. No. 480, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO EXAMINE AND REPORT ON THE ANNUAL PROCESS OF ALLOCATING STATE FUNDS TO HEALTH-RELATED SERVICES IN THE EXECUTIVE BUDGET", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1022-80) recommending that H.C.R. No. 133 be referred to the Committee on Finance.

On motion by Representative Kobayashi, seconded by Representative Ige and carried, the report of the Committee was adopted and H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF THE LEGISLATIVE AUDITOR TO EXAMINE AND REPORT ON THE ANNUAL PROCESS OF ALLOCATING STATE FUNDS TO HEALTH-RELATED SERVICES IN THE EXECUTIVE BUDGET", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1023-80) recommending that H.R. No. 307 be referred to the Committee on Finance.

On motion by Representative Kobayashi, seconded by Representative Ige and carried, the report of the Committee was adopted and H.R. No. 307, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO DEVELOP A UNIFORM ACCOUNTING AND REPORTING SYSTEM FOR HOSPITALS AND RELATED HEALTH CARE SERVICES IN HOSPITAL FACILITIES IN THE STATE", was referred to the Committee on Finance.

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1024-80) recommending that H.C.R. No. 100 be referred to the Committee on Finance.

On motion by Representative Kobayashi, seconded by Representative Ige and carried, the report of the Committee was adopted and H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO DEVELOP A UNIFORM ACCOUNTING AND REPORTING SYSTEM FOR HOSPITALS

AND RELATED HEALTH CARE SERVICES IN HOSPITAL FACILITIES IN THE STATE", was referred to the Committee on Finance.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1025-80) recommending that S.B. No. 1836-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 1836-80, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 18, 1980.

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1026-80) recommending that S.B. No. 2157-80, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Lee and carried, the report of the Committee was adopted and S.B. No. 2157-80, SD 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 Friday, April 18, 1980.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1027-80) recommending that S.B. No. 2286-80 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 2286-80, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PROGRAMS", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 18, 1980.

Representative Nakamura, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 1028-80) recommending that S.B. No. 2000-80, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lee, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2000-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 18, 1980.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1029-80) recommending that S.B. No. 866, SD 1, 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. 866, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AIR TRANSPORTATION", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 18, 1980, with Representative Say voting no.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 1836-80; 2157-80, SD 1; 2286-80; 2000-80, SD 1; and 866, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

At 12:03 o'clock p.m., Representative Dods asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:11 o'clock p.m.

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1030-80) recommending that S.B. No. 2634-80, SD 1, be referred to the Committee on Finance.

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

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1031-80) recommending that S.B. No. 2002-80, SD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1031-80 on S.B. No. 2002-80, SD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2002-80, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1032-80) recommending that H.C.R. No. 74 be adopted.

On motion by Representative Lee, seconded by Representative Baker and carried, the report of the Committee was adopted and H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO INCREASE FUNDS AVAILABLE UNDER TITLE XX OF THE SOCIAL SECURITY ACT SO THAT THE VOCATIONAL/SOCIAL REHABILITATION SERVICES MAY RECEIVE ADEQUATE FUNDING", was adopted.

Representative Kawakami, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1033-80) recommending that H.R. No. 164, as amended in HD 1, be adopted.

On motion by Representative Fukunaga, seconded by Representative Takitani and carried, the report of the Committee was adopted and H.R. No. 164, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTY OF HAWAII TO DEVELOP A MASTER FLOOD CONTROL AND DRAINAGE PLAN FOR THE COUNTY OF HAWAII", was adopted.

Representative Uwaine, for the majority of the Committee on Energy, presented a report (Stand. Com. Rep. No. 1034-80) recommending that S.B. No. 1906-80, SD 2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Sakamoto then rose and asked for a ruling on a potential conflict, saying that he is associated with a company dealing with gasohol.

The Chair ruled "no conflict."

On motion by Representative Uwaine, seconded by Representative Hashimoto and carried, the report of the majority of the Committee was adopted and S.B. No. 1906-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GASOHOL", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 18, 1980.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com.

Rep. No. 1035-80) recommending that S.B. No. 2536-80, SD 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. 2536-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 18, 1980.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1036-80) recommending that S.B. No. 2457-80, SD 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 Committee was adopted and S.B. No. 2457-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DOGS: LICENSES AND REGULATIONS; LICENSE FEE CONTROLLED BY ORDINANCE", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 18, 1980.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2536-80, SD 2, and 2457-80, SD 2, were made available to the members of the House at 11:00 o'clock a.m.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 1037-80) recommending that S.B. No. 2883-80, SD 1, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1037-80 on S.B. No. 2883-80, SD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2883-80, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1038-80) recommending that S.B. No. 1988-80 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1038-80 on S.B. No. 1988-80 was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the

Constitution of the State of Hawaii, printed copies of S.B. No. 1988-80 were made available to the members of the House at 11:00 o'clock a.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1039-80) recommending that S.B. No. 1899-80, SD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1039-80 on S.B. No. 1899-80, SD 2, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1899-80, SD 2, were made available to the members of the House at 11:00 o'clock a.m.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1040-80) recommending that S.B. No. 1370, SD 2, pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1040-80 on S.B. No. 1370, SD 2, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1370, SD 2, were made available to the members of the House at 11:00 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 546 to 554) and concurrent resolutions (H.C.R. Nos. 147 to 149) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 546) recognizing Lenore S. Johnson for her community service was jointly offered by Representatives Marumoto, Aki, Anderson, Baker, Blair, Dods, Evans, Fukunaga, Garcia, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kiyabu, Kobayashi, Lacy, Larsen, Lunasco, Masutani, Medeiros, Narvaes, Segawa, Silva, Takamine, Takitani, Uechi, Uwaine and D. Yamada.

On motion by Representative Marumoto, seconded by Representative Narvaes and carried, H.R. No. 546 was adopted.

A resolution (H.R. No. 547) commending the University of Hawaii Foundation and their benefaction to the University of Hawaii was jointly offered by Representatives Marumoto, Ushijima,

Aki, Anderson, Baker, Blair, Dods, Evans, Garcia, Hashimoto, Holt, Ige, Ikeda, Inaba, Kiyabu, Kobayashi, Lacy, Larsen, Lunasco, Masutani, Medeiros, Narvaes, Segawa, Silva, Takamine, Takitani, Uechi and D. Yamada.

On motion by Representative Marumoto, seconded by Representative Ushijima and carried, H.R. No. 547 was adopted.

A resolution (H.R. No. 548) recognizing and commending the outstanding efforts of Thomas T. Tsuha in his school and community was jointly offered by Representatives Toguchi, Aki, Anderson, Baker, Blair, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Toguchi, seconded by Representative Lee and carried, H.R. No. 548 was adopted.

A resolution (H.R. No. 549) congratulating Reed Sunahara of Hilo, Hawaii, for his outstanding achievements in high school basketball was jointly offered by Representatives Segawa, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Segawa, seconded by Representative K. Yamada and carried, H.R. No. 549 was adopted.

A resolution (H.R. No. 550) congratulating and extending best wishes to the recipients of the rank of Eagle Scout was jointly offered by Representatives Anderson, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Anderson, seconded by Representative Evans

and carried, H.R. No. 550 was adopted.

A resolution (H.R. No. 551) recognizing the observance of School Custodians Day on April 17, 1980 was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne and D. Yamada.

On motion by Representative Evans, seconded by Representative Takamine and carried, H.R. No. 551 was adopted.

At this time, Representative Evans introduced the following custodians who were seated in the gallery: Mrs. Harue Tanouye, Mrs. Cecilia Kelihoomaluu, Mrs. Elena Salvador and Mrs. Julia Torres.

A resolution (H.R. No. 552) expressing condolences and warmest aloha to the family of the late George Alves Pescaia was jointly offered by Representatives Evans, Medeiros, Anderson, Narvaes, Kamalii, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kihano, Kiyabu, Kobayashi, Kunimura, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne and D. Yamada.

On motion by Representative Evans, seconded by Representative Medeiros and carried, H.R. No. 552 was adopted.

A resolution (H.R. No. 553) congratulating the Kailua-Kainalu Seahawks for winning the 1979 Oahu Championship of the Pop Warner Junior Bantam League was jointly offered by Representatives Medeiros, Anderson, Sakamoto, Baker, Crozier, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kunimura, Lacy, Larsen, Lee, Marumoto, Masutani, Narvaes, Say, Segawa, Silva, Stanley, Sutton, Takamine, Toguchi, Uechi and D. Yamada.

On motion by Representative Medeiros, seconded by Representative Anderson and carried, H.R. No. 553 was adopted.

A resolution (H.R. No. 554) recognizing and commending Mr. Floro Villabrille for his outstanding accomplishments in the art of Eskrima was jointly offered by Representatives Kunimura, D. Yamada, Kawakami, Kihano, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kiyabu, Kobayashi, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uwayne and K. Yamada.

On motion by Representative Kihano, seconded by Representative Kunimura and carried, H.R. No. 554 was adopted.

A concurrent resolution (H.C.R. No. 147) commending Donald Botelho, Director, and Edward K. Nakano, Chief, Training and Safety Division, Hawaii State Department of Personnel Services, for their exemplary work in the Pacific Intergovernmental Personnel Act Council (PIPAC) was jointly offered by Representatives Sakamoto, Aki, Anderson, Andrews, Baker, Blair, 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, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne and D. Yamada.

On motion by Representative Sakamoto, seconded by Representative Silva and carried, H.C.R. No. 147 was adopted.

A concurrent resolution (H.C.R. No. 148) congratulating Sandy Zalburg for his dedication to journalism was jointly offered by Representatives Peters, Aki, Andrews, Baker, Crozier, Dods, Hagino, Hashimoto, Honda, Ige, Inaba, Kawakami, Kunimura, Lee, Lunasco, Sakamoto, Segawa, Shito, Stanley, Toguchi, Uwayne and K. Yamada.

On motion by Representative Peters, seconded by Representative Kunimura and carried, H.C.R. No. 148 was adopted.

A concurrent resolution (H.C.R. No. 149) extending appreciation and congratulations to the participants of the "Pacific Islands Conference: Development the Pacific Way" for a successful conference was jointly offered by Representatives Marumoto,

Aki, Anderson, Blair, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Lacy, Larsen, Lunasco, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Say, Silva, Sutton, Takamine, Takitani, Toguchi, Ushijima and Uwaine.

On motion by Representative Marumoto, seconded by Representative Narvaes and carried, H.C.R. No. 149 was adopted.

At 12:20 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:32 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives de Heer, Ige, Ikeda, Sutton, Takitani and D. Yamada.

DEFERRED MATTER FROM EARLIER ON THE CALENDAR

At this time, the Chair re-referred S.B. No. 2634-80, SD 1, to the Committee on Transportation only.

Stand. Com. Rep. No. 1030-80 on S.B. No. 2634-80, SD 1:

Representative Dods, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1030-80) recommending that S.B. No. 2634-80, SD 1, 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 notwithstanding the recommendation of the report that S.B. No. 2634-80, SD 1, be referred to the Committee on Finance, S.B. No. 2634-80, SD 1, passed Second Reading and was placed on the calendar for Third Reading on Friday, April 18, 1980.

The Chair directed the Clerk to note that printed copies of S.B. No. 2634-80, SD 1, were made available to the members of the House at 11:00 o'clock a.m.

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 and Final Readings on the basis of a modified consent

calendar.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 55, HD 1, was taken from the Clerk's desk.

Representative Kiyabu moved that H.B. No. 55, HD 1, having been read throughout, pass Final Reading, seconded by Representative Silva.

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

The House of Representatives reconvened at 12:43 o'clock p.m.

The motion was put by the Chair and carried, and H.B. No. 55, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT", having been read throughout, passed Final Reading by a vote of 51 ayes, in accordance with Article III, Section 15, of the Constitution of the State of Hawaii.

The Chair directed the Clerk to note that H.B. No. 55 had passed Final Reading at 12:43 o'clock p.m.

By unanimous consent, H.B. No. 1313, HD 1, was taken from the Clerk's desk.

Representative Aki moved that H.B. No. 1313, HD 1, having been read throughout, pass Final Reading, seconded by Representative Ige.

At 12:44 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

The motion was put by the Chair and carried, and H.B. No. 1313, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CHANGES IN THE NUMBER OF ADULTS UNRELATED TO THE FAMILY BOARDING HOME WHO MAY LIVE IN THE HOME FROM THREE TO FOUR", having been read throughout, passed Final Reading by a vote of 51 ayes, in accordance with Article III, Section 15, of the Constitution of the State of Hawaii.

The Chair directed the Clerk to note that H.B. No. 1313 had passed Final Reading at 12:45 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action taken on certain bills.

RECONSIDERATION OF ACTION TAKEN

Representative Stanley moved that the House reconsider its action taken on H.B. No. 1606, HD 2, SD 1, in disagreeing to the amendments proposed by the Senate in said bill, seconded by Representative Kunimura and carried.

Representative Stanley then gave notice of the House's intent to agree to the amendments proposed by the Senate in H.B. No. 1606, HD 2, SD 1.

The Chair then discharged the conferees on the part of the House on H.B. No. 1606, HD 2, SD 1.

Representative Stanley moved that the House reconsider its action taken on H.B. No. 1610, HD 1, SD 1, in disagreeing to the amendments proposed by the Senate in said bill, seconded by Representative Kunimura and carried.

Representative Stanley then gave notice of the House's intent to agree to the amendments proposed by the Senate in H.B. No. 1610, HD 1, SD 1.

The Chair then discharged the conferees on the part of the House on H.B. No. 1610, HD 1, SD 1.

At 12:47 o'clock p.m., Representative D. Yamada asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

Representative D. Yamada moved that the House reconsider its action taken on H.B. No. 1762-80, SD 2, in disagreeing to the amendments proposed by the Senate in said bill, seconded by Representative Honda and carried.

Representative D. Yamada then gave notice of the House's intent to agree to the amendments proposed by the Senate in H.B. No. 1762-80, SD 2.

The Chair then discharged the conferees on the part of the House on H.B. No. 1762-80, SD 2.

Representative Morioka moved that the House reconsider its action taken on H.B. No. 2193-80, HD 1, SD 2, in disagreeing to the amendments proposed by the Senate in said bill, seconded by Representative Inaba and carried.

Representative Morioka then gave notice of the House's intent to agree to the amendments proposed by the Senate in H.B. No. 2193-80, HD 1, SD 2.

The Chair then discharged the conferees on the part of the House on H.B. No. 2193-80, HD 1, SD 2.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 1429, SD 1, was taken from the Clerk's desk.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1429, and H.B. No. 1429, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1429 had passed Final Reading at 12:52 o'clock p.m.

By unanimous consent, H.B. No. 2074-80, SD 1, was taken from the Clerk's desk.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2074-80, and H.B. No. 2074-80, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2074-80 had passed Final Reading at 12:53 o'clock p.m.

By unanimous consent, H.B. No. 2131-80, SD 1, was taken from the Clerk's desk.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate

to H.B. No. 2131-80, and H.B. No. 2131-80, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2131-80 had passed Final Reading at 12:54 o'clock p.m.

By unanimous consent, H.B. No. 2133-80, SD 1, was taken from the Clerk's desk.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2133-80, and H.B. No. 2133-80, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2134-80, SD 1, was taken from the Clerk's desk.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2134-80, and H.B. No. 2134-80, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2133-80 and 2134-80 had passed Final Reading at 12:55 o'clock p.m.

By unanimous consent, H.B. No. 2135-80, SD 1, was taken from the Clerk's desk.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2135-80, and H.B. No. 2135-80, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2135-80 had passed Final Reading at 12:56 o'clock p.m.

By unanimous consent, H.B. No. 2219-80, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2219-80, HD

1, and H.B. No. 2219-80, HD 1, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2577-80, SD 1, was taken from the Clerk's desk.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2577-80, and H.B. No. 2577-80, SD 1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2219-80 and 2577-80 had passed Final Reading at 12:57 o'clock p.m.

By unanimous consent, H.B. No. 2729-80, HD 3, SD 2, was taken from the Clerk's desk.

On motion by Representative Toguchi, seconded by Representative Holt and carried, the House agreed to the amendments proposed by the House to H.B. No. 2729-80, HD 3, and H.B. No. 2729-80, HD 3, SD 2, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2729-80 had passed Final Reading at 12:59 o'clock p.m.

The Chair then discharged the conferees on the part of the House on H.B. No. 2729-80, HD 3, SD 2.

ANNOUNCEMENTS

The Chair made the following announcement:

"The Chair would like to announce that we shall recess until 8:00 o'clock this evening. We have 22 conference drafts to act upon. In the meantime, the Chair requests the conference drafts and Senate bills in unamended form to reach this floor at midnight tonight, if at all possible."

At this time, Representative Say rose on a point of information or clarification "in regards to the status of three bills at this particular time: House Bill Nos. 1813-80, HD 1, SD 1; 2132-80, SD 1; and 2164-80, HD 1, SD 1. I am just wondering what is the status of these particular bills that I have mentioned."

The Chair answered:

"The status of those bills means that they lay on the Clerk's desk at this time."

Representative Say asked:

"So, for my clarification, is it alive or is it already dead for the session?"

The Chair answered:

"The bills laying on the Clerk's desk are alive and may be moved on by the Chair."

Representative Kunimura then asked:

"It is alive but it is barely breathing isn't it?"

At 1:03 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives stood in recess until 8:00 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 8:15 o'clock p.m. with the Vice Speaker presiding.

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

Representative Hashimoto introduced the following community leaders from Pearl City: Josephine and Mauricio Raquel, Blanche and Frank Ito, Bob Kubo, Stanley Sumida, Elaine Funakoshi, Andrew Nowinski, James Marn and Edwin Hosaka.

Representative Lacy introduced friends of his legislative aide, Mr. Jack Benton, as follows: Mr. and Mrs. Bob Laymen and their daughter, Kim, from Florida, and their guest, Allison Sprout, from Burlington, Vermont.

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 Final Reading bills on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 4-80 on H.B. No. 159, HD 1, SD 2, CD 1:

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 159, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 159 had passed Final Reading at 8:18 o'clock p.m.

Conf. Com. Rep. No. 5-80 on H.B. No. 1986-80, SD 1, CD 1:

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1986-80, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPAIRS ACT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1986-80 had passed Final Reading at 8:19 o'clock p.m.

Conf. Com. Rep. No. 6-80 on S.B. No. 2134-80, HD 1, CD 1.

Representative Blair moved that the report of the Committee be adopted and S.B. No. 2134-80, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Shito.

Representative Sutton then rose to speak in favor of the bill with reservations:

"Mr. Speaker, we attempted a year ago to do this drug product selection bill and when it got up to the Governor, unfortunately, he had to veto it and I am sure that it will be welcomed to many, many people to have this drug selection. However, Mr. Speaker, I feel that there are refinements that we ought to make in the future.

For instance, you have to have, if you're a pharmacist, something that is a sign that says: "HAWAII LAW REQUIRES THAT LESS EXPENSIVE GENERICALLY EQUIVALENT DRUG PRODUCTS BE OFFERED TO THE CONSUMER. CONSULT YOUR PHYSICIAN AND PHARMACIST CONCERNING THE

AVAILABILITY OF THE LEAST EXPENSIVE DRUG PRODUCT FOR YOUR USE.' Now, this sign is something that is a little unusual.

You know, Mr. Speaker, I have some cigarettes here. It says: 'WARNING OF THE SURGEON GENERAL OF THE UNITED STATES OF AMERICA', and I have never looked at it. . . never looked at it.

Here, we have a huge sign telling consult your physician, consult your pharmacist, get the least expensive equivalent. . . some people don't even know what an equivalent is. I am still not too sure what an equivalent is, and I just feel that we can refine this to a little less than a burdensome proposition on the consumer.

The next thing that concerns me and I hope this will not be vetoed by the Governor for lack of being in the proper spot. Last year, it was not under any department that would follow through. We have a board here and this board is going to establish the formulary, and it is not just as if something that was brand new in Hawaii. 'The board shall adopt rules, pursuant to Chapter 91, for the establishment and maintenance of a state drug formulary of equivalent drug products. . . ' There are four other states in the union that I know of that have actually gone in and gotten this and it is not something that is unique. I do hope that this board will expedite things and get this going because the saving to the consumer by having these substitutions, even though they aren't mandatory, they are permissive, is a very significant saving in this day and age of inflation and high cost of living.

Now, I wonder if we are asking a little too much when we put a misdemeanor charge on any wilful and false representing. The courts have said that negligence is worse and what if you or the principal and the pharmacist and you hire some young person to be at the desk and they show gross negligence and do not come forth here and all of a sudden you find, you the pharmacist, have committed a misdemeanor in selling \$2/\$3 drugs which is used for curing many, many people that have many, many sicknesses, and I think we are a little harsh in making it a misdemeanor.

But, I am glad, Mr. Speaker, that we finally got this on the books and I hope it goes upstairs and I hope we get the Governor's signature, and I thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2134-80, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD, DRUGS, AND COSMETICS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 7-80 on S.B. No. 1944-80, SD 1, HD 2, CD 1:

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, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

The Chair directed the Clerk to note that S.B. Nos. 2134-80 and 1944-80 had passed Final Reading at 8:24 o'clock p.m.

Conf. Com. Rep. No. 8-80 on S.B. No. 2071-80, SD 2, HD 1, CD 1:

On motion by Representative D. Yamada, seconded by Representative Baker and carried, the report of the Committee was adopted and S.B. No. 2071-80, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL CLAIMS COURT", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 9-80 on S.B. No. 2120-80, HD 1, CD 1:

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, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 10-80 on S.B. No. 2156-80, HD 1, CD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2156-80, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

The Chair directed the Clerk to note that S.B. Nos. 2071-80, 2120-80 and 2156-80 had passed Final Reading at 8:25 o'clock p.m.

Conf. Com. Rep. No. 11-80 on S.B. No. 2869-80, SD 3, HD 1, CD 1:

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, SD 3, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT EXPENSES", having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Anderson, Lacy and Sutton voting no.

The Chair directed the Clerk to note that S.B. No. 2869-80 had passed Final Reading at 8:26 o'clock p.m.

At 8:26 o'clock p.m., Representative Evans requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:35 o'clock p.m.

Conf. Com. Rep. No. 12-80 on H.B. No. 2443-80, HD 1, SD 1, CD 1:

Representative Blair moved that the report of the Committee be adopted and H.B. No. 2443-80, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Shito.

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

"Mr. Speaker, the whole basic concept of credit unions was for people to be able to pool their various savings and have an opportunity to borrow those funds at a time when they might not be able to collateral their loans at a bank.

Mr. Speaker, we are talking about state chartered credit unions here, state chartered credit unions which, Mr. Speaker, have the same basic concept as the federal credit union.

Now, Mr. Speaker, we have made an unconstitutional delegation of power. We have said here that the bank examiner will have power to raise the interest rate ceiling exceeding the 18 percent per year.

For us to delegate to the bank examiner the power to raise interest rates for credit unions chartered under the State of Hawaii is an unconstitutional delegation of powers and we should not put something of that nature into our legislation and for us to give to the bank examiner our powers, even though it is only for an 18 months period, is a very bad precedent. . . very bad precedent for any type of legislation that we produce.

So, Mr. Speaker, I would ask that you vote against this and thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2443-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE CHARTERED CREDIT UNIONS", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Narvaes and Sutton voting no.

Conf. Com. Rep. No. 13-80 on H.B. No. 2368-80, HD 1, SD 2, CD 1:

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2368-80, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATORY PRICING IN SUPPLYING LIQUOR", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

The Chair directed the Clerk to note that H.B. Nos. 2443-80 and 2368-80 had passed Final Reading at 8:37 o'clock p.m.

Conf. Com. Rep. No. 14-80 on H.B. No. 2321-80, HD 1, SD 1, CD 1:

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2321-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAVEL AGENCIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2321-80 had passed Final Reading at 8:38 o'clock p.m.

Conf. Com. Rep. No. 15-80 on H.B. No. 1993-80, SD 1, CD 1:

On motion by Representative Blair,

seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1993-80, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLECTION AGENCY LAW", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 16-80 on H.B. No. 1991-80, HD 1, SD 2, CD 1:

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1991-80, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1993-80 and 1991-80 had passed Final Reading at 8:39 o'clock p.m.

Conf. Com. Rep. No. 17-80 on H.B. No. 452, HD 1, SD 1, CD 1:

By unanimous consent, further action was deferred.

Conf. Com. Rep. No. 18-80 on H.B. No. 1873-80, SD 1, CD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 1873-80, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILES", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Stanley and Sutton voting no.

Conf. Com. Rep. No. 19-80 on H.B. No. 2161-80, HD 1, SD 1, CD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2161-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1873-80 and 2161-80 had passed Final Reading

at 8:40 o'clock p.m.

Conf. Com. Rep. No. 20-80 on H.B. No. 2162-80, HD 1, SD 1, CD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2162-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Sutton voting no.

Conf. Com. Rep. No. 21-80 on H.B. No. 2324-80, HD 1, SD 1, CD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2324-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTRAINING ORDERS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2162-80 and 2324-80 had passed Final Reading at 8:41 o'clock p.m.

At 8:42 o'clock p.m., Representative D. Yamada asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:43 o'clock p.m.

Conf. Com. Rep. No. 22-80 on H.B. No. 2669-80, HD 1, SD 1, CD 1:

Representative D. Yamada moved that the report of the Committee be adopted and H.B. No. 2669-80, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Honda.

Representative Evans then rose to speak against H.B. No. 2669-80, HD 1, SD 1, CD 1:

"Mr. Speaker, ever since the State of Hawaii's 1977 court agreement to offer free, public education to handicapped students between the ages of 3 and 20, the Department of Education's efforts to implement this program have been marred by incompetence, inefficiency and simple negligence.

This month the revelation was that

the Department of Education may not be able to meet a federal deadline to provide appropriate public education for handicapped pre-schoolers, a failure which could result in loss of federal funds and litigation against the State by parents of handicapped children. And, unfortunately, this is only the latest in a long series of crises.

Several years ago, there was a backlog of some 3,000 youngsters waiting to be screened and evaluated prior to certification for special education. We were told that there were not enough physical and occupational therapists for children who needed them. Parents complained about the lack of aides on State vans taking their children to school. And even today there is a serious shortage of special education teachers in Hawaii, at least in part due to the fact that the Department of Education still does not offer certification in special education with emphasis on early childhood.

Mr. Speaker, I find this succession of disappointments and frustrations all too typical of virtually every undertaking of the Department of Education. In this particular case, it is the special education branch of the Department of Education which must be held accountable for the State's failure to meet the educational needs of handicapped children. But a major cause of the problems we are encountering is due to the fact that the special education branch of the Department of Education -- indeed the entire department -- often functions as if it were a fourth branch of government, accountable to nothing other than its own administrative procedures.

As far as House Bill 2669-80 is concerned, I think it is a useless contribution to the bureaucratic morass which has stifled the Department of Education's special education efforts from the very beginning. Anyone familiar with the history of these efforts knows that the source of problems is not to be found at the level of administrative hearings.

My main objection to this bill, however, concerns its provision that the Department of Education 'shall adopt rules and regulations which shall conform to the requirements of any applicable Federal statutes or regulations pertaining to the impartial hearing based on the education of a handicapped child.' Although it is an innocent sounding provision,

Mr. Speaker, I fear that it may ultimately provide the Department of Education with the authority needed to allow it to appeal the decisions of Rule 49 hearings officers to State courts of competent jurisdiction. I have long been an opponent of extending the Department of Education's appeal privilege to include State courts as well as Federal courts on the grounds that it presents the possibility of even further delaying the provision of appropriate educational opportunities for Hawaii's handicapped children.

Given the degree of frustration and anger which has marked the first years of Hawaii's special education program, the Legislature is certainly justified in regarding it with a wary eye any bill which might serve to aggravate these feelings.

I urge my colleagues in the House to express their sense of dissatisfaction with the State's lack of progress in the crucial area of special education by voting no on House Bill No. 2669-80.

Thank you."

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

"Mr. Speaker, as you know, before the recess we were speaking about House Bill 2669-80 relating to education which had just been modified by your Committee on Conference.

Now, Mr. Speaker, I would like to bring to your attention the Committee on Conference, Report No. 22-80, and I would like to ask you to please turn to the second page, and this is the most confusing committee report I've ever read. I really wouldn't know how to proceed if the Department of Education, or my client, or if the aggrieved parent of a disabled child were my client.

Here is what it says: 'Under the Federal law, 20 United States Code 1415(c) and (d), it appears that both persons and agencies can appeal a decision of a hearings officer, either to the State court or in the District Court of the United States. The Education of Handicapped Act, and 45 C.F.R. 121 a., *et seq*, which is the implementing Federal regulation for the Education of the Handicapped Act, provided that an impartial due process hearing be conducted by the Department of Education to decide issues concerning the provision of free appropriate public education for handicapped children. . .'

I won't go into that phase as my worthy colleague from the Maunawili area has already covered it. But I do want to point out in the next paragraph, it says. . .first of all, you see, we just talked about Federal law and there is a right of appeal. Then we come to the third paragraph which says: 'However, the First Circuit Court has ruled that notwithstanding the language of the Federal law, an agency or, more specifically, the Department of Education, cannot appeal to the Circuit Court, as the Department of Education is not a "person" within the meaning of Chapter 91.'

Now, the Federal law that equated the Department of Education to being a person and allowed the appeal, but our First Circuit Court says no. The First Circuit Court ruling indicates that an agency or the Department of Education can only appeal as provided in what I just read you. So, we have a Committee Report that does nothing but give us an enormous query. . .it must have been written in the middle of the night, Mr. Speaker, and I am going to ask you to vote against this bill both on the reasoning given out by my colleague from the Maunawili area and on the basis of the fact that this Committee Report does not make sense. It tells us on one hand that you can make an appeal by the Federal law; on the other hand, it says that the Circuit Court of the State of Hawaii has ruled you cannot and it doesn't clarify it any further.

Now, here is the language in the bill itself and I am going to read verbatim, Mr. Speaker. I have here the latest Senate. . .I had better read all of this 2669-80, HD 1, SD 1, CD 1, and I am going down to the seventh line, Mr. Speaker: 'The department shall adopt rules and regulations which shall conform to the requirements of any applicable federal statutes or regulations pertaining to the impartial hearing based on the education of a handicapped child. . .'

That does not mention the appellate procedure. The Federal tells us one thing, the Circuit Court tells us another thing; the rules and regulations are referred to in here but no appellate procedures prescribed and we are left with an enormous query.

This, Mr. Speaker, is no way to do legislation. Would you please

vote against it.

Thank you."

Representative D. Yamada then rose to speak in favor of the bill, stating:

"Mr. Speaker, the prior speakers, first of all, talked about the ability of the State not being able to bring an appeal to the State court. All the Committee Report talks about is what the law is today, is that the parent can bring an appeal in the State or Federal court. Under the Federal law, apparently it seems that they can appeal to the Federal court but the courts here in Hawaii have ruled that while they can appeal in the Federal court, they cannot appeal in the State court. There was a bill directly on point to this problem and that bill was defeated and not passed out of this committee.

Now, the argument has been brought that this bill talks about the rules and regulations as far as an impartial hearing officer, but it says nothing about appeal, and the reason for that, Mr. Speaker, and members of this body, the very reason why this bill went into conference was that there were several sentences which talked about an appeal. Those sentences were put in there by the Senate and its purpose was to prevent the appeal by the State to the State courts. Now, because of that language, in our opinion, that that language might give rise, irrespective of the good intentions that the Senate had, would give rise to the possibility of the State bringing an appeal to the State court.

So, Mr. Speaker, that provision was deleted in conference so, basically, all you have here in front of us is that the Federal law says that any appeal must be heard in public, in front of an impartial hearing officer.

So, this bill, first of all, restates what is a Federal law. Secondly, while this bill goes further and it says: 'Any party, whether the parents or the State, can subpoena witnesses for this hearing.'

Now, presently, the State is represented by the Attorney General's Office and they already have subpoena powers. Without this amendment or this addition to our law, what would happen is that the State can subpoena witnesses; the parents of the handicapped child could not. So, really, what this bill intends to do is to benefit the handicapped child by giving their parents the ability

to have subpoena powers so they can subpoena these officials or department heads or head of the Department of Education.

Therefore, Mr. Speaker, while I appreciate the arguments presented by the prior speakers, I really feel that it has no application to this bill. I urge all members to vote for it."

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

"Mr. Speaker, before we had this before us, we had several Committee meetings on similar bills being offered by the Department of Education which tried to get the State law changed around as the previous speaker said. . . as the Chairman said that they wanted to be able to appeal any decisions to the State court and those were thrown out. The parents came and testified that they certainly didn't want that happening; they felt they would get a better shake in Federal court. They are under a lot of stress, they are under a lot of pressure, and any additional agency or bureaucratic pressure on them makes it more difficult for them to give a straightforward approach to the hearing officer. They also complained about the fact that when they wanted witnesses to appear, the Department of Education teachers and counselors and so forth -- these people would just disappear on vacations.

So, the bill itself really does help out the parents and I think it is necessary for them to have equal capacity to subpoena and get their witnesses in front of the hearing officer.

I, therefore, hope that all members will vote for the bill. I have a lot of sympathy for these parents because they are under a lot of stress and they have considerable problems going from a hearing officer to an appeal and that is not a pleasant circumstance even if it is in Federal court, but it runs the process of going through the stress even longer. But I believe this bill will help the parents and it does not give the Department of Education any more latitude than it had before. In fact, it restricts them in some respects. I, therefore, hope all members will vote for it.

Thank you."

Representative Sutton, in rebuttal,

stated:

"Mr. Speaker, I would ask to address their attention, if they will, to the Conference Committee Report where the Conference Committee Report itself spells out this dilemma of how you make your appellate decision.

The First Circuit Court ruling indicates that an agency of the Department of Education can only appeal as provided for in the Federal law and that the appeal is provided for in the Federal law is further circumscribed -- circumscribed means to completely have voided -- is further circumscribed by the State law governing administrative procedures.

Now, we had a problem right in front of us. We had an opportunity to solve it. They did solve the process of the issuance of compelling witnesses by way of subpoena, but they did not resolve the conflict between the Federal and the Circuit Court decisions. Judge Lernerhan stated that one of Congress's most important function was where you had two circuits -- as a Federal court system that had come out with diverse opinions that it was the job of the Congress of the United States to put on the books legislation where that confusion between two Circuit Courts with different decisions 180 degrees apart were resolved by way of statutory definition. They had an opportunity here to have that statutory definition, and yet, in their own report they indicate that this query are the appellate procedures and this query that has been brought out by the very strange decision of our own State Circuit Court is not resolved.

Now, we are talking about, as you heard the lady from Maunawili say, about decisions concerning parents who have disabled children. A parent who has a disabled child is a person that has mental anguish enough without our compounding the felony by making it difficult for them to determine the proper procedure administratively, appellate-wise, and from the point of view of due process of law, and we are violating their own due process of law by not attending to the focused problem.

The Committee Report sees the problem but then it does not, by statutory definition, apply an answer to it. You have heard our own lady from Maunawili tell you the anguish of these people and then we compound the felony by not solving it.

Mr. Speaker, I am going to ask

you to vote no on this.

Thank you."

Representative D. Yamada then rose and stated:

"Mr. Speaker, in speaking further for this bill, the decision that has been referred to in the Committee Report is presently being appealed. The basis for that appeal is that the Federal law gives the State the ability to sue or to file an appeal with the Circuit Court.

Now, the reason why the bill does not go into that matter is because if the courts should rule that under the Federal law that the State does have the ability to file an appeal in the State court, then the Federal law would preempt any other law that we passed. For that reason, Mr. Speaker, we did not include any of that matter in our bill.

One last comment is that a lot has been said about the Committee Report and one of the first things I learned upon being in this great body is that when you read the Committee Report, what really counts is the bill and the way courts have interpreted our laws is that unless the bill itself is hazy, then the words and the bill would speak for itself.

Now our law specifically says, or the bill in front of us specifically says, what this bill is about; therefore, Mr. Speaker, irrespective of any kind of confusion that may cause other people by this Committee Report, that the bill specifically says what it is for and what it does.

Therefore, Mr. Speaker, I urge all people to vote for this measure."

Representative Evans, in rebuttal, stated:

"Mr. Speaker, the previous speaker made a point about a hazy bill and a clear Committee Report. In this respect, we have a hazy bill and a hazy Committee Report; perhaps hazier. We have a bill that is completely arguable throughout and aside from that which are considered serious, and also the incompetence of the Special Education Branch of the Department of Education, I am voting no."

Representative Ikeda then rose and stated:

"Mr. Speaker, I rise to speak

in favor of this bill and in doing so, Mr. Speaker, I would like to have the remarks of my colleague from the Eighth District incorporated as my own.

We sat in this Committee hearing and we listened to the parents testify and we became very well aware of their concerns, and some of the current concerns addressed on this floor tonight are exactly the types of concerns that they did not want the Legislature to pass.

In other words, Mr. Speaker, the appeal procedure whereby the State court, or the Federal law, has declared that the State may appeal to the Federal Court but may not appeal to the State court was addressed in another bill, a bill which the parents found very distasteful and testified quite vigorously against and, consequently, with the help of my colleagues and the understanding of the Committee, that bill was defeated in Committee.

This bill, Mr. Speaker, on the other hand, gives them the right to subpoena and in doing so, puts them on par with the powers that the Department already has. And I believe, Mr. Speaker, this is a good bill, one that will help them in their battle and, therefore, I ask all members of this body to vote in favor of it.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 2669-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Evans and Sutton voting no.

The Chair directed the Clerk to note that H.B. No. 2669-80 had passed Final Reading at 9:13 o'clock p.m.

Conf. Com. Rep. No. 23-80 on H.B. No. 2826-80, HD 1, SD 1, CD 1:

Representative D. Yamada moved that the report of the Committee be adopted, and H.B. No. 2826-80, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Honda.

At this time, Representative Anderson asked for a recess, and at 9:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:24 o'clock p.m., the Speaker assumed the rostrum.

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

"Mr. Speaker, the reason I would like to speak against this. . .if I may, I would like to tell you a little story.

I have spent more than eight hours in court because my dogs were out and the leash law, would you believe, is a criminal offense. It took me eight hours, the first time three hours, just to tell them that I wanted to explain why my dogs were out and the judge asked, 'How do you plead?' and I said I would like to explain, and he asked again, 'How do you plead?' And I said, 'not guilty.' He said, 'Come back next week.' So, the next week I went back, Mr. Speaker, and I spent another three-and-a-half to four hours -- my business is going down the tubes at the time at that, and then I was finally called into the judge's chambers and he asked, 'Was your dog out?' and I said, 'yes', and he said, 'Then why the hell are you wasting our time?' and I said, 'Because the law says that I wilfully allowed my dogs out and I didn't', Mr. Judge. . .I'm forgetting what position you are holding right now. But, anyway, Mr. Speaker, I tried to explain that the law said I wilfully allowed that dog out and I did not. The dogs broke out of my fence. They had the man there from the Humane Society and he agreed that I had a fence jog and the dogs broke out. I had put up a \$10 bail and he said some jackass, one of these days, was going to go ahead and challenge that law. 'Why didn't you folks ever change it? Why don't we split the ten bucks', so I got \$5 back.

And this law is almost the same, Mr. Speaker. It does not protect the owner. . ."

The Chair then interrupted and asked:

"Was your counsel Representative Sutton?"

Representative Anderson continued:

"If it had been, I would not have gotten back my five bucks.

But, Mr. Speaker, what I am trying to say is, I've gone over this bill,

I've been told that it's a very bad stand to take, but let me tell you, if this bill goes through. . ."

The Chair added:

"It will."

Representative Anderson continued his remarks:

"Without my explaining why. . .the way it is written right now and I talked to the maker of the bill. I said if I allowed a person into my premises and the dog bit that person, I could be sued. He said, 'That's right.' I said, 'Now, if somebody unwilfully came unto my premises and the dog again bit him, I could still be sued and I could have my dog put to sleep and he said, 'You're damned right.' And that bothers me because I am not protected.

As an individual dog owner, I don't think that this law protects me and having the premise that I believe should be protected by a dog or whatever. And it is a very bad premise to get with this type of a bill, and for that reason, I hope you vote with me and go no."

Representative Narvaes then rose and asked:

"Mr. Speaker, could you please record the previous speaker's words as my own?"

That Chair, noting that there were no objections, "so ordered."

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

"Mr. Speaker, you just had a very good example of the problems that people can get into with dogs. So I would hope, Mr. Speaker, that you would advise the gentleman from Kailua that maybe he should try cats. They are not as dangerous.

Thank you."

Representative K. Yamada then rose and stated:

"Mr. Speaker, I just wanted to mention that the last speaker seemed to have disparaged my name somehow."

Representative Kunimura then rose and stated:

"Mr. Speaker, I am just about getting up right now, but what the last speaker said disturbs me very much."

Representative Kunimura then asked for a short recess, and at 9:30 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:43 o'clock p.m., Representative Kunimura was recognized and he stated:

"Thank you, Mr. Speaker.

I am now thoroughly satisfied with the explanation made by my colleague from Kauai. I feel that he has done a good job. The only reason for my serious query is to the defect of this law because, today, we have people buying guns, handguns, shotguns, burglar alarms, and what have you, and even big dogs -- several big dogs -- to protect one's property and I was seriously worried about one should rely on raising dogs to protect his property and he should be in serious jeopardy when that dog should bite any burglar, but when it comes to an invited person, it is expected that the owner of the property and the owner of the dog should protect the person he invites to his property, but an uninvited person trying to break into the home or trespass illegally deserves a bite and a good bite at that.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 2826-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF DOG OWNERS", having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Anderson, Narvaes and Sutton voting no.

Conf. Com. Rep. No. 24-80 on H.B. No. 2929-80, HD 1, SD 1, CD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted, and H.B. No. 2929-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF DEFENDANTS", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Baker and Hagino voting no.

The Chair directed the Clerk to note that H.B. Nos. 2826-80 and

2929-80 had passed Final Reading at 9:45 o'clock p.m.

Conf. Com. Rep. No. 25-80 on H.B. No. 2930-80, HD 1, SD 1, CD 1:

Representative D. Yamada moved that the report of the Committee be adopted, and H.B. No. 2930-80, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Honda.

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

"Mr. Speaker, we are violating the basic concept of our Family Courts here. Our Family Courts were originally established by a Judge Lindsey in Denver working with my uncle, John Whitney, here in Hawaii. That's the uncle who was named after the previous speaker. . . excuse me, the previous speaker was named after my uncle. I got that reversed.

Now, they set up a Family Court system whereby it was conceived that a minor was not to be treated as somebody who was a habitual offender, but somebody who could be rehabilitated because the cost to society of institutionalizing that individual is a tremendous cost once you incarcerate them. Therefore, the whole concept of Family Courts were put on the books of the United States of America by Judge Lindsey and Judge Whitney.

We have had a Family Court system here in Hawaii, our own Judge King, and then we've had a magnificent judge here of our Family Courts, my classmate at Stanford Law School, Betty Vitousek, and she has shown an immense discretion. All of a sudden, we put on the bill something that says automatic waiver. That's taking away from her hands. Judge Vitousek no longer will be able to rehabilitate a juvenile of sixteen years of age who is alleged to have committed an offense which would be a felony if the juvenile were an adult. Automatically this waiver is to the Circuit Court if the charge involved is of a felonious nature and if the juvenile happens to have a history of prior adjudication warranting the treatment as an adult.

Now, Mr. Speaker, we have, all of a sudden, taken away the whole concept of Family Courts, taken away the whole concept of discretion, taken away, I say, of the concept of rehabilitating this individual to be a useful member of society.

And so, Mr. Speaker, I would ask you to vote no against this bill and ask your colleagues on that side of the aisle to join you in the no.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 2930-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURTS", having been read throughout, passed Final Reading by a vote of 46 ayes to 5 noes, with Representatives Baker, Fukunaga, Hagino, Stanley and Sutton voting no.

The Chair directed the Clerk to note that H.B. No. 2930-80 had passed Final Reading at 9:48 o'clock p.m.

STANDING COMMITTEE REPORT

Representative D. Yamada, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1041-80) recommending that S.B. No. 1973-80 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. 1973-80, entitled: "A BILL FOR AN ACT RELATING TO PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION, TO PERMIT THE SENATE TO CONVENE ITSELF INTO A SPECIAL SESSION", passed Second Reading and was placed on the calendar for Third Reading on Friday, April 18, 1980.

The Chair directed the Clerk to note that printed copies of S.B. No. 1973-80 were made available to the members of the House at 9:00 o'clock p.m.

At 9:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:55 o'clock p.m., the Chair made the following announcements:

"This body shall recess until 12:00 o'clock midnight, for the purpose of decking.

"We shall reconvene tomorrow at 11:00 o'clock a.m. and subsequently

take a recess until approximately 9:00 o'clock p.m. Please be prepared for a long evening. We have a number of bills -- 60 plus -- to be acted upon."

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

"Will the conferees be meeting tonight, Mr. Speaker?"

Representative Peters answered:

"All conferees on all related matters will be on call as we have always been. Does that answer the question, Mr. Speaker?"

Representative Kunimura then asked:

"Mr. Speaker, I don't mind if I was a fireman, but I happen to be a member of this House and able to work. We have been waiting and standing by like the firemen. The firemen's job is to stand by but, for us, Mr. Speaker, I would like to know if we are going to meet tonight, as promised, to do business tonight?"

Representative Peters replied:

"In answer to that question, we are awaiting their call. We have been prepared, ready and available, as you know, as the members of this House know, for the longest time, that we will continue to wait, continue to be available, to meet any time to resolve the issues on the budget and all related matters.

I appreciate the patience of this House, the patience of the members of Finance. I thank them all."

Representative Kunimura then asked:

"Then, Mr. Speaker, is it my understanding . . . am I correct that we have not been contacted by the Senate as promised?"

Representative Peters answered:

"As of this moment, Mr. Speaker, the answer is yes."

Representative Kunimura then said:

"The rules of this House preclude me, Mr. Speaker, from expounding my true feelings about this damn fiasco, but I wish, someday, we change the rules so we can let out our feelings."

Representative Dods, on a point of information, asked:

"Does the legislative timetable that we adopted earlier this session still

stand in effect as of now?"

The Chair answered:

"The Chair is of the opinion that those in conference on agreement, the Chair is confident that it will be decked. Those that are not in conference, there is no agreement, the session is ready to adjourn -- those bills will be laid to rest."

Representative Dods asked:

"Mr. Speaker, rephrasing what you just said now, only bills in conference after tonight will be the only bills alive?"

The Chair answered:

"If you will read the time schedule, there is no time schedule in reference to taking Senate bills without amendments."

At 10:00 o'clock p.m., Representative Say asked for a recess, and 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 Kunimura was recognized and he stated:

"Thank you very much.

Mr. Speaker, I have an announcement to make and I would like to ask the indulgence of the Majority Leader and the Chairman of the Finance Committee that I am not infringing on their duties and responsibilities by making this announcement, but only to spread the record of this House that there are only four cars parked in the Senate parking garage -- two of them with Maui license plates, one looks like a jeepster that is owned by Senator Carroll, and there is another red Toyota.

Mr. Speaker, I don't think this House should wait for the Senators because they are in bed sleeping already. They don't give a damn. They got their publicity, Mr. Speaker, and I think this should be announced by our Chairman of the Finance Committee that release us, Chairman, and let us sleep.

Thank you."

At 10:16 o'clock p.m., on motion by Representative Kihano, seconded by Representative Evans and carried, the House of Representatives stood in recess until 12:00 o'clock midnight,

tonight.

CONFERENCE COMMITTEE REPORTS

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1161, SD 1, presented a report (Conf. Com. Rep. No. 80-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 80-80 on S.B. No. 1161, SD 1, HD 1, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1161, SD 1, HD 1, CD 1, were made available to the members of the House at 1:10 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1827-80, SD 1, presented a report (Conf. Com. Rep. No. 81-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 81-80 on S.B. No. 1827-80, SD 1, HD 1, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1827-80, SD 1, HD 1, CD 1, were made available to the members of the House at 1:10 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2329-80, SD 2, presented a report (Conf. Com. Rep. No. 82-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 82-80 on S.B. No. 2329-80, SD 2, HD 1, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2329-80, SD 2, HD 1, CD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2741-80, SD 1, presented a report

(Conf. Com. Rep. No. 83-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 83-80 on S.B. No. 2741-80, SD 1, HD 1, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2741-80, SD 1, HD 1, CD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2784-80, SD 2, presented a report (Conf. Com. Rep. No. 84-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 84-80 on S.B. No. 2784-80, SD 2, HD 1, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2784-80, SD 2, HD 1, CD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1851-80, SD 1, presented a report (Conf. Com. Rep. No. 85-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 85-80 on S.B. No. 1851-80, SD 2, HD 1, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1851-80, SD 2, HD 1, CD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2927-80, SD 2, presented a report (Conf. Com. Rep. No. 86-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 86-80 on S.B. No. 2927-80, SD 2, HD 1, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2927-80, SD 2, HD 1, CD 1, were made available to the members of the House at 3:00 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1784-80, HD 1, presented a report (Conf. Com. Rep. No. 87-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 87-80 on H.B. No. 1784-80, HD 1, SD 1, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1784-80, HD 1, SD 1, CD 1, were made available to the members of the House at 5:05 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 1838-80, SD 3, presented a report (Conf. Com. Rep. No. 88-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 88-80 on S.B. No. 1838-80, SD 3, HD 1, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1838-80, SD 3, HD 1, CD 1, were made available to the members of the House at 9:15 o'clock p.m.

Representative D. Yamada, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2720-80, SD 2, presented a report (Conf. Com. Rep. No. 89-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 89-80 on H.B. No. 2720-80, SD 2, CD 1, was deferred until Friday, April 18, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2720-80, SD 2, CD 1, were made available to the members of the House

at 9:15 o'clock p.m.

ADJOURNMENT

At 12:00 o'clock midnight, the
House of Representatives adjourned
until 11:00 o'clock a.m. tomorrow,
Thursday, April 17, 1980.

FIFTY-NINTH DAY

Thursday, April 17, 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 Representative Segawa, after which the Roll was called showing all members present with the exception of Representative Wakatsuki, who was excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 619 to 628-B) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 619) transmitting Senate Concurrent Resolution No. 62 congratulating and commending Ed Jones on his selection as an intern in the Congressional Senior Citizen's Program which was adopted by the Senate on April 15, 1980, was placed on file.

On motion by Representative K. Yamada, seconded by Representative Evans and carried, S.C.R. No. 62 was adopted.

A communication from the Senate (Sen. Com. No. 620) returning House Concurrent Resolution No. 146 which was adopted in the Senate on April 15, 1980, was placed on file.

A communication from the Senate

(Sen. Com. No. 621) 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. 2134-80, was adopted by the Senate; and Senate Bill No. 2134-80, HD1, CD1, passed Final Reading in the Senate on April 16, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 622) transmitting Senate Concurrent Resolution No. 58, SD1, requesting the review and study of the formation of a state interagency coordination committee on child abuse and neglect which was adopted by the Senate on April 16, 1980, was placed on file.

By unanimous consent, action on S.C.R. No. 58, SD1, was deferred until tomorrow, April 18, 1980.

A communication from the Senate (Sen. Com. No. 623) returning House Bill No. 2066-80, which passed Third Reading in the Senate on April 16, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 624) returning House Bill No. 2137-80, which passed Third Reading in the Senate on April 16, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 625) returning House Bill No. 2185-80, which passed Third Reading in the Senate on April 16, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 626) returning House Bill No. 2540-80, which passed Third Reading in the Senate on April 16, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 627) returning House Bill No. 2752-80, HD2, which passed Third Reading in the Senate on April 16, 1980, was placed on file.

A communication from the Senate

(Sen. Com. No. 628) returning House Bill No. 2815-80, which passed Third Reading in the Senate on April 16, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 628-A) informing the House that the Senate has reconsidered its action taken on April 3, 1980, in disagreeing to the amendments made by the House to Senate Bill No. 209, SD2, and has discharged the Managers on the part of the Senate for the consideration of said amendments, was placed on file.

A communication from the Senate (Sen. Com. No. 628-B) informing the House that on April 15, 1980, the Senate discharged the Managers on the part of the Senate to House Bill No. 2729-80, HD3, SD2, was placed on file.

At 11:20 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:23 o'clock a.m.

At this time, Representative Sutton introduced to the members of the House, 43 students from Roosevelt High School, accompanied by their teacher, Marion Vasconcellos.

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 passing bills on Third and Final Readings on the basis of a modified consent calendar.

At 11:25 o'clock a.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:30 o'clock a.m.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 3-80 on S.B. No. 1703, SD1, HD1, CD3

Representative D. Yamada moved that the report of the Committee be adopted and that S.B. No. 1703, SD1, HD1, CD3, pass Final Reading, seconded by Representative Honda.

Representative Sutton then rose to speak against this bill:

"Mr. Speaker, this bill before us today purports to deal with improving the voter education procedures for proposed amendments to our state constitution. Of course, on reading the conference draft we see that it says many other purposes as well.

While it has some merit in changing the format of the ballot requiring a yes or no vote on each amendment, there are other aspects, Mr. Speaker, of this bill, which have a very chilling effect upon the right of the people to seek such changes in their constitution as they desire. I refer, Mr. Speaker, to the inclusion in this bill of the section increasing the percentage of votes required to ratify an amendment to our constitution.

It is easy, Mr. Speaker, for some of us to become so caught up in the rush of the closing days of this legislative session that we lose sight of the very essence of our mission here. It is so very easy, Mr. Speaker, for some of us who've achieved a modicum of power or who hope to achieve the inner circle of power, to forget the foundation and principles upon which our constitution was first created.

Mr. Speaker, it seems so easy for many of us to forget the terrible price paid in blood in decades past, preserving and protecting the constitution of the United States upon which our own state constitution is founded. These freedoms for which our people have fought so bravely and so hard

to defend are jeopardized today by the passage of this bill.

By increasing the required percentage of votes cast on a ratification vote from 35% to 50%, we are placing an unreasonable and unjust obstacle before the people of this state.

We are not unaware, Mr. Speaker, of the very legitimate concerns many lawmakers have about making the constitutional amendment process too easy. I, myself, would want a reasonable assurance that changing such an important document as the constitution of the state of Hawaii must be made with careful thought and preparation and must not be susceptible to the whims of a passing controversy.

In my years as a federal judge and as a lawmaker here in this body, I have seen such fleeting passion flare up and die away as quickly as it came; so I know that the likelihood of temporary passions can and will arise, but tempered with time and reasoned thinking, they have gone on their way.

Not so, Mr. Speaker, with essential and fundamental changes which the people of this state see as necessary in their constitution. There are many times when in the course of witnessing the events and changes in society, the citizens of Hawaii earnestly believed that some adjustment is called for in the state's convening document.

Excellent examples of this abound, Mr. Speaker, in the legislative proposals of these last three sessions, and they abound in the proposals set forth by the 1978 constitutional convention and ratified by the people of this state.

Setting an unreasonably high percentage for ratification of amendments would serve only those power brokers who have the capacity to persuade organized blocks of voting. It leaves out in the cold the average citizen such as those who wanted Initiative and Referendum, the individual who is unable to have a meaning-

ful voice in the amendment process because he or she is not a power of the power block.

I submit, Mr. Speaker, that this addition to S.B. No. 1703, SD1, HD1, CD2, it took them two conference drafts, Mr. Speaker, to get their minds made up, does a disservice to the people of our beautiful state and it is a disservice to those who fought and died to protect the very freedoms and privileges and access to government as well as changes in that government provided for in the federal constitution upon which our state constitution was based.

For these reasons, Mr. Speaker, I urge you and all of your colleagues on your side of the aisle to vote no upon this remembering the sacrifices made in the name of freedom. Thank you."

Representative Medeiros then rose to speak in favor of S.B. No. 1703, SD1, HD1, CD1:

"Mr. Speaker, I was a member of the state constitutional convention in 1968 and the results of it were not all that great, and yet, the people of this state on election day had to vote for these proposals that were bunched together; and they were very confused.

This amendment will now afford the voters to vote on each proposal separately and this is a great step forward, Mr. Speaker. Because of this, I urge everyone to vote for this bill."

Representative Sutton then rose in rebuttal, stating:

"The learned gentleman from Kailua has just addressed his mind to but one facet of this problem and that is the right of the individual to mark an individual part of a constitutional amendment.

He has not properly addressed the problem of the 35% being raised to 50% and therefore, Mr. Speaker, it has gone up 15 percentage points.

I would ask that you vote no against this bill."

Representative Kunimura rose to speak in favor of this bill:

"Mr. Speaker, for those who gave their life for the preservation of the American way of life, anything less than a majority is not democracy.

We have seen, in 1968 and again in 1978, the fallacy of having the constitutional convention's work and amendments adopted by less than majority is a farce to the basic cornerstone of our democracy.

Mr. Speaker, if the gentleman from Nuuanu is so strong about having a minority pass anything, and I'm not saying the minority party, Mr. Speaker, if I may digress a little. Thank God we have a minority party in this country unlike in some other countries where you have only one party, the minority keeps the majority straight. But, again, to pass any kind of legislation, especially the organic law of this state of Hawaii, it should take more than 50%.

Mr. Speaker, if you look at the constitution of the United States and the provisions to amend that constitution, they don't even call a convention, there is no opportunity by convention unless congress so enacts. Hawaii has a very liberal approach toward amending our constitution and it should be so. Then again, the ratification of any constitutional amendment to the federal constitution takes more than majority of all the states to ratify.

I wish the gentleman from Nuuanu would put that in his pipe and puff it.

Mr. Speaker, I believe in majority rule and not majority party, but majority numbers in this House. Twenty-six in this House should pass any and all legislation and thirteen in the Senate. Fifty percent plus one to adopt any changes to the constitution of the state of Hawaii; anything less is a farce and, Mr.

Speaker, there are a lot of boys up there on Punchbowl that gave their life, liberty and the pursuit of happiness to preserve our system of government and our government is based on minority rights shall be preserved, but majority votes shall control the destiny of this country. Thank you, Mr. Speaker."

The motion was put by the Chair and the report of the Committee was adopted and roll call having been requested, S.B. No. 1703, SD1, HD1, CD3, 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 37 ayes to 12 noes, which was not less than two-thirds of all the members to which the House is entitled, with Representatives Anderson, Andrews, Crozier, Evans, Fukunaga, Hagino, Hashimoto, Kamalii, Narvaes, Silva, Sutton and Takitani voting no and Representatives Kawakami and Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 1703, SD1, HD1, CD3 passed Final Reading at 11:45 o'clock a.m.

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 congratulatory resolution out of order.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 555) extending appreciation and gratitude to Victoria Keali'i'ka'Apunihonua I'I Rodrigues for her exceptional musical contributions to the people of Hawaii was jointly offered by Representatives Kamalii, Kunimura, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami,

Kihano, Kiyabu, Kobayashi, 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 Kamalii, seconded by Representative Kunimura and carried, H.R. No. 555 was adopted.

Representative Kamalii then rose to introduce the honoree and her family to the members of the House:

"Mr. Speaker, there are a number of individuals in our community who deserve recognition and appreciation for their contributions to all of us here in Hawaii.

Aunty Vickie I'I Rodrigues is such a person. She is, I know, embarrassed by this recognition today. Shy modesty is very characteristic of her. Aunty Vickie has shared of herself with no thought of seeking out our respect or admiration.

It may seem strange to say this about a public entertainer, but her gifts of music and love are of the kind which can be fulfilled only by giving. Her gifts to us are made absolutely without any thought of reward or consideration for what might be given to her in return. That is truly the meaning of Aloha.

Such love often finds its deepest expression in the family. Aunty Vickie knew this kind of love as a child and has passed it on to her children.

For myself, I am proud to have shared the many years with Aunty Vickie in growing up. Her teaching me the hula, helping to put together many May Day pageants and always with great love and Hawaiian discipline. She spent many hours with the Prince Kuhio Hawaiian Civic Club and months putting together our first concert which was the beginning of many successful concerts

thereafter. Today our scholarship fund is where it is because of Aunty Vickie.

My colleagues, it gives me a great deal of pride and with love and respect I would like to introduce Aunty Vickie I'I Rodrigues.

Mr. Speaker, with her are her sons, John and Boyce and her daughters, Mackie, Nina and Lani."

Representative Kunimura also spoke on this resolution stating:

"May I say, for the record, that I have never met Aunty Vickie until this morning and I'd like to say thank you very, very much because you'll never know how much you've improved my office and whatever I'm able to contribute to this legislative session is because you gave us and the world a beautiful person in the name of Lani.

She has made my office life so pleasant and I guess my colleagues have noticed this year that I have all my bills ready for action on the floor in proper order, I don't have to jump and call for recess and become frustrated looking for the bills. They are right here. She's been so efficient that I even have my colleague borrowing my book because he cannot find his.

For that, Aunty Vickie, mahalo, mahalo nui loa. Aloha."

At this time, Representatives Peters, Anderson, Hashimoto, Ikeda and Marumoto presented leis to the honorees while Representatives Kamalii and Kunimura presented the resolutions.

At 11:55 o'clock a.m., the Chair declared a recess for the purpose of being entertained with a musical tribute to Aunty Vickie.

The House of Representatives reconvened at 12:37 o'clock p.m.

Representative Sakamoto then stated:

"I wish Senator O'Connor could have been here on the floor to enjoy the entertainment with us."

The Chair responded:

"We'll make sure to invite him next time."

Representative Evans:

"I wonder if Representative Sakamoto would explain that comment so that the people in the gallery will also understand it."

Representative Sakamoto:

"I defer to the press."

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1042-80) informing the House that House Resolution Nos. 543 to 554, House Concurrent Resolution Nos. 147 to 149, Standing Committee Report Nos. 1013-80 to 1041-80 and Conference Committee Report Nos. 80 to 87 have been printed and distributed.

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

Representatives Lee, Ushijima and Lunasco, for the Committees on Public Assistance and Human Services, Higher Education and Education, presented a joint report (Stand. Com. Rep. No. 1043-80) recommending that H.R. No. 235, as amended in HD 1, be adopted.

On motion by Representative Lee, seconded by Representative Lunasco and carried, the joint report of the Committees was adopted and H.R. No. 235, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, DEPARTMENT OF EDUCATION, DEPARTMENT OF SOCIAL SERVICES AND HOUSING, STATE COMMISSION ON THE HANDICAPPED AND OTHER APPROPRIATE

PRIVATE ORGANIZATIONS TO CONDUCT A STUDY ON SIGN LANGUAGE INTERPRETER AND USAGE NEEDS OF THE STATE", was adopted.

Representatives Lee and Segawa, for the Committees on Public Assistance and Human Services and Health, presented a joint report (Stand. Com. Rep. No. 1044-80) recommending that H.R. No. 148 be adopted.

On motion by Representative Lee, seconded by Representative Segawa and carried, the joint report of the Committees was adopted and H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES GOVERNMENT TO ASSUME A GREATER SHARE OF THE COST OF LONG-TERM CARE PROVIDED IN SKILLED NURSING CARE FACILITIES AND INTERMEDIATE CARE FACILITIES", was adopted.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1045-80) recommending that H.R. No. 194, as amended in HD1, be adopted.

On motion by Representative Lee, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 194, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO FORM A COORDINATING COMMITTEE FOR THE IMPROVEMENT OF SERVICES TO THE HEARING-IMPAIRED AND DEAF COMMUNITY", was adopted.

Representative Lee, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1046-80) recommending that H.R. No. 117 be adopted.

On motion by Representative Lee, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO ASSIST PARTICIPANTS OF THE PEARL HARBOR NAVAL SHIPYARD ALCOHOL ABUSE REHABILITATION

PROGRAM", was adopted.

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

The House of Representatives reconvened at 12:50 o'clock p.m.

By unanimous consent, action on Stand. Com. Rep. No. 1047-80 on S.C.R. No. 4 was deferred to the end of the calendar.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1048-80) recommending that H.R. No. 285 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 285, entitled: "HOUSE RESOLUTION RELATING TO THE NORTH KOHALA DISTRICT", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1049-80) recommending that H.R. No. 373, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 373, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO NEGOTIATE WITH THE BISHOP ESTATE FOR THE USE OF HEEIA-KEA FISHPOND FOR THE CULTURE OF LIMU", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1050-80) recommending that H.R. No. 195 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 195, entitled: "HOUSE RESOLUTION CONCERNING THE CONTROL OF TRAFFIC CONTROL SIGNALS BY EMERGENCY VEHICLES", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1051-80) recommending that H.R. No. 143, as amended in HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 143, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF CONVERTING THE WETLANDS OF THE PEARL HARBOR AREA, OAHU, INTO AN AGRICULTURAL PARK", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1052-80) recommending that H.R. No. 113 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 113, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO CONDUCT A STUDY ON THE FEASIBILITY OF DEVELOPING EUCALYPTUS INTO A PRISON INDUSTRY", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1053-80) recommending that H.R. No. 41, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 41, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON ESTABLISHING A MEDIA STUDY CENTER AND SUPPORTING SERVICES", was adopted.

Representatives Lunasco, Uechi and Kawakami, for the Committees on Education, Agriculture and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1054-80) recommending that H.R. No. 494, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Ushijima and carried, the joint report of the Committees was adopted and H.R. No. 494, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW THE FEASIBILITY OF OFFERING AGRICULTURE AND AQUACULTURE COURSES ON A YEAR-ROUND BASIS", was referred to the Committee on Finance.

Representatives Lunasco, Uechi and Kawakami, for the Committees on Education, Agriculture and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 1055-80) recommending that H.C.R. No. 138, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Ushijima and carried, the joint report of the Committees was adopted and H.C.R. No. 138, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW THE FEASIBILITY OF OFFERING AGRICULTURE AND AQUACULTURE COURSES ON A YEAR-ROUND BASIS", was referred to the Committee on Finance.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1056-80) recommending that H.R. No. 354 be adopted.

On motion by Representative Lunasco, seconded by Representative Say and carried, the report of the Committee was adopted and H.R. No. 354, entitled: "HOUSE RESOLUTION DECLARING THE WEEK OF MAY 11 THROUGH 17, 1980, HAWAII GIFTED AND TALENTED CHILDREN'S WEEK", was adopted.

Representative Lunasco, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1057-80) recommending that H.R. No. 436 be referred to the Committee on Legislative Management.

On motion by Representative Lunasco,

seconded by Representative Say and carried, the report of the Committee was adopted and H.R. No. 436, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE DEPARTMENT OF EDUCATION'S POLICY ON STUDENT DISCIPLINE AND DISCIPLINARY ACTION", was referred to the Committee on Legislative Management.

Representative Lunasco, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1058-80) recommending that H.R. No. 476, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Say and carried, the report of the majority of the Committee was adopted and H.R. No. 476, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION NOT TO CONSIDER OR APPROVE THE PROPOSED TEXTBOOK DEPOSIT SYSTEM", was referred to the Committee on Finance.

Representative Lunasco, for the majority of the Committee on Education, presented a report (Stand. Com. Rep. No. 1059-80) recommending that H.C.R. No. 132, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lunasco, seconded by Representative Say and carried, the report of the majority of the Committee was adopted and H.C.R. No. 132, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION NOT TO CONSIDER OR APPROVE THE PROPOSED TEXTBOOK DEPOSIT SYSTEM", was referred to the Committee on Finance.

By unanimous consent, action on Stand. Com. Rep. No. 1060-80 on H.R. No. 408, HD1, and Stand. Com. Rep. No. 1061-80 on H.C.R. No. 116, HD1, was deferred until the end of the morning calendar.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1062-80) recommending that H.R. No. 358, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 358, HD1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1063-80) recommending that H.R. No. 395, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 395, HD1, entitled: "HOUSE RESOLUTION REQUESTING A PRELIMINARY STUDY OF THE FEASIBILITY OF ESTABLISHING A CULTURAL CENTER ON THE GROUNDS OF THE BISHOP MUSEUM OR OTHER SUITABLE SITE", was adopted.

Representative Morioka, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 1064-80) recommending that H.R. No. 53, HD1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the majority of the Committee was adopted and H.R. No. 53, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO SUBMIT A DESCRIPTION OF THE DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF ATHLETICS AND THE DIRECTOR OF WOMEN'S ATHLETICS", was adopted.

At 12:53 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

SPECIAL COMMITTEE REPORTS

Representative Say, for the Committee on Culture and the Arts which

was assigned to review economic incentives and development restrictions relating to historically designated sites in the furtherance of the state's overall historic preservation and restoration programs, presented a report (Spec. Com. Rep. No. 21).

By unanimous consent, Spec. Com. Rep. No. 21 was received and filed.

Representatives Larsen and D. Yamada, for the joint Committee which was assigned to review Article XI, Section 9 of the Hawaii State Constitution relating to the right to a clean and healthful environment and to determine whether legislation was necessary to implement that right, presented a report (Spec. Com. Rep. No. 22).

By unanimous consent, Spec. Com. Rep. No. 22 was received and filed.

Representatives Shito and Uwayne, for the joint Committee which was assigned to review the utilization of solar energy devices in government assisted housing, presented a report (Spec. Com. Rep. No. 23).

By unanimous consent, Spec. Com. Rep. No. 23 was received and filed.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 556 to 566) and concurrent resolutions (H.C.R. Nos. 150 and 151) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 556) commending and recognizing Shizuko Kohatsu Mukaida, 1980 Mother of the Year, was jointly offered by Representatives Hagino, Uwayne, Aki, Andrews, Baker, Crozier, Fukunaga, Garcia, Holt, Honda, Ige, Inaba, Kobayashi, Masutani, Morioka, Nakamura, Narvaes, Sakamoto, Say, Shito, Silva, Takamine, Takitani, Toguchi, Uechi and Ushijima.

On motion by Representative Hagino, seconded by Representative Andrews

and carried, H.R. No. 556 was adopted.

A resolution (H.R. No. 557) congratulating Walter Q. Parubrub and Edwin G. Parubrub for their achievement of the rank of Eagle Scout was jointly offered by Representatives Toguchi, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Uechi, Ushijima and Uwaine.

On motion by Representative Evans, seconded by Representative Sakamoto and carried, H.R. No. 557 was adopted.

A resolution (H.R. No. 558) recognizing and commending the students, staff and faculty of Campbell High School on the occasion of the Campbell High School Fifth Annual Multi-Cultural Festival was jointly offered by Representatives Aki, Peters, Anderson, Baker, Blair, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Lacy, Larsen, Lunasco, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Say, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Ushijima and Uwaine.

On motion by Representative Aki, seconded by Representative Peters and carried, H.R. No. 558 was adopted.

A resolution (H.R. No. 559) recognizing and extending congratulations to the Hawaii International Year of the Child (IYC) Steering Committee for making Hawaii's 1979 International Year of the Child an outstanding success was jointly offered by Representatives Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto,

Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Aki, seconded by Representative Anderson and carried, H.R. No. 559 was adopted.

A resolution (H.R. No. 560) congratulating the Castle High School Soccer Team was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Crozier, Dods, Fukunaga, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Say, Segawa, Shito, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima and D. Yamada.

On motion by Representative Evans, seconded by Representative Ige and carried, H.R. No. 560 was adopted.

A resolution (H.R. No. 561) congratulating the Sacred Hearts Academy's Soccer Team was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Evans, seconded by Representative Kiyabu and carried, H.R. No. 561 was adopted.

A resolution (H.R. No. 562) congratulating the St. Anthony's Catholic Church's Catholic Youth Organization's Basketball team was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Narvaes, Sakamoto,

Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine and D. Yamada.

On motion by Representative Evans, seconded by Representative Marumoto and carried, H.R. No. 562 was adopted.

A resolution (H.R. No. 563) congratulating and extending best wishes for continued success to the Ana Hotels Hawaii, Inc., owner-operators of Makaha Resort was jointly offered by Representatives Ushijima, Peters, Kunimura, Aki, Anderson, Andrews, Baker, Blair, Crozier, Dods, Evans, Hashimoto, Holt, Inaba, Kawakami, Kiyabu, Marumoto, Medeiros, Morioka, Narvaes, Sakamoto, Say, Segawa, Silva, Takamine, Takitani, Toguchi, Uechi, Uwaine and K. Yamada.

On motion by Representative Ushijima, seconded by Representative Peters and carried, H.R. No. 563 was adopted.

A resolution (H.R. No. 564) recognizing the contribution of big business to Hawaii was jointly offered by Representatives Marumoto and Andrews.

On motion by Representative Marumoto, seconded by Representative Andrews and carried, H.R. No. 564 was adopted.

A resolution (H.R. No. 565) congratulating the winners of the 17th Annual Merrie Monarch Festival was jointly offered by Representatives Say, Fukunaga, Hagino, Holt, Masutani, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Garcia, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

Representative Say then noted that Representative Masutani was an active dancer with one of the winners of the Merrie Monarch Festival.

On motion by Representative Say, seconded by Representative Fukunaga and carried, H.R. No. 565 was adopted.

A resolution (H.R. No. 566) extending condolences and deepest sympathy to the family of Mrs. Hatsuyo Yoshimura was jointly offered by Representatives Kunimura, Aki, Crozier, de Heer, Fukunaga, Hashimoto, Holt, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Larsen, Lee, Marumoto, Masutani, Morioka, Nakamura, Sakamoto, Segawa, Shito, Silva, Takamine, Uechi, Ushijima, D. Yamada and K. Yamada.

On motion by Representative D. Yamada, seconded by Representative Kawakami and carried, H.R. No. 566 was adopted by a rising vote.

A concurrent resolution (H.C.R. No. 150) recognizing the efforts of the Committee which guided the restoration of Ali'Iolani Hale was jointly offered by Representatives Marumoto, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Marumoto, seconded by Representative Anderson and carried, H.C.R. No. 150 was adopted.

A concurrent resolution (H.C.R. No. 151) congratulating and commending the Disabled American Veterans, a congressionally chartered organization, for its community involvement and accomplishments in aiding disabled veterans and welcoming it on its 59th annual convention in Honolulu, Hawaii, from July 25-28, 1980, was jointly offered by Representatives Kihano, Hashimoto, Kamalii, Kobayashi, Marumoto, Nakamura, Sakamoto, Segawa, Shito, Silva, Takamine, Ushijima and K. Yamada.

On motion by Representative K. Yamada, seconded by Representative

Peters and carried, H.C.R. No. 151 was adopted.

At 1:00 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:40 o'clock p.m.

THIRD READING

S.B. No. 2439-80

Representative D. Yamada moved that S.B. No. 2439-80 pass Third Reading, seconded by Representative Honda.

Representative Sutton then rose to speak against this bill:

"Mr. Speaker, the late Senator Wagner put on the books of the United States of America in 1933 the National Labor Relations Act. We in Hawaii copied that act with what we called the 'Little Wagner Act'.

This Little Wagner Act states that it's the union's responsibility and they have given us specific authority to negotiate wages, hours and working conditions. I repeat verbatim from the act, Mr. Speaker.

Now, when we come to working conditions, it's the responsibility of the union to negotiate working conditions and that authority is given to them by the Wagner Act.

Now, let us look at the common law. The common law states to the effect that there is a tort liability for any negligence and this whole concept of negligence tort liability is engrafted in the common law so that any party who is negligent can be joined as a defendant if he is negligent.

Then we put on the books workmen's compensation. Workmen's compensation is a type of insurance. About 5% of the gross payroll is the cost of workmen's compensation for an employer. There is, in addition to that 5%, what they call an umbrella policy which most large companies

take today to take care of any contingencies of negligence beyond workmen's compensation because they can still be joined under the common law for any gross negligence.

This is a basic concept that workmen's compensation does not cover any third parties. Therefore, the third parties are not brought in under workmen's compensation.

The bill we have before us would give immunity to the unions for not taking care of safety and welfare of the individual. Now, let us look at the individual in a union. His relationship is directly to a shop steward. He brings to the attention of a shop steward a dangerous condition. Let us say, for example, because this is the prime example in Hawaii, of any sugar mill where there's a boiler which he feels is defective and might explode.

We have had seven deaths in the last four years by way of boilers exploding in sugar mills.

Now, the Hartford Fire Insurance Company gives the employer notice that his boilers are defective and he cancels his insurance. Hartford Fire is the main insurer here in the islands on boilers, Niagara Fire is the second largest.

On top of that, we have what we call OSHA rules. OSHA rules have to do with the safety of a particular thing and as our minds are concentrated on a boiler, assume for the sake of argument that OSHA has made an inspection of the premises and then a year has gone by and the boiler is a year older and the boiler has been heated to very high temperature.

The small, little member of the union, he's not a shop steward, he's the smallest man that there is, and he is a member of the union and he tells the shop steward 'I think this boiler is dangerous'. He can't point to an OSHA rule violation because that was a year ago. He doesn't know about the cancellation of Hartford Fire or Niagara Fire, he's not privy to information of that

nature. But his very life is endangered by being next to a boiler which can and has exploded in the past, taking seven lives.

I say that the Wagner Act, in giving a union the power to bargain for working conditions, has a responsibility to correct that because that small member of the union has brought it to the attention of the shop steward.

We have here, in this language, given such immense immunity that there is no way of joining the union as a defendant by the parties of the widow and the dependent children who survive the individual who is killed in the boiler.

Look at this language. You couldn't ask for anything more broad than this in the way of immunity, 'furnishing of or failure to discuss or furnish or failure to enforce any safety or health provision to protect employees against work injuries in any collective bargaining agreement or in negotiations thereon, shall not subject to labor organization representing the injured employee to any civil liability.' You couldn't have, I don't know who the attorney was who drew that up, but he did a magnificent job of covering every base for immunity.

Then look at this, at the bottom of page 2, we have definition: safety or health provisions include, but it's not limited to, safety or health inspection advisory services.

So, the safety and health inspections that I've talked about of Hartford Fire or Niagara Fire, forget them. The safety or health inspections that didn't come because OSHA hadn't been there in a year, forget them. This immunity is so broad that the union can escape doing its task which was granted to it by the late Senator Wagner and the copying of his National Labor Relations Act here on the books of Hawaii.

Therefore, I would ask you, Mr. Speaker, to vote no on this bill."

Representative Kunimura then rose to speak in favor of S.B. No.

2439-80:

"If we were to believe the previous speaker's statements made on the floor about this bill, there wouldn't be a man standing on the floor of this House that would have any clothing on.

Mr. Speaker, the real truth about this is that we have too many unscrupulous lawyers. That's all. Look at what's happening today in the federal courts. The police are hired and charged by law to protect us and they are trying to do a good job, and now they are being subpoenaed to practically give up their constitutional rights against self-incrimination and they may be charged, even the Chief of Police may be charged, with contempt.

But he's willing to go to jail if necessary. Mr. Speaker, I would say this, if this bill really did what the gentleman from Nuuanu expounded, I would have been the first one on this floor to physically kill this bill.

Mr. Speaker, right now the unions are being advised by their counsel not to participate in any manner, shape or form in negotiation or otherwise, that has anything to do with worker's safety because if they do, then they are liable to third party litigation.

This bill, Mr. Speaker, does not take away the worker's right if there should be any willful negligence, but there are time, Mr. Speaker, when the worker reports to his shop steward and the shop steward has to go through the chain of command and by the time the company takes action to correct the dangerous situation, somebody may have died, and the union is liable.

Also, Mr. Speaker, the gentleman from Nuuanu, if you believe him, he painted a picture that the unions can step in and correct the situation. That would be advocating force and violence, taking over a private property that belongs to someone else. The only thing a union can do is complain and, if necessary, pull a job action. But, we're talking

about unscrupulous lawyers that work on contingency fees. They don't give a damn. They want to take everybody into court so that, if they win and the dice should roll their way and their clients win, they have a handsome legal fee. If they lose, so what. They wouldn't have had a job anyway.

We're talking about these unemployed lawyers. We're not talking about lawyers who are doing well. They can't be bothered with this kind of stuff. But you find, if you read the newspaper, how many just go out looking for these things.

Mr. Speaker, I have been involved with building of unions, being a member of unions and I will die a union man and I feel just as strongly now for this bill as I felt against this bill before because of the more recent action that is going on all over the United States and especially in California and Hawaii.

Just yesterday, Mr. Speaker, we passed a bill about biting dogs. You know, a man can enter your home; if you beat him up and he should die, and in your honest attempt to try and defend your property and life and your loved ones and yourself, maybe like Representative Yamada said, you didn't know he was blind but you hit him on the head, he dies, you're going to be charged with manslaughter because when they go to court and find out the man was blind, but how do you know, are you going to ask, are you blind, do you have a gun, is the gun loaded, so you let him have it first, right, because a man's home is his castle.

This is the kind of situation we have today. We're protecting, my goodness, we're protecting those who are out to break us and I salute what the Chief of Police stands for. I called him last night and I couldn't reach him. I wanted to tell him that I take my hat off to him. Sure, we have police brutality, but the balance is so delicate that we cannot afford to have the courts jump on one or the other. This fishing expedition, this almost frivolous suit is going

on every day.

Without this, Mr. Speaker, the unions will not participate in any manner, shape or form in contractual negotiations or otherwise to try to make and prevent industrial accidents. I am interested in preventing. I'm not interested too much in after the man is hurt or maimed for life or dies; that's important, but the most important thing is to prevent it from happening.

Lawyers are always interested in letting it happen, then they have a job. Thank you."

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

"I find it very unfortunate that we've had to spend so much time on this law because I think it's a very simple proposal. In terms of the remedy of the worker, he has several remedies.

If he's made a complaint and the union does nothing, then he can file a complaint with the NLRB or HPERB on his union's failure to represent him, the duty of fair representation which has been imposed by the courts and by state law.

When I was a law student and I would flip through the index of law use, I would see pages and pages of references dealing with the worker compensation law and I wondered why, what seemed to be a simple law, had so many law articles and so many cases; and it wasn't until I graduated and began to get familiar with workers compensation that I came to realize that workers compensation law is really a totally specialized system of law.

This is what we're talking about, chapter 386, workers compensation. We're not talking about other aspects of law.

I think if you try to understand how workers compensation is different from other types of court system law, you'll see the reason for this bill. You cannot sue the employer if you're a worker. Your remedies

are under the workers compensation system which brings you under administrative law.

You cannot sue your fellow employee if you are injured. That's prohibited by the Act. Concepts of negligence are thrown out under workers compensation. As a worker, if you are injured on the job, the courts have stated that there is a presumption that you have been injured. This does not exist under common law.

There are many changes that workers compensation law has brought about in this area. We're talking about the very central system of law. For those who would like to open up the workers compensation injuries to the court system again, I would like to mention that there are 30,000 compensible injuries every year in which claims are filed, 30,000 potential cases a year, and that's the reason we set up this specialized system of law, and that's all we're talking about and I think this is basically a simple change that has been proposed. As the representative from Kauai pointed out, it's basically a few lawyers who have brought about the need for this law.

There were no cases or lawsuits against unions ten or fifteen years ago. Workers' compensation law is now in its 65th year of its operation; there were never any cases. It was only in the last several years because of cases that have been brought up on the mainland that there has been a feeling that this law should be changed with this simple amendment. I urge all of my colleagues to vote for this bill. Thank you."

Representative Anderson then rose to speak against this bill:

"The employer pays for the workers' compensation. If in fact the unions are being paid by their membership, they too can go out and buy insurance, it's an open market.

I don't see why you can always say that a special thing like this here has to come to the legislature.

I think that should be worked out between the unions, their membership and if they so feel that they are going to be sued, they can pay for the same type of coverage that the employer has to pay and I ask my colleagues to vote against this bill."

Representative Sutton again rose to speak against this bill:

"Let me first address my remarks to the gentleman from Kauai. I do not feel that the problems of police brutality or attempts to hold records so that the contempt of court by Judge Pence might occur, is relevant to what we're talking about.

I do not feel, however, that it is irrelevant for him to talk about ambulance chasers. We do have them and our profession does need cleaning up. I think you people should address your attention to cleaning it up. When we took the bar, the vast majority of us, there was a 12% passage, now it is a 90% passage. This is a very serious thing that the gentleman from Kauai has brought up, I cannot deny it.

But, there are no cases in this jurisdiction, yet, of what we are talking about. There are no adjudicated cases on the books where a union has been sued on this third party liability, so we are taking care of the contingency for adjudications that have occurred on the mainland where they do not have an act similar to our Little Wagner Act and where they have a different type of empowering of unions to engage in collective bargaining.

The words we have say 'working conditions'. Since it is working conditions, I say that what Mr. Hagino has brought out is not relevant because we do not in any way, shape or manner curtail by our workers compensation anything concerning working conditions for a union to bargain on.

Now, it was brought out by the gentleman from Kauai that we have seen the unions advised by their attorneys not to participate in any safety counseling for fear that they

would then be joined, assuming it was half labor half management that determined the health and safety counsel. This particular bit of advice, I think, is not well-founded because the mere telling of a union by its top management that they are not to allow employees to be on a safety council I think, in and of itself, would be negligent so I do not agree and, of course, that's one man's opinion versus another man's opinion.

You've heard the gentleman from Kailua talk to us on dogs the other night and he brought out the fact that insurance was available, so are the unions to take care of this third party contingent liability and I think that he had a very good point that what we should do is to be addressing our attention to the overhaul of that type of insurance. If necessary, do the same thing we did on malpractice to make sure it is available.

But, to say to that little tiny fellow who has no voice, who doesn't have any influence, who has to go to work next to a dangerous boiler, that he has no remedy, it's really saying that his widow has no remedy because he is not going to be able to process anything. He's dead from that boiler explosion. We're talking about a death benefit here and that individual should, in my opinion, have a right to sue the third party just as a coercive thing to make sure that the union bargains collectively.

I want to tell you, Mr. Speaker, that I don't think we're talking about the responsible unions that we have in this state and that you and I know of, I think we are talking of an irresponsible union which I don't believe exists to the extent that this contingency needs to be taken care of.

Therefore I would ask, Mr. Speaker, that you vote against this."

Representative Kunimura then rose in rebuttal:

"Long before, Mr. Speaker, this state adopted the OSHA concept of monitoring our industrial plants

where dangerous situations exist for workers, we had boiler inspectors and boiler laws and the recent supreme court decision, I believe it was the Whirlpool case, where a person can refuse to work if it's dangerous to life or limb.

With those things on the books, Mr. Speaker, the gentleman from Nuuanu is putting a big bugaboo in this House. Mr. Speaker, now a new area or profession has been injected by insurance, so now if we kill this bill, the action of this House is going to be pro attorneys and pro insurance. Unions are run by dues from the workers. They don't have any subsidy from government; whereas, Mr. Speaker, attorneys have subsidy from government because the supreme court, the Chief Justice runs practically everything. The courts run the licensing and examinations. They pay, not to the state general fund like real estate brokers or insurance salesmen, their fees don't come into the general fund, it goes to a special fund. We don't even have the right to touch them. They have their own canons. We didn't adopt the canons, they adopted the canons.

As the gentleman from Nuuanu said, the profession he belongs to is the second oldest. I think it's the oldest. The prostitute learned from the attorneys how to make money.

So, Mr. Speaker, we're talking about special interest and without a bill like this, it would be a field day for unscrupulous ambulance chasers. It would be a field day for unscrupulous insurance agents and insurance companies because everybody is going to have to buy extra insurance. It's expensive.

This is why I feel that if we listen to attorneys too often, we are going to be making laws that will only benefit the attorneys. Thank you."

Representative D. Yamada then rose to speak in favor of S.B. No. 2439-80:

"Mr. Speaker, just so nobody

really gets confused about what this bill really does, the worker has a remedy under the workers compensation law to provide for loss of income or pain and suffering. It also provides for all medical expenses.

This bill does not mean that under certain circumstances that the worker has no remedy and will receive no benefits.

Secondly, Mr. Speaker, this so-called broad immunity that is given to unions, the bill refers to actions arising under the section of the law so cited. It only has to do with workers compensation, third party liability that may follow from that.

In no way, even with the passage of this bill, will it exempt unions from any suit from bias members for failure to represent.

Basically, Mr. Speaker, the sole purpose of this bill really is to get labor and management working together on safety programs to prevent these injuries.

Therefore, Mr. Speaker, I urge all members to vote for this bill."

Representative Narvaes then rose to speak against S.B. No. 2439-80:

"Mr. Speaker, I have some remarks that I would just like to have registered in the Journal, but I would also like to summate what my remarks are talking about.

Basically, Mr. Speaker, what the previous speaker has done is outline what the bill does do. That's good. Mr. Speaker, all the unions have to do if they want immunity from those kinds of suits is have the union members sign a contract agreeing to not sue their union in those cases. They can do it themselves.

I strongly feel that this is an internal union matter and the best way for the union members, themselves, to really know what's going on is to have this kind of signed agreement between the union and the members themselves.

I don't feel that the legislature should be meddling in their affairs.

Mr. Speaker, I would like to urge all members to vote against this measure and may I please have my other remarks entered into the Journal."

Representative Kunimura objected to the remarks being inserted and asked that Representative Narvaes speak his remarks in opposition to S.B. No. 2439-80 instead of being placed on the record.

Representative Narvaes:

"Mr. Speaker, so that we can go on and not spend so much time on this measure, I will be very glad to satisfy the Representative from Kauai and finish up and give my full speech.

Mr. Speaker, basically my remarks summed up what my speech had been about. Again, I just don't believe that the legislature should be tampering in this area. It is an internal union matter.

Also, I do not feel that this measure would be a benefit to the union members themselves. I do not feel that the union members really know what's going on. In fact, I think this bill does just the opposite. It takes away one of the basic rights of the union member. This Senate Bill takes away the right of a union member to sue his union. The union does not provide that protection that a union member rightfully deserves as he pays his dues for that protection, then that union member should be able to sue.

Mr. Speaker, that's basically it."

The motion to pass S.B. No. 2439-80 on Third Reading was put by the Chair, and S.B. No. 2439-80, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Anderson, Evans, Medeiros, Narvaes and Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 2439-80 passed Third Reading at 2:12 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1060-80) recommending that H.R. No. 408, as amended in HD1, be adopted.

Representative Ikeda then rose to speak in favor of this resolution as well as the following concurrent resolution, H.C.R. No. 116:

"Mr. Speaker, in response to the pressing problem of housing Hawaii's people, last year this legislature enacted legislation known as the Housing Loan and Mortgage Act, or HULA MAE. This legislation authorized the issuance of state revenue bonds to make funds available for home loans to families of low and moderate income.

There is the very real danger, though, that our HULA MAE program will be effectively eliminated by the actions of the United States Congress. Already, the United States House of Representatives has passed legislation that would kill the HULA MAE program, and that legislation is now before the U.S. Senate. The legislation I am referring to, Mr. Speaker, is U.S. House Resolution 5741, as amended.

If this resolution passes the U.S. Senate, HULA MAE will be gravely endangered, and the people of Hawaii will suffer the consequences.

The Hawaii Housing Authority regards the HULA MAE enabling legislation as the model for other states to follow when enacting mortgage revenue bond programs, and mortgage lending institutions in Hawaii have been highly cooperative and supportive of the program. This success on the basis of one year's experience, promises even more housing relief for the future, if HULA MAE has a future.

At the least, this future is now shadowed by the congressional proposal. Congress would limit the difference between the bond rate and the mortgage interest rate to one per cent. For the HULA MAE program to recover just its fixed and administrative costs would be extremely difficult under that constraint.

In addition, under provisions before the U.S. Senate, the Hawaii Housing Authority would also be limited to issuing \$43.8 million of bonds a year until reaching the proposed ceiling of \$150 million. These restrictions would dramatically curtail the extent of assistance possible through HULA MAE and effectively eliminate the HULA MAE program by 1982.

Finally, the congressional legislation would not recognize agreements of sale, a severe blow to housing financing possibilities and practices in Hawaii.

Unfortunately, recent news articles have suggested that there are other financing possibilities which, although legal under HULA MAE, strike me as unethical. I am referring, Mr. Speaker, to the practice of ear-marking HULA MAE monies for specific projects and developers. I hope that the Hawaii Housing Authority will take steps to remedy this unfair practice soon. The integrity of HULA MAE is too important to be jeopardized, whether by congress or biased lending institutions.

The HULA MAE program is this state's strongest effort to help the low and moderate income families of Hawaii acquire their own homes. It is a good program, a popular program, and one that must continue in an effective manner to deal with the housing problems of our state.

I urge my colleagues to vote favorably on the resolutions before us respectfully requesting the U.S. Senate to defeat this federal legislation; otherwise, our best effort to deal with the housing problems of Hawaii will be defeated. Thank you, Mr. Speaker."

Representative Sutton then rose to speak in favor of H.R. No. 408, HD1, with reservations:

"Mr. Speaker, by these resolutions, we are authorizing the congress of the United States to continue the tax-free bonds that will allow something comparable to what we call our HULA MAE.

But, Mr. Speaker, we must clean our own house if we're going to allow tax-free dollars to do this job. We must not be allowed to let them be used as came out in a hearing of the House Committee chaired by our own Representative Shito from the House and by State Senator Benjamin Cayetano.

In this hearing held two days ago, evidence was brought out to the effect that there was a reservation made for Gentry Pacific which had not in any way, shape or manner submitted a list of the names of those who wanted the HULA MAE money.

Sixty people were refused any qualification. . . ."

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

"Mr. Speaker, the arguments being raised now do not go to the merits or demerits of the resolution but are ancillary to the program that is under consideration."

Representative Sutton continued:

"What I am trying to say is that we are asking the congress of the United States to allow us to continue to issue tax-free bonds at an interest rate which is far more favorable than prime rate, possibly around 9-1/2% as compared with prime which is 20%.

Because of that tremendous spread, it is essential that we continue to have the congress of the United States permit the various states of the union to issue this type of bond, but only if we keep our skirts clean will they continue to do so

and that is why I brought out this contingency and I will confine this contingency to what I have already said and would ask you to please notify the congress of the United States that hereafter we will take all qualifications on a walk-in basis and not prior reservation to Gentry Pacific or any other developer."

On motion by Representative Shito, seconded by Representative Lee and carried, H.R. No. 408, HD1, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS TO DEFEAT THE DOWNEY AMENDMENT", was adopted.

Representative Shito, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1061-80) recommending that H.C.R. No. 116, as amended in HD1, be adopted.

On motion by Representative Shito, seconded by Representative Lee and carried, H.C.R. No. 116, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO DEFEAT THE DOWNEY AMENDMENT", was adopted.

At 2:25 o'clock p.m., 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 9:25 o'clock p.m.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 26-80 on H.B. No. 1911-80, HD1, SD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda, the report of the Committee was adopted and H.B. No. 1911-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION; AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE AND CORRECTING REFERENCES", having been read throughout, passed

Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 27-80 on H.B. No. 2091-80, HD1, SD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda, the report of the Committee was adopted and H.B. No. 2091-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT PROCEEDINGS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1911-80, HD1, SD1, CD1 and 2091-80, HD1, SD1, CD1 passed Final Reading at 9:26 o'clock p.m.

Conf. Com. Rep. No. 28-80 on H.B. No. 1915-80, HD1, SD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda, the report of the Committee was adopted and H.B. No. 1915-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 29-80 on H.B. No. 2241-80, HD1, SD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda, the report of the Committee was adopted and H.B. No. 2241-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO SPOUSE ABUSE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1915-80, HD1, SD1, CD1 and 2241-80, HD1, SD1, CD1 passed Final Reading at 9:27

o'clock p.m.

Conf. Com. Rep. No. 30-80 on H.B. No. 2175-80, SD2, CD1

On motion by Representative D. Yamada, seconded by Representative Honda, the report of the Committee was adopted and H.B. No. 2175-80, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO NAMES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 31-80 on H.B. No. 2532-80, SD1, CD1

On motion by Representative Say, seconded by Representative Takamine, the report of the Committee was adopted and H.B. No. 2532-80, SD1, CD1, entitled: "A BILL FOR AN ACT AUTHORIZING THE PLACEMENT OF THE SCULPTURE 'THE SPIRIT OF LILIUOKALANI' AT THE STATE CAPITOL COMPLEX", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 32-80 on S.B. No. 2914-80, SD2, HD2, CD1

On motion by Representative Takamine, seconded by Representative de Heer, the report of the Committee was adopted and S.B. No. 2914-80, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 2175-80, SD2, CD1 and 2532-80, SD1, CD1 and S.B. No. 2914-80, SD2, HD2, CD1 passed Final Reading at 9:28 o'clock p.m.

Conf. Com. Rep. No. 33-80 on H.B. No. 2058-80, HD1, SD1, CD1

On motion by Representative D.

Yamada, seconded by Representative Honda, the report of the Committee was adopted and H.B. No. 2058-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2058-80, HD1, SD1, CD1 passed Final Reading at 9:29 o'clock p.m.

Conf. Com. Rep. No. 34-80 on H.B. No. 1919-80, SD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 1919-80, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO YOUNG ADULT DEFENDANTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 35-80 on H.B. No. 1985-80, HD1, SD1, CD1

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 1985-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Narvaez and Sutton voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 36-80 on H.B. No. 2359-80, SD1, CD1

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2359-80, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PARTNERSHIPS", having been read throughout, passed Final Reading

by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1919-80, SD1, CD1; 1985-80, HD1, SD1, CD1 and 2359-80, SD1, CD1 passed Final Reading at 9:30 o'clock p.m.

Conf. Com. Rep. No. 37-80 on S.B. No. 1516, SD1, HD1, CD1

Representative Blair moved that the report of the Committee be adopted and that S.B. No. 1516, SD1, HD1, CD1 pass Final Reading, seconded by Representative Shito.

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

"Mr. Speaker, I have never felt so humble to people in a Conference Committee and my feelings toward those who participated in this time-sharing bill. I think it's a magnificent bit of legislation considering all the circumstances and my mahalo to all those conferees."

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

"In the same spirit, I would like to thank the conferees. They were probably more helpful on this bill than on any bill I have ever been a conference chairman on and I deeply appreciate the work that they did."

Representative Larsen then rose in favor of S.B. No. 1516, SD1, HD1, CD1:

"Mr. Speaker, I would like to commend the Chairman of this Conference Committee, the Chairman of CPC, because staying power is the name of the game, I realize, but staying power without old colleagues is really something else again."

Representative Ikeda rose to speak in favor of this bill:

"Mr. Speaker, this bill on time sharing has been among the most difficult pieces of legislation I have

been privileged to work on in the legislature. Difficult because of the subject, because of the strength of feeling held by opposing viewpoints and difficult because we all knew that some action had to be taken.

I feel that this final effort at resolving those difficulties may not be perfect, as no bill ever is, but is a measure deserving of our support.

In particular, Mr. Speaker, this bill maintains the imperfect but essential distinctions among state and county powers. The role of the state is one of broad regulation, while it is the responsibility of the counties to establish and to adopt those more stringent prohibitions truly reflective of the needs and desires of their citizens. Hawaii has been very fortunate to develop in a variety of ways, and I am proud that there are still overriding differences within commonalities among the different island counties.

It is this kind of legislation which respects and nurtures those differences. Clearly, Honolulu has felt the pressures and potential disadvantages of time-sharing more acutely than any other island. Thus, it will be the primary responsibility of the city and county of Honolulu to use its zoning powers in order to give the fullest expression to the mandated implementation of geographical prohibition contained in this measure.

In particular, I believe that the guidance provided by this bill will offer a mandate for the protection of residential lifestyles whether in Waikiki or Hawaii Kai. Just as each island has its own organic character, each of the various neighborhoods on each island also have special assets which distinguish them from abutting valleys. If seriously implemented by the counties, then, this bill offers a statement of purpose to guarantee the residential character of those neighborhoods.

There will be some, however, and I must admit that I am not immune to these same doubts, who will feel that we should have explicitly named and determined those protections

rather than entrusting that obligation to the county councils. I can appreciate the impulse to create a comprehensive and thereby possibly fool-proof law restricting time-sharing. However, my experience here has taught me one very important lesson: it is impossible to write a law so comprehensive as to include everything, and it is also impossible to presume that kind of ironclad legislation in which errors must wait a year for further legislative remedy.

By giving the counties authority to develop geographical prohibitions, there is greater latitude for experimentation, and also for correction.

In certain areas, however, there was clearly a general public interest which could best be served by state action, and I believe that we have responded to that public interest by: (1) prohibiting beach and street solicitation for time-sharing; (2) requiring a bonding level which will discourage one or two unit offerings of time-sharing; and (3) requiring that the conversion of condominiums to time-sharing be possible only with the unanimous consent of all residents in the building.

We may not have forged the final word on time-sharing practices, but this bill is an articulate statement of intent and purpose in the regulation of time-sharing. As such, it should be enacted. Thank you."

Representative Larsen again rose to speak on S.B. No. 1516, SD1, HD1, CD1:

"Mr. Speaker, I would also like to mention the good work that was done by my colleague from Hawaii Kai. She showed the way on several occasions of hanging tough and pointing out directions and impasses and ways around these impasses. I want to compliment her for hanging in there right along with the Chairman."

Representative Kamalii requested that her remarks in favor of this bill be inserted into the Journal and the Speaker, noting no objections, so ordered.

"The following is a statement of understanding of legislative intent with respect to S.B. No. 1516, SD1, HD1, CD1.

With respect to Section 5, 'Geographic Limitations, except as provided in this section, time share units, time share plans and transient vacation rentals are prohibited. . . . (2) time share units, time share plans and transient vacation rentals are allowed: (A) in hotels, or (B) where designated for hotel use, resort use or transient vacation rentals, pursuant to county authority under Section 46-4, Hawaii Revised Statutes, or where the county, by its legislative process, designates hotel, transient vacation rental or resort use.'

According to the research which I have done, there is no designation in any county, nor is there any designation in state law which creates a transient vacation rental use or designation. With the passage of this measure, the state will recognize that there may be a use known as 'transient rental'. There may be, pursuant to the passage of this measure, designation by the county of this use.

It is well-known that this use as generally described in the definition section of this measure exists at the present time in areas such as the North Shore, Hauula, Kaneohe Bay, Lanikai Beach, Hawaii Kai condominiums, Kahala Beach, as well in the apartment precinct of the Waikiki Special Design District.

It is my understanding that this measure as noted in the Conference Committee Report 8-80, page 2, in the last paragraph is that there are ' . . . areas of non-enforcement of their own zoning ordinances by some of the counties. In this regard, it is not the present character of the neighborhood, but its intended use by the county that is also important. The legislature intends by this Act that the counties will be guided by the notion that time sharing and transient vacation rentals should not be permitted where the life styles of the permanent residents will be disrupted in an unreasonable

manner. Any zoning code is only as good as its enforcement by a county.'

The counties have the power to re-designate certain areas for other types of use in accordance with H.R.S. 46-4, and in accordance with Section 4 of this measure. However, it is my understanding that this provision for transient vacation rentals shall not be interpreted by any court at any level in the state of Hawaii - District, Circuit or Supreme - to mean that the designation of transient vacation rental use in this bill is intended to allow transient vacation rentals or time-sharing in any area just because there is de facto use which fits the description of this proposed statute.

Further, it is noted that in Section 5, sub-paragraph 2, sub-paragraph B, the use of the word 'designate' precedes a reference to Section 46-4, H.R.S. The use of the word 'designated', according to Black's Law Dictionary, is 'to indicate or set apart for a specific purpose'.

The Waikiki Special Design District was created by Ordinance No. 4573, and was passed into law on April 1, 1976. Under the provisions of this ordinance, four precincts were created: apartment, resort hotel, resort commercial and public. Studies have been done on Waikiki since 1906, and this ordinance is the result. They clearly indicate that the apartment precinct, as opposed to Resort Hotel and Resort Commercial, is the residential area that should be preserved and protected under this ordinance.

The provisions of Ordinance No. 4573 reduce density by decreasing the maximum floor area ratio for new apartments from 4.0 to 1.5, and for new hotels from 4.5 to 2.8. The principal purpose of the ordinance is to control density, improve the urban environment, optimize community benefits and coordinate developments with traffic and utility capabilities. These purposes cannot be achieved if time-sharing is allowed within the apartment precincts.

Therefore, it is my understanding that we are voting for this measure

in order to protect residents in apartment precincts such as the Waikiki Special Design District, Kahala, Lanikai and all areas where time-sharing may be attempted.

With respect to Section 6, subparagraph A, it is my understanding that this provision provides that any additional units may not be used for time-sharing unless they are approved in the same manner as is required with respect to projects without time-sharing. The 100% approval requirement will be diminished to whatever the bylaw requirements dictate. That is, rather than having the project instruments amended by unanimous vote of the unit owners, they must be amended by the percentage required in the bylaws for that particular building, 75%, 82% as the case may be.

If any member of this honorable body has any objections to my understanding, may they say so at this time, or accept this statement as an indication of this legislature's intent."

The motion was put by the Chair, and the report of the Committee was adopted and S.B. No. 1516, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 1516, SD1, HD1, CD1 passed Final Reading at 9:36 o'clock p.m.

Conf. Com. Rep. No. 38-80 on S.B. No. 2253-80, SD1, HD1, CD1

Representative Blair moved that the report of the Committee be adopted and that S.B. No. 2253-80, SD1, HD1, CD1 pass Final Reading, seconded by Representative Shito.

Representative Larsen then rose and requested the Chair's ruling on a potential conflict of interest stating that he occasionally rents his house for short periods of time.

The Chair declared no conflict.

Representative Larsen then rose to speak in favor of S.B. No. 2253-80, SD1, HD1, CD1, but with certain reservations:

"In my view, this bill tries to solve a problem that we supposedly have in this state of keeping track of those people who rent their units. I'm afraid we go out with a machine gun to try and shoot a sparrow because unquestionably there are many people in the state who rent their units and don't pay their gross income tax, but I think we've finally got this bill around to the point where it realistically addresses itself to rentals that take place in multi-unit buildings, take place almost in the sense of commercial rentals which is, I hope, what we're doing rather than gearing ourselves to look down the throat of every person who owns a house and goes off on a vacation or rents on occasion.

This is a separation that I think we have been able to make in this bill. When it first started out, it was almost as though anybody who ever rented his house would have to file a report with the Real Estate Commission, list his name, rank and serial number and everything else. It was a burden, in my view, on the ordinary citizen of this state and therefore I objected to that phase and our Chairman was able to negotiate these things out of the bill plus the very brutal penalties that were expressed in the original draft. Those are no longer in the bill and therefore, I will accept it for what it is supposed to be, to help the state get a record of how many multi-unit dwellings are being used for transient vacation rentals. Thank you."

The motion was put by the Chair and the report of the Committee was adopted and S.B. No. 2253-80, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the clerk to note that S.B. No. 2253-80, SD1, HD1, CD1 passed Final Reading at 9: 42 o'clock p.m.

Conf. Com. Rep. No. 39-80 on S.B. No. 2202-80, SD2, HD1, CD1

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2202-80, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE LICENSING OF RADIATION THERAPY TECHNOLOGISTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 40-80 on S.B. No. 2693-80, SD2, HD1, CD1

On motion by Representative Kawakami, seconded by Representative Say and carried, the report of the majority of the Committee was adopted and S.B. No. 2693-80, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO HISTORICAL OBJECTS AND SITES; CULTURE AND ARTS; AND HISTORY AND THE HUMANITIES", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives de Heer and Sutton voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 41-80 on S.B. No. 1960-80, SD1, HD1, CD1

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 1960-80, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Anderson and Ikeda voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. Nos. 2202-80, SD2,

HD1, CD1; 2693-80, SD2, HD1, CD1 and 1960-80, SD1, HD1, CD1 passed Final Reading at 9: 43 o'clock p.m.

Conf. Com. Rep. No. 42-80 on S.B. No. 2501-80, SD2, HD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2501-80, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO ABSOLUTE LIABILITY OF ANIMAL OWNERS: PENALTIES FOR VIOLATIONS", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Anderson, Narvaes and Sutton voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 43-80 on H.B. No. 2286-80, HD1, SD1, CD1

On motion by Representative Lee, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2286-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 2501-80, SD1, HD1, CD1 and H.B. No. 2286-80, HD1, SD1, CD1 passed Final Reading at 9: 44 o'clock p.m.

Conf. Com. Rep. No. 44-80 on S.B. No. 118, SD2, HD1, CD1

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 118, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL AND OCCUPATIONAL BOARDS AND COMMISSIONS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 118, SD2, HD1, CD1 passed Final Reading at 9:45 o'clock p.m.

Conf. Com. Rep. No. 45-80 on H.B. No. 1782-80, HD2, SD1, CD1

Representative Blair moved that the report of the Committee be adopted and that H.B. No. 1782-80, HD2, SD1, CD1 pass Final Reading, seconded by Representative Shito.

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

"This bill will amend the state law to reflect the realities of the present lending market. It is a direct result of the increasing pressure for loans and funds by our residents. The pressure brought on by a lack of available mortgage money that would normally assist in the purchase of homes in Hawaii.

Hawaii's lending market has lost much of its source of revenue to the mainland because interest rates there are much higher. As a result, little or no money is available for mortgage loans in this state.

The impact of this situation on the people of Hawaii would be tremendous if we refused to lift the limit on interest rates. It would affect homeowners, it would affect those residents wishing to sell their property, it would affect our people in the construction industry engaged in building of homes, and many others.

This proposed change in our law, therefore, is badly needed to maintain a healthy economic climate for the people of this state.

Mr. Speaker, prior to tonight's session, H.R. 4986, the Depository Institutions Deregulation and Monetary Control Act of 1980 was enacted by congress. It provided for a three year repeal of the usury throughout the United States. This Federal Act also gave the states pre-emption powers. We took advantage, Mr. Speaker, of these pre-emption powers

by incorporating the Agreements of Sale into this bill because it is very important to those homeowners wishing to sell their property on Agreement of Sale.

This then enabled the vendor to charge the interest on Agreement of Sale at the same prevailing rate as the interest on the mortgage itself.

I am especially pleased at the inclusion of Section 506, the disaster clause. This Section makes it possible to hold the line of interest rate applicable to a mortgage at the time of a home damaged or destroyed by fire or natural disaster. This interest rate would apply only to the amount equal to the portion of the previous mortgage which is still owing to the damage.

I am very thankful to the Chairman, Russell Blair, and the Senate Chairman as well as the members of the Conference Committee for accepting my disaster clause amendment at the conference hearing.

I might point out, at this time, that the changes in the usury law as proposed in this bill, will not affect the rate of interest, discounts, charges or other considerations agreed in any commitment entered into before the enactment of this law.

I urge all of you to join me in voting aye. Thank you."

At 9:48 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:02 o'clock p.m.

Representative Sutton then rose to speak against H.B. No. 1782-80, HD2, SD1, CD1:

"Mr. Speaker, I would draw your attention to the Merchant of Venice, by William Shakespeare, and the concept of a pound of flesh and the concept that there was usury.

Look in your bible, the bible says thou shalt not commit usury.

Mr. Speaker, I am an honor graduate in economics from Stanford University and I know economics and I know when I buy the Wall Street Journal every day and I can tell you the interest rates all over the country, but did you know it dropped one quarter per cent today. And if you multiply one-quarter by 30, do you know what you're going to get, we're going to be back at normal interest rates.

You know, Mr. Speaker, that what we have done here is to remove all usury laws with the exception of two minor exceptions which have a five year implication.

Now you've heard the congress of the United States has passed the Monetary Control Act. Mr. Speaker, the Monetary Control Act does permit us to move but we could have tied this usury rate change into prime. If we tied it into prime, we would do the same thing as City Bank does in New York, they have a floating rate. What we have done here is to completely remove any ceilings on the amount of interest that can be charged and with 51 people representing 800,000 people whose very lives depend upon the financial impact of the period we're going through.

I recognize you can't attract money to Hawaii if you don't have higher interest rates, I recognize that we're a capital-short economy, I recognize, Mr. Speaker, that it is essential that we tie in with the other 49 states economically, we cannot be an island unto ourselves. I'm not asking that. All I ask is that we tie this into prime and that we not forever take off the usury rate.

Go back if you will, Mr. Speaker, into the basic concept that if you're paying a 20% interest rate in five years it's all gone, your whole capital, on interest alone. Five times 20 is one hundred. There you are, it's gone, five years. Think of the confiscatory proposition to that individual who wants to borrow money and we've taken the lid off. Our job in government, and my

phone's been ringing off the hook I'm sure more than anybody else, from the banks and the savings and loans because they look to me for a little guidance on something like this.

Bert Kobayashi holds a doctorate from Michigan, there are several other doctorates here, we understand the depth of the present situation. We understand the horrors of inflation. We've seen the Republic of Germany go down after the Treaty of Versailles. We recognize that this sort of thing has to be done to stop inflation, but we should have tied it into prime and then next we should have tied it into a period of years, three to five years.

The Monetary Act ties it into a set figure. The Federal Monetary Act which is allowing us to act, has a fixed term. Why didn't we put a fixed term? Why didn't we tie it into prime? Why should we tell our citizenry who are on fixed incomes that the tremendous inflation will hit them on one flank and then on the other flank they will get hit by this unbelievably high interest rate which we are going to allow.

Nowhere have we ever come head to head with a daily life of those that we represent as much as we are tonight. No time in the history that I've been here, it took me 20 years to get here, Mr. Speaker, but I'm here, at no time have we ever come into the daily lives of the individuals we represent to the same degree.

It was a chance for us to show real statesmanship, and we did show statesmanship in one aspect: 506 is an excellent piece engrafted on in this particular Conference Committee, and it takes care of the disaster situation that could occur and it seems to cover every base from fire to earthquake, tidal waves to international disaster. And there the rate of interest on a loan shall not be increased by reason of the damage or destruction. We're thinking. There we were addressing our minds to this. There we were showing the statesmanship we should have

shown in the whole document.

Now, Mr. Speaker, you have a chance to remedy this. I think there's going to be an extension. Why don't we take this back to Committee, work it over and why don't we come forth with something tying it into prime and making it just for five years and do the sort of statesmanship that has been exhibited in Section 506.

And so, Mr. Speaker, I would ask that you vote against this bill and I would ask my learned colleagues to do likewise."

Representative Narvaes rose to speak against H.B. No. 1782-80, HD2, SD1, CD1:

"Mr. Speaker, many of my reasons are the same as the flamboyant and very verbose speaker from Nuuanu and before I speak against this bill and give my reasons, I would also like to say that I have reservations.

There is one section in the bill which I really commend and I really like and that's the amendment made to the bill, Section 506 which reads as the previous speaker has read. I don't think there is any reason for me to read that, but basically what it does is that if there is some kind of destruction to a person's home by fire, earthquake or whatever, that the interest rate won't be increased; if you have a mortgage at 6-1/2% it won't be increased to the present rate.

Mr. Speaker, H.B. No. 1782, HD2, SD1, CD1 relating to interest and usury exempts a number of loan transactions from statutory interest limitations. In the Conference Committee report, it stated that the purpose of this bill is to update our statutes to reflect the realities of the present lending market. It enables mortgage loan companies, retirement system loans, small business investment company loans and a number of other such transactions to be exempted from usury limits.

From what I understand, the reasoning

for this bill in the first place was that mortgage money and development resources had dried up in this state because our interest rate limit was too low and competition from the mainland drew our resources away.

We were also told that inflationary trends on the mainland had driven interest rates up all over the country and that in Hawaii if we did not act fast to remove this limit we would lose any and all financial resources to fund our housing market.

Mr. Speaker, I can see that this is the fear that is very legitimate, that indeed it is a fact that mortgage money at this point in time is hard to come by. I believe that in a short time we will see that this Committee report is out of date.

For example, according to the president of the Federal Reserve Bank in San Francisco, as reported in yesterday's Honolulu Advertiser, sky high interest rates have peaked and we are headed for a nation-wide recession. At the same time we are going to see the same kind of inflation, double digit inflation, that we've been having.

He also said that he anticipates that eventually interest rates will return to more normal and reasonable levels as the effects of the recession are more deeply felt. He also said that high interest rates are symptoms rather than a cause of inflation.

I submit, Mr. Speaker, that with this bill we have tried to address a symptom of inflation rather than the cause. I am especially disturbed that the usury limit was lifted completely rather than raised to specified percentages because I believe we have moved too slowly in this area and with a vehicle that is too liberal we will find ourselves in a terrible bind in the next 12 months.

I certainly hope the state of Hawaii which has been among the leaders of the nation in the cost of living, also becomes a leader in terms of interest rates for home mortgage loans.

We are opening up a Pandora's box because of the lack of a set limitation. Mr. Speaker, these concerns are very real. There are more realities to this issue than are stated in the Committee report. There is the reality that more and more people cannot afford to pay the high interest rates even if the money became available once again.

Because of all of these reasons, I urge all of you to vote against this bill."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 1782-80, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY", having been read throughout, passed Final Reading by a vote of 46 ayes to 4 noes, with Representatives Hagino, Narvaes, Sutton and Takamine voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 46-80 on H.B. No. 501, HD1, SD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 501, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL RECORDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1782-80, HD2, SD1, CD1 and 501, HD1, SD1, CD1 passed Final Reading at 10:13 o'clock p.m.

Conf. Com. Rep. No. 47-80 on H.B. No. 1871-80, HD1, SD1, CD1

Representative Blair moved that the report of the Committee be adopted and that H.B. No. 1871-80, HD1, SD1, CD1 pass Final Reading, seconded by Representative Shito.

Representative Narvaes requested

that his remarks in opposition to H.B. No. 1871-80, HD1, SD1, CD1 be inserted into the Journal and the Speaker, noting no objections, so ordered.

"Mr. Speaker, the intent of this bill is to exempt industrial loan companies from any limit on the interest they may charge on loans exceeding \$750,000. As far as I am concerned, the timing of this bill is inappropriate for two reasons.

To begin with, there is a growing consensus among economists that 'prime' lending rates have now peaked. In the weeks and months ahead, it is almost certain that we will witness the gradual decline of interest rates from their historic highs. As I said earlier, the implication of this is that Hawaii may find itself in an isolated position if it now moves to lift usury limitations on the wide variety of loans we are considering tonight. While interest rates in other states will be declining, ours will be spiralling upwards.

Secondly, it is very doubtful that many industrial establishments would choose this time to undertake new loan commitments at such high rates of interest. Again, according to experts throughout the country, the long-awaited recession has finally begun. At a time when corporate giants as well as small businesses are laying off workers and cutting back production levels, it is unreasonable to think that the scenario in Hawaii will be much different. Far from undertaking new financial obligations, businesses will be seeking to trim their budgets as much as possible.

This bill, Mr Speaker, is a matter of too much, much too late. I urge that members of the House vote nay on S.B. No. 1871-80. Thank you."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 1871-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives

Narvaes and Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 1871-80, HD1, SD1, CD1 passed Final Reading at 10:15 o'clock p.m.

Conf. Com. Rep. No. 48-80 on H.B. No. 1925-80, HD1, SD1, CD1

Representative Blair moved that the report of the Committee be adopted and that H.B. No. 1925-80, HD1, SD1, CD1 pass Final Reading, seconded by Representative Shito.

Representative Narvaes then requested that his remarks against this bill be inserted into the Journal and the Chair, noting no objections, so ordered:

"Mr. Speaker, this bill would increase the interest rate chargeable by industrial loan companies on simple interest loans to 24% per year. This would be allowed for loans made or committed after the effective date of the Act and prior to July 1, 1985.

The Conference Committee report for this bill, Mr. Speaker, states that the Committee believes that 'the present economic conditions justify an increase in interest rates allowable by industrial loan companies'.

I believe that it is precisely because of the present economic conditions of our state and nation that we should not allow industrial loan companies to boost their interest rates. Once again, Mr. Speaker, I am referring to the changing economic conditions we are facing, and that we have tried to address a symptom of inflation rather than the cause.

By passing this bill, Mr. Speaker, we will also be hurting the people we are trying to help. Many of the people of Hawaii have a very hard time keeping their heads above water, and by forcing them to pay higher interest rates isn't going to help. It could have a very detrimental impact upon the low, moderate

and middle income people of Hawaii. It does not matter how much money is available for loans, Mr. Speaker, if the majority of people cannot afford to pay for them. We are not a legislature for only the rich people of Hawaii, but we are guarding the interests of all the people of Hawaii.

In closing, Mr. Speaker, I'd like to reiterate that the changing economic conditions of our nation indicate that this may not be a wise move on our part and, if this bill passes, a majority of Hawaii's people will suffer. Therefore, I urge that H.B. No. 1925-80, HD1, SD1, CD1 be defeated. Thank you, Mr. Speaker."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 1925-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANIES", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Narvaes and Sutton voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 49-80 on H.B. No. 2357-80, SD2, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2357-80, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1925-80, HD1, SD1, CD1 and 2357-80, SD2, CD1 passed Final Reading at 10:16 o'clock p.m.

Conf. Com. Rep. No. 50-80 on S.B. No. 3146-80, SD1, HD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of

the Committee was adopted and S.B. No. 3146-80, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING", having been read throughout, passed Final Reading by a vote of 44 ayes to 6 noes, with Representatives Anderson, Evans, Kamalii, Lacy, Narvaes and Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 3146-80, SD1, HD1, CD1 passed Final Reading at 10:17 o'clock p.m.

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

The House of Representatives reconvened at 10:24 o'clock p.m.

Conf. Com. Rep. No. 51-80 on H.B. No. 1775-80, HD2, SD1, CD1

Representative Kiyabu moved that the report of the Committee be adopted and that H.B. No. 1775-80, HD2, SD1, CD1 pass Final Reading, seconded by Representative Andrews.

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

"Mr. Speaker, this bill contains interim land use policies to guide our State Land Use Commission in making district boundary amendments. These land use policies must be enacted to fill the gap between the time the existing policy guidelines and the Land Use Commission law expiring in May of this year and the adoption of the twelve functional plans called for in the Hawaii State Planning Act.

Since the Senate has not seen fit to act on any of the functional plans this year, it is imperative that we enact a set of interim land use policies this session. Mr. Speaker, how land is used in our state is probably the most critical and far-reaching area of governmental decision making.

This is why we need to make sure

that there are safeguards in this area. Mr. Speaker, without this bill, we leave land use changes wide open to developers and monied interests. It is extremely important that the actions of the Land Use Commission be accountable to the people of this state to legislative guidelines.

Without this bill, the Commission would not be obligated to follow any public policies directly applicable to their actions. One of the most significant and controversial provisions of this bill requires that the most productive agricultural land remain in the agricultural district. A lot of people may feel that this provision is too restrictive. I believe this is an over-reaction because the bill also provides for an exemption to this requirement if substantial injustice and inequity will result or where a public facility or project has been approved by the legislature.

The House Conferees believe that this requirement will help implement the constitutional amendment ratified by the people of our state in 1978 which states: 'The state shall conserve and protect agriculture land, promote diversified agriculture, increase agriculture self-sufficiency and assure the availability of agriculturally suited land'. The agriculture land protected by this bill is considered by experts to be our state's best agricultural land.

Another significant feature of this bill requires the Land Use Commission to consider and make specific findings regarding the cumulative economic, physical and social impact of all boundary amendments. This provision insures that all impacts of boundary amendments will be considered and articulated by the Land Use Commission and when I say all, Mr. Speaker, I mean all impacts on the state and region and not just selective impacts on a specific piece of property.

Mr. Speaker, we have seen many bills come across our desks this session which favor developer and owner interests. Mr. Speaker, I am also very glad to say that these bills did not pass this House; therefore,

I believe that the House can be proud of its record, especially this session, for passing bills that are people oriented.

In closing, Mr. Speaker, I would like to thank the members of the Committee on State General Planning and the Committee on Water, Land Use, Development and Hawaiian Affairs and the numerous resource people who have been involved in the preparation of this important bill.

Finally, I urge all of my colleagues to vote in favor of H.B. No. 1775-80, HD2, SD1, CD1. Thank you."

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

"Mr. Speaker, this bill is, I believe, one of the state's most important attempts to promote one of the Con Con amendments that was passed and ratified by the people of this state in 1978.

This amendment which was in Article XI, Section 3 states that the state shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable land. The legislature shall provide standards and criteria to accomplish the foregoing.

I believe that this bill is an attempt to accomplish and implement this Con Con amendment. This year, in May of 1980, the Land Use Interim Guidelines will be expiring. In the absence of this bill, there will be no means of implementing this amendment.

For these reasons, I respectfully urge all of my colleagues to vote in favor of this bill. Thank you."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 1775-80, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE PLANNING", having been read throughout, passed Final Reading

by a vote of 49 ayes to 1 no, with Representative Anderson voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 1775-80, HD2, SD1, CD1 passed Final Reading at 10:30 o'clock p.m.

Conf. Com. Rep. No. 52-80 on S.B. No. 2877-80, SD1, HD1, CD1

Representative D. Yamada moved that the report of the Committee be adopted and that S.B. No. 2877-80, SD1, HD1, CD1 pass Final Reading, seconded by Representative Honda.

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

"Mr. Speaker, our duty as legislators is to create laws that will provide for the protection, safety and well-being of all the people of Hawaii. All the people. Yet, our present law dealing with the serious matter of sexual offenses does not protect all of the people equally; and the bill I am addressing now does nothing to correct this flaw.

Under our present law, a person cannot be considered to have committed first degree rape if the victim, when raped, had been the attacker's voluntary companion and who had sexual intercourse with the attacker within the previous twelve months. This means, Mr. Speaker, that if a person is raped by an intimate friend, then it is not to be considered first degree rape.

This is not equal protection under the law, Mr. Speaker. A person has every right to say no to the sexual advances of another, no matter who he is. Knowing a person intimately does not give a license for rape.

Our present law, however, does not recognize this. S.B. No. 2877-80 should have corrected this, but it doesn't.

Rape, Mr. Speaker, is an extremely traumatic experience that leaves

the victim feeling pain, fear, humiliation and intimidation. Why does our present law believe that this experience is any less traumatic for the victim who is raped by an intimate friend? Obviously it is not, or the victim would not go through the trouble and humiliation of bringing it to court.

When a case such as this is brought to court then, Mr. Speaker, it should be considered as rape in the first degree. Anything less is a sad commentary on our efforts to protect equally all of the people of Hawaii.

Despite this major flaw in our Sexual Offenses Law, I urge my colleagues to pass this bill. It does not make all of the changes needed in the sexual offenses section of our penal code, but the changes it does make are necessary. Thank you, Mr. Speaker."

Representative Stanley also rose to speak in favor of S.B. No. 2877-80, SD1, HD1, CD1:

"I would like to ask the previous speaker if when in future years a bill appears before us that contains the amendments proposed in the original draft of this bill, if he will speak as eloquently for that as he has for this. I urge all members to vote in favor of this bill."

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, perhaps no other aspect of our criminal laws have known such fundamental re-thinking and revision as those statutes affecting rape. From being thought of as a crime of passion, we now know it to be an act of violence; from being a prosecutorial system in which the victim had to prove innocence, we now recognize that it is always the accused who is on trial; and finally, from believing that it is a crime which could only be committed by a man against a woman, we now know that the offense can also be violence by a woman against a man.

This bill, although it incorporates all of those needed and vital changes in attitude and law, persists in one very important error: that sexual intimacy during the previous twelve months then precludes the legal possibility of rape in the first degree. My colleagues have spoken of this same provision in a number of ways. I would like to voice my disappointment in the retention of this provision in a different way: it seems to me that this provision retains the onerous and unfair practice now largely discarded of introducing the sexual behavior of the victim as the determinant in the commission of the crime. Again, we are trying the victim.

The usual formulation of this thinking, Mr. Speaker, is that no matter how many times you say yes, when you say no then it's rape. Well, I agree with that notion, and I will continue to work on its inclusion in our laws. I believe that change, too, will occur. Thank you."

Representative Evans then rose to speak in favor of S.B. No. 2877-80, SD1, HD1, CD1, with certain reservations:

"Mr. Speaker, this bill, by broadening the definitions of sexual intercourse and forcible compulsion and by extending the period of prompt complaint from one to three months, will be instrumental in overcoming obstacles to prosecution in cases of rape. For this reason alone, it deserves the overwhelming support of members of the legislature.

For too long, our penal code has been centered around concern for the rights of those who stand convicted or accused of crimes. Although this concern is, in itself, a necessary feature of any criminal justice system, it must not usurp concern for the rights of victims and protection of the general public. The reason why Hawaii's citizens feel that they have been betrayed by our criminal justice system is because this balance has been allowed to disintegrate.

I hope and expect that S.B. No. 2877-80 will help in remedying that problem.

My reservations about the bill have more to do with what it omits to say than what it says. In fact, the entire sexual offenses section of our penal code is in need of revision. For one thing, we should long ago have abandoned the distinction between different degrees of criminality in the commission of rape, sodomy and sexual abuse. It is notoriously difficult to apply these standards in a consistent and sensible manner. Moreover, they are often completely illogical. As an example, third degree rape is now defined as the rape of one who is mentally defective, mentally incapacitated or physically helpless. But why should the rape of one who is mentally defective be construed as a lesser crime? What does this have to do with the degree of anguish, agony and humiliation suffered by the victim?

Secondly, I believe we must begin thinking and talking in terms of a mandatory prison sentence of 20 years or life imprisonment for the crime of rape. We have all been reading recently of the case of Vernon Reiger, Jr., having been convicted of rape, sodomy and burglary in 1977. Reiger was sentenced to the maximum of four years under the Youthful Offenders Act because he was only 21 years old when the crime occurred. Even more aggravating, he is free to this day earning \$10 an hour with a local construction company while his victim's life is in a shambles. I ask you, what justice is there in this arrangement?

My main point of disagreement with S.B. No. 2877-80 is that it maintains the stipulation that a victim of first degree rape or sodomy not have been a voluntary social companion of the defendant and had sexual intercourse with him within the previous twelve months. In terms of rationality, I feel that this stipulation is on a par with our definition of third degree rape. Not only is the specified time span absolutely arbitrary, it has no bearing on the question of whether, and to what degree, the victim was harmed. The qualification, in my judgment, is nothing more than

a remnant of the persistent belief that a victim of rape is somehow, in some way, a party to the offense.

Despite these reservations, Mr. Speaker, I believe that the merits of S.B. No. 2877-80 are apparent to all of us.

I urge my colleagues in the House to ensure the swift passage of this bill. Thank you."

The motion was put by the Chair and the report of the Committee was adopted and S.B. No. 2877-80, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 2877-80, SD1, HD1, CD1 passed Final Reading at 10:37 o'clock p.m.

Conf. Com. Rep. No. 53-80 on S.B. No. 1831-80, SD1, HD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 1831-80, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 54-80 on S.B. No. 1003, SD1, HD1, CD1

On motion by Representative Kiyabu, seconded by Representative Silva and carried, the report of the Committee was adopted and S.B. No. 1003, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY ZONING", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to

note that S.B. Nos. 1831-80, SD1, HD1, CD1 and 1003, SD1, HD1, CD1 passed Final Reading at 10: 38 o'clock p.m.

Conf. Com. Rep. No. 55-80 on H.B. No. 2634-80, HD2, SD2, CD1

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2634-80, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2634-80, HD2, SD2, CD1 passed Final Reading at 10: 39 o'clock p.m.

Conf. Com. Rep. No. 56-80 on S.B. No. 1832-80, SD1, HD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 1832-80, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CAREER CRIMINALS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 57-80 on S.B. No. 2581-80, HD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2581-80, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO LEASED OR RENTED PERSONAL PROPERTY", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 58-80 on H.B. No. 1758, HD2, SD3, CD1

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 1758, HD2, SD3, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF PROGRAMS AND ORGANIZATIONAL SEGMENTS IN THE STATE GOVERNMENT", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Andrews voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. Nos. 1832-80, SD1, HD1, CD1 and 2581-80, HD1, CD1 and H.B. No. 1758, HD2, SD3, CD1 passed Final Reading at 10: 40 o'clock p.m.

Conf. Com. Rep. No. 59-80 on H.B. No. 2723-80, HD2, SD2, CD1

Representative Shito moved that the report of the Committee be adopted and that H.B. No. 2723-80, HD2, SD2, CD1 pass Final Reading, seconded by Representative Aki.

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

"Mr. Speaker, this bill allows the Hawaii Housing Authority to issue \$122.5 million in revenue bonds and to use the proceeds to make interim and permanent mortgage loans to developers, including the Hawaii Housing Authority, who wish to develop government-assisted rental housing.

I'm sure you are all aware of the acute need for more low and moderate income rental units in our state. Private development of rental units is at a standstill and the rapid conversion of rental units to condominiums depresses the existing supply even more. With the passage of this bill, we hope to provide an incentive to developers in the form of lower-than-market interest rate loans.

The enactment of this measure

will be a very positive step in alleviating the plight of Hawaii's renters. I urge all members to vote in favor of this bill."

Representative Lacy also rose to speak in favor of H.B. No. 2723-80, HD2, SD2, CD1:

"Mr. Speaker, on behalf of myself and my office staff, I wish to thank the Chairman for the outstanding job that he's done in this area of HHA rental housing and also in the HULA MAE program which will be coming up in few moments.

Along with his staff, I think we have produced in both these sessions, 1979 and 1980, some of the major housing bills of our state."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2723-80, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2723-80, HD2, SD2, CD1 passed Final Reading at 10:43 o'clock p.m.

At 10:44 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

Conf. Com. Rep. No. 60-80 on S.B. No. 2977-80, SD2, HD2, CD1

On motion by Representative Stanley, seconded by Representative Peters and carried, the report of the Committee was adopted and S.B. No. 2977-80, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES COVERED BY CHAPTER 77, HAWAII REVISED STATUTES", having been read throughout, passed Final Reading by a

vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 2977-80, SD2, HD2, CD1 passed Final Reading at 10:48 o'clock p.m.

Conf. Com. Rep. No. 61-80 on H.B. No. 2029-80, HD2, SD2, CD1

Representative Shito moved that the report of the Committee be adopted and that H.B. No. 2029-80, HD2, SD2, CD1 pass Final Reading, seconded by Representative Aki.

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

"Mr. Speaker, if you will look at the conference report, on page 2, it has a very significant addition. It states here that your Committee does not wish to set percentages for HULA MAE funds that may be used for walk-in loans and developer commitments believing the Hawaii Housing Authority should use its discretion in monitoring this new program and preventing abuses.

I want to tell you that HULA MAE is something that everyone on these islands is interested in. We have changed the requirements. The fellow who bought a little lot up by the volcano and thought someday he might have a cottage there, now can come in, we've said all right, fine, you're not disqualified, and we've gone up to 125%, but, Mr. Speaker, let's ask the Hawaii Housing Authority to monitor so we don't have reservations for people like Gentry Pacific and deny walk-ins the opportunity to qualify. Thank you."

Representative Shito then rose in rebuttal:

"I just want to correct one thing. The bill does not permit people who own land to build and get HULA MAE funds."

Representative Segawa then rose to speak in favor of H.B. No. 2029-

80, HD2, SD2, CD1, but expressing certain reservations:

"Mr. Speaker, the existing statutes authorize the Hawaii Housing Authority to issue revenue bonds for the purpose of providing loans to an eligible borrower for the purchase of a housing unit including a condominium unit, provided that property being financed is located in the state and will be occupied as the principal place of residence by the eligible borrower and meets other requirements as established by the rules adopted by the Authority.

The present statute, among other restrictions, allows the person from becoming an eligible borrower if he owns any interest in any residential property in the state; therefore, a person who owns a vacant lot for the purpose of building a home is ineligible for a loan.

This bill further expands the restrictions to even a person who owned a vacant land three years prior to applying for such a loan, by incorporating the rules presently in the Hawaii Housing Authority into the statute.

Mr. Speaker, the original intent to open up loans to applicants who wanted to buy a packaged house and lot or condominium when we enacted this law, was an excellent idea, but H.B. No. 2029-80 now authorizes the issuance of additional bonds to make available an additional \$100 million for loans and these loans should now be available to lot owners also.

The House passed out HD2 of this bill which provided that a person would qualify to apply for a loan to construct a residence if it was on the one lot the applicant owned. Mr. Speaker, the House, in its wisdom, eliminated a major concern of everyone, discrimination.

The amendments entered by the Senate discriminate against a person who transferred \$10,000 from his bank account to purchase a lot and now needs a loan to build his home.

Let me illustrate. On a neighbor island, or even on isolated rural areas of Oahu, it is a practice to buy a lot and later build the kind of home one can afford and prefers; therefore, a daring couple may decide to withdraw their life savings as a down payment to purchase a vacant lot with the intention of building at a later date. To take such a step is sometimes a traumatic risk experience for anyone, but because this couple took such a step, they are now disqualified from applying for a loan.

This bill also discriminates against a person who presently lives on the neighbor islands and must re-locate to Oahu or vice-versa, or from one part of an island to another.

Mr. Speaker, for those who are concerned about providing loans to persons who may be land rich, for example, a person who bought a lot for \$10,000 ten years ago and whose land is now worth \$50,000, or for a person who may have inherited a lot which is now worth quite a bit, the assets limitation of the respective applicant would most likely disqualify such a person for a loan.

There is nothing to exclude a person who invests in stocks, gold or silver who cashes out and puts his money in the bank. I ask you, Mr. Speaker, why should we be a party to such discrimination.

Mr. Speaker, the House Conferees worked very hard to make this loan program equitable and available to all eligible borrowers of the state, but the Senate has failed to see the merits of our position. I would like to urge all members to vote against this bill, but because of the overriding benefits to the many who qualify for this loan and with the hope that the legislature will rectify this obvious inequity next year, I urge all members to vote the passage of this bill."

Representative Silva requested that the Journal reflect Representative Segawa's remarks as his own and the Chair, noting no objections, so ordered.

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

"Mr. Speaker, this bill authorizes additional revenue bonds to be floated for Hawaii's newly implemented HULA MAE program and changes some of the program's eligibility requirements.

Income limits have been increased approximately \$2,200 for each family size except for a single-person household. Business deductions will be excluded in determination of an applicant's income. Outstanding liabilities will not be considered as assets. For example, if a person has only paid \$1000 on his \$8000 car, only that \$1000 will be counted in the person's assets rather than the total. In addition, 25% of the down payment made toward the purchase of a home shall not be counted as an asset.

The House version of this bill allowed a borrower to own property if he wanted to build a home on that property. However, the Senate was firmly against this and thus we agreed to take this provision out of the bill rather than endangering the entire program.

These changes liberalize the HULA MAE program considerably, allowing more of the housing gap group to participate in this low interest loan program. Especially in these days of economic uncertainty, or mortgage interest rates of 15% to 17%, we must do everything in our means to help our residents become homeowners.

I urge all members to vote in favor of this bill."

Representative Narvaes then rose to speak in favor of H.B. No. 2029-80, HD2, SD2, CD1, with a few reservations:

"Mr. Speaker, the federal government has lost billions of dollars of tax revenues because of the sale of these tax-free bonds, and because of that loss of revenue, the feds are considering doing away with the program, like Hawaii's HULA

MAE program.

Because of the close watch of the federal government on the sale of these tax-free bonds, we must be extremely careful or, in the future, this sort of program won't be possible.

Mr. Speaker, the other year I did an investigation of the Hawaii Housing Authority and because of that investigation, much interesting information confidentially comes to me. Let me give you a piece of info that recently came to me regarding our HULA MAE program that illustrates why we must be extremely careful in this program.

Last year we issued \$100 million of these bonds, \$10 million went to reserve, \$3 million to expenses and \$87 million was disbursed to financial institutions based on a formula where each institution would get 'x' amount of dollars.

Mr. Speaker, there was one financial institution that did not have the 1% fee to put up for their allotment and I understand that a developer went to them and said simply that if he put up the 1% fee, he would like to have some of those funds reserved for certain developments.

Mr. Speaker, we must scrutinize this program and watch it a lot more closely. We also must look at this 1% fee. Perhaps we really should be examining this question of setting aside funds for developers so that we can encourage housing to be developed. Perhaps these developers should be charged that 1% fee. In other words, if the funds are going to be set aside for them, perhaps they should be paying the 1% fee. I think it should be done that way.

Presently the rules and regulations of the HHA don't cover this.

Mr. Speaker, looking at the Committee report, page two states this: your Committee recognizes that lending institutions will need to make developer commitments in these times of economic uncertainty. Your Committee does not wish to

set percentages for HULA MAE commitments believing that the Hawaii Housing Authority should use its discretion in monitoring this new program and preventing abuses.

Mr. Speaker, I know that we are being too liberal giving the Hawaii Housing Authority too much discretionary power. We should be setting down basically what the rules and regulations are going to be. We should be looking at certain percentages to be set aside for developers and not leaving it to the discretion of the Hawaii Housing Authority.

Aside from those reservations that I have dealing with the operation of the program, it's a great program and I commend the Chairman of the Housing Committee for doing a fabulous job and I urge all members to vote aye."

The motion was put by the Chair and the report of the Committee was adopted and H.B. No. 2029-80, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 62-80 on H.B. No. 2944-80, HD2, SD2, CD1

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and H.B. No. 2944-80, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Anderson, Narvaes and Sutton voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 63-80 on H.B. No. 2172-80, SD1, CD1

On motion by Representative Uechi, seconded by Representative Inaba and carried, the report of the Com-

mittee was adopted and H.B. No. 2172-80, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO PLANT AND NONDOMESTIC ANIMAL QUARANTINE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 2029-80, HD2, SD2, CD1, 2944-80, HD2, SD2, CD1 and 2172-80, SD1, CD1 passed Final Reading at 11:01 o'clock a.m.

Conf. Com. Rep. No. 64-80 on H.B. No. 2672-80, HD1, SD2, CD1

On motion by Representative Lunasco, seconded by Representative Dods and carried, the report of the Committee was adopted and H.B. No. 2672-80, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE STUDENT TRANSPORTATION PROGRAM", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 65-80 on S.B. No. 2006-80, HD1, CD1

On motion by Representative Dods, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 2006-80, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO STATE HIGHWAYS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2672-80, HD1, SD2, CD1 and S.B. No. 2006-80, HD1, CD1 passed Final Reading at 11:02 o'clock p.m.

Conf. Com. Rep. No. 66-80 on H.B. No. 2059-80, HD1, SD2, CD1

On motion by Representative Honda, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.B. No. 2059-80, HD1, SD2, CD1,

entitled: "A BILL FOR AN ACT RELATING TO THE GRAND JURY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2059-80, HD1, SD2, CD1 passed Final Reading at 11:04 o'clock p.m.

Conf. Com. Rep. No. 67-80 on S.B. No. 2302-80, SD2, HD2, CD1

Representative Takamine moved that the report of the Committee be adopted and that S.B. No. 2302-80, SD2, HD2, CD1 pass Final Reading, seconded by Representative de Heer.

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

"Mr. Speaker, this bill would create a temporary commission to study Hawaii's workers' compensation laws and to prepare a report on its findings and recommendations. The commission would place its emphasis on ways of reducing or stabilizing costs of the program while at least maintaining present benefit levels.

The workers' compensation program in Hawaii is a massive program that involves millions of dollars and thousands of people. With such a big program there is a very real possibility that the cost of the program could become more than the employer could bear or that the employee would be forced to accept compensation lower than required.

According to testimony presented dealing with this bill, there are a number of problem areas with this program which must be investigated. All of these areas reflect the dissatisfaction of people involved with this program and also the draining of resources.

We cannot let these problems continue without making an effort to find solutions. One problem area is that the medical profession is

not pleased with being regulated by a medical fee schedule. This displeasure could result in doctors refusing to see patients covered by the workers' compensation program and this, in turn, could deny people the quality medical care they need and deserve.

Another problem area is that of increasing workers' compensation premiums. Employers have absorbed the burden each increase places on them, but may soon stumble and are hoping for some way to control it.

In addition, the insurance companies complain that underwriting workers' compensation insurance results in overall losses for them and this is a situation that we cannot allow to continue for long.

Also, industrially injured workers are dissatisfied with the compensation schedule and rates. The marked increase in the amount of litigation in the areas of workers' compensation needs to be reviewed and so does the increasing drain on the special compensation fund.

It is better, Mr. Speaker, that we study the program now so that we can deal with the problems that currently face us and become aware of the problems that could face us in the future. In this way, we can plan for them and deal with them before anyone is forced to suffer.

In closing, Mr. Speaker, let me stress that this is a temporary commission and would be dissolved when its work is completed. I urge all of you to vote in favor of this bill."

The motion was put by the Chair and the report of the Committee was adopted and S.B. No. 2302-80, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION PROGRAM COMMISSION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 68-80 on H.B.

No. 2071-80, HD1, SD1, CD1

On motion by Representative Lee, seconded by Representative Baker and carried, the report of the Committee was adopted and H.B. No. 2071-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO LICENSURE OF INDEPENDENT GROUP RESIDENCES FOR ELDERLY, HANDICAPPED OR DISABLED PERSONS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 2302-80, SD2, HD2, CD1 and H.B. No. 2071-80, HD1, SD1, CD1 passed Final Reading at 11:07 o'clock p.m.

Conf. Com. Rep. No. 69-80 on S.B. No. 2665-80, SD2, HD2, CD1

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and S.B. No. 2665-80, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

Conf. Com. Rep. No. 70-80 on S.B. No. 3012-80, SD1, HD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. no. 3012-80, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO REGISTRATION OF LOBBYISTS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sutton voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 71-80 on H.B. No. 1684, HD1, SD2, CD1

On motion by Representative Lee, seconded by Representative Honda and carried, the report of the Com-

mittee was adopted and H.B. No. 1684, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Anderson, Baker and Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. Nos. 2665-80, SD2, HD2, CD1 and 3012-80, SD1, HD1, CD1 and H.B. No. 1684, HD1, SD2, CD1 passed Final Reading at 11:08 o'clock p.m.

Conf. Com. Rep. No. 72-80 on S.B. No. 2744-80, SD1, HD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 2744-80, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE INSANITY DEFENSE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 2744-80, SD1, HD1, CD1 passed Final Reading at 11:09 o'clock p.m.

Conf. Com. Rep. No. 73-80 on H.B. No. 1494, HD1, SD2, CD2

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 1494, HD1, SD2, CD2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 74-80 on H.B. No. 687, HD1, SD1, CD1

On motion by Representative Kobayashi, seconded by Representative Kiyabu and carried, the report of the Committee

was adopted and H.B. No. 687, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 1494, HD1, SD2, CD2 and 687, HD1, SD1, CD1 passed Final Reading at 11:10 o'clock p.m.

Conf. Com. Rep. No. 75-80 on S.B. No. 3145-80, SD1, HD1, CD1

Representative Blair moved that the report of the Committee be adopted and that S.B. No. 3145-80, SD1, HD1, CD1 pass Final Reading, seconded by Representative Shito.

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

"Mr. Speaker, we have had our anti-trust laws on the books for a period of 18 years. We have had only one major attempt of the Attorney General's Office to bring the anti-trust laws into the same concept as the enforcement by the federal government of the Sherman and the Clayton Acts where there is restraint of competition, where there is price fixing per se.

Now, how does price fixing occur. Price fixing is a conspiracy, a conspiracy where say you and I and some gentleman get in a room and we say ok, fine, we're selling shoes and the price of our shoes is going to be \$14.50 and we're going to make sure we make \$4.50, they cost us \$10, sales expenses and all. You and I and this third person have engaged in a price fixing conspiracy.

We've done it very informally, we did it in a hotel lobby, we did it at a cocktail party, we did it in such a way that there could be no evidence and we made sure by counter-electronic activity that there was no taping.

Now, we find ourselves in a position where the third party is going to give evidence and he's going to give evidence and come in under an immunity proposition.

He, first of all, has to claim his privilege against self-incrimination. Then, the immunity will attach and yet, we have this very strange language in the bill and I read it to you verbatim, that the order may be issued prior to the assertion of the privilege against self-incrimination but shall not be effective until the witness asserts his privilege. So, supposing he gives some evidence prior thereto, the actual assertion of self-incrimination was not the triggering point. The triggering point was subsequent, as a consequence.

The individual would find himself having a very poor case to want to give evidence and get immunity. This language is very strange. The order may be issued prior to the assertion of the privilege against self-incrimination but shall not be effective, meaning it shall not give the immunity, and that's what that shall not be effective means, until the witness asserts his privilege against self-incrimination and the presiding officer communicates the order to him.

The order shall specify the type of immunity being granted and contain appropriate explanation of the scope of protection.

If I were an attorney and I was asked to be counsel and I was thinking this third person was in the room with you and I when we made this conspiracy in restraint of trade to have price fixing, I would tell this particular person he is better off taking a contempt of court because he doesn't know where his immunity begins and where his immunity ends.

We have not had effective anti-trust enforcement here in these islands. I go to the federal trade conventions and they ask what's the matter with you people, you're 30 years behind the times. I go to the American Bar

Association, I'm a member of both the Anti-Trust of the Federal and the American Bar, and I've had the Attorney General's Office and the new members of Anti-Trust come into my office and I said, get a good immunity statute, but not one where he's going to be advised by his attorney not to grab that immunity because he doesn't know when that immunity's effective and he doesn't know the scope of his immunity.

In order to get convictions, you've got to have good witnesses and I feel that this does not give the proper tool to our Attorney General's Office which has now received additional funds, additional staffing of 6 Anti-Trust Officers and I wish that you would give it consideration next time.

I'm voting in favor of this, but I have these reservations."

The motion was put by the Chair and the report of the Committee was adopted and S.B. No. 3145-80, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO TRADE REGULATION", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 3145-80, SD1, HD1, CD1 passed Final Reading at 11: 15 o'clock p.m.

Conf. Com. Rep. No. 76-80 on S.B. No. 870, SD2, HD1, CD1

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 870, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND TRANSPORTATION SYSTEM", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Anderson and Baker voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that S.B. No. 870, SD2, HD1, CD1 passed Final Reading at 11: 16 o'clock p.m.

Conf. Com. Rep. No. 77-80 on H.B. No. 25, HD1, SD3, CD1

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and H.B. No. 25, HD1, SD3, CD1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Baker voting no and Representative Wakatsuki being excused.

Conf. Com. Rep. No. 78-80 on H.B. No. 2647-80, HD2, SD2, CD1

On motion by Representative Dods, seconded by Representative Blair and carried, the report of the Committee was adopted and H.B. No. 2647-80, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. Nos. 25, HD1, SD3, CD1 and 2647-80, HD2, SD2, CD1 passed Final Reading at 11: 17 o'clock p.m.

Conf. Com. Rep. No. 79-80 on H.B. No. 2558-80, HD1, SD1, CD1

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2558-80, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO BAIL", having been read throughout, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Fukunaga and Sutton voting no and Representative Wakatsuki being excused.

The Chair directed the Clerk to note that H.B. No. 2558-80, HD1,

SD1, CD1 passed Final Reading
at 11:18 o'clock p.m.

DEFERRED MATTERS FROM
EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 1047-80
on S.C.R. No. 4

Representative D. Yamada moved
that the report of the Committee
be adopted and that S.C.R. No.
4 be adopted, seconded by Representa-
tive Honda.

Representative Hagino then rose
to speak against the adoption of
this concurrent resolution:

"First of all, I want to make it
clear that I do not oppose the grant-
ing of first class citizenship in terms
of voting rights to the residents
and eligible voters of Washington,
D.C. I long supported, when I
was a high school student, the idea
that Washington, D.C. residents
should have home rule which was
the first step. Unfortunately, I
do not believe that Washington,
D.C. be granted statehood and,
in effect, this is what this constitu-
tional amendment will do.

For example, there is no doubt
that Washington, D.C. should be
allowed representation in the congressional
House of Representatives. I don't
think any of us have any problems
with that. The problem comes when
they are granted two senators in
the U.S. Senate and I have a lot
of problems with that.

I think the congress could have
taken other measures such as allow-
ing the citizens of Washington, D.C.
the right to vote with either Maryland
or Virginia or any of the adjoining
states, for that matter.

I think it's crucial to understand
what the effect of giving two senators
to D.C. will be and why we should
guard against granting that right.
It has to do with the fact that when
you go back into history, and I
have here a standard American text-
book used in universities, probably

when he was a professor, Professor
Kobayashi used it, and at the Phila-
delphia Convention which set up
the current bi-cameral system of
government that we have, the triparte
system of government, it states in
this textbook, 'it should be a federal
system with sovereignty somehow
divided between the states and the
central government'. That principle
was accepted. The question was,
who should control the national govern-
ment.

Various contending interests pressed
their claims vigorously. First the
large and small states clashed over
representation. The largest states
pushed for representation based
on population, which is what we
have in the House of Representatives.
The smaller ones wished to maintain
the existing system which was to give
equal representation to all states.

In the end, there was a compromise
and that compromise is what we
have now with a senate in which
each state has equal representation
and the House of Representatives
where each voter has equal representa-
tion.

There was a question at the Philadel-
phia Convention which I think is
present here. The question was
important, of course, since equal
state representation would have
been undemocratic while a proportion-
al system, which is what the House
of Representatives is, would have
pretty effectively destroyed the influence
of all states as states. This is the
objection I have to granting the
right to Washington, D.C., in effect,
to be a state.

The other reason I think we should
guard against this is that, let's
face it, Washington, D.C. only has
one industry. It's a federal bureaucracy
and those of us who are opposed
to the growing federal bureaucracy,
I think we should watch out for
that.

Two senators will rise into power
and the only thing they are going
to be concerned about is to establish
federal bureaucracy in Washington,

D.C. I think there are other ways to give first class citizenship to the voters and citizens of D.C. and I wish the congress had considered those other alternatives.

I urge all my colleagues to vote against this resolution."

Representative Sutton then rose to speak against S.C.R. No. 4:

"Mr. Speaker, throughout most of this session we've been acting upon resolutions and bills that embroider the fabric of our state constitution, but this concurrent resolution has far broader ramifications, for it means that the entire state of Hawaii would vote aye on a significant amendment to the United States Constitution.

This proposed amendment to the U.S. Constitution would mean that the District of Columbia would be represented in the United States Congress by its designated share of representatives and by two United States senators. There are many arguments raised against this. Some of these arguments are rooted, I'm sorry to say, in racial bias and that is completely alien to the Aloha spirit so I shall not discuss that.

Some of these arguments are also based on such fallacious half-truths as the old battlecry of taxation without representation. Yet, Washingtonians have, for nearly 20 years, had the right to vote in presidential elections and for the past decade they have had a right to elect a delegate to Congress, similar to our own Jack Burns going as a delegate from Hawaii as a territory, a person who sits on House Committees where he does not vote, but he does participate in floor debates when he does not vote.

Now, our own Jack Burns was probably more effective as a delegate than anything we have back there now.

Other arguments cover several important historical and legal points that we must now consider. First,

Washington, D.C. is a unique federal city that is governed by the United States Congress, a provision that our early leaders devised as a means of avoiding the jealousies between states. In addition, our founding fathers made judicial compromises between these jealous states when they drafted the constitution to devise our federal system of government, delineating certain powers to the national government, and then reserving the others to the states. They also drew a hard line between the House of Representatives, based on a per capita representation, and the Senate, in which the states are represented exactly the same, two for every state. This is the fundamental concept of our federal system.

Now, this proposed amendment to the United States Constitution would mean, and I quote in part, 'the district constituting the seat of government of the United States shall be treated as though it were a state'. I believe this is a fundamental perversion of the amendment, for the District is not a state, has none of the characteristics of a state, and is created by carving out portions of the states of Virginia and Maryland.

Thus, giving the District the right to be represented by two senators violates our basic concept of the federal system. As others have noted, perhaps D.C. voters should have a greater voice in their own affairs than they are now permitted. May I suggest that they might be allowed to vote for their own city council, have a means of taxation and, if it be more meaningful, allow the individual who is their delegate to have votes in Committees, but like many moderates in this issue and like many legal scholars, I oppose a dilution of our federal concept by giving the District the right to send two senators to congress.

I would like to conclude by quoting one of these scholars, Law Professor Jules Gerard of Washington University in St. Louis. He wrote in the editorial section of the Washington Star two years ago that the unnecessary and

destructive principle of treating the District of Columbia as though it were a state may itself be unconstitutional. He argues, and I quote, 'the proposal arguably violates the one provision of the constitution that cannot be amended: no state, without its consent, shall be deprived of its equal suffrage in the senate'. He then notes that the District is not the only entity that could be treated as though it were a state, and that treating Los Angeles as though it were a state for purposes of electing senators would violate both the letter and the spirit of this equal suffrage provision. If this situation sounds outlandish then, Mr. Speaker, we need only to observe the news reports about Puerto Rico becoming interested in this idea of being treated like a state, but not being a state and not having the obligations of a state.

No place, in the United States of America, has debated the statehood issue as much as Hawaii and we finally did achieve, through our own Jack Burns, by making a trade with Alaska, of becoming, not the forty-ninth state, but the fiftieth. We know these arguments better than any of the citizens in the United States of America because we have lived through them, most of us in this room have been a part of the creation of the statehood of Hawaii and we understand it.

But, to give to the District of Columbia the right to elect two senators would diminish the power and authority of our own Senators Inouye and Matsunaga and it would destroy the federalism that was one of the constitution's great innovations in government. To paraphrase the words of one critic on the floor of the United States House of Representatives, this is the United States, not the United States and other assorted entities.

And so, I would ask you to vote against this resolution."

Representative Kunimura then rose to speak in favor of S.C.R. No. 4:

"Mr. Speaker, I was thoroughly set against this resolution and I so informed my colleagues from Kauai, and I tried my very best and until tonight, a few minutes ago, my colleague preceding me in this debate, I now am more convinced than ever that this resolution should pass and for one simple reason, I'm going to have to pinch myself black and blue tonight to check if I'm asleep or not because I thought I heard the statehood debate for Hawaii done over again in these chambers. I'm pretty sure when they write the history about tonight they're going to find some saddened congressmen and senators speaking on the floor of this House.

I urge you all to vote in favor of this resolution."

Representative Larsen then rose to speak against the adoption of S.C.R. No. 4:

"I have been in long discussions over the last couple of years about this. Many of the people in the community have been presenting their side of the argument and they have finally gotten me around to accepting the idea, until tonight, that we should back the District of Columbia as a full state.

The thing that bothers me about it is that the whole idea of federalism, the House of Representatives to represent the population and the state senators to represent the entities and the land and the conditions of the state, other than the population, industries, natural resources and all of that, that's come out as being represented equally from one place to the other.

Now, when the member from Moiliili gets up and talks about the District of Columbia having their major income and their sole source of employment, practically their sole source, from the federal bureaucracy, a little click goes in my mind and says by God, this is one state that doesn't really have any natural resources. Its whole area of industry and financial support, etc., comes from the federal

bureaucracy.

So, you are then talking about two senators. We're not talking about land mass or natural conditions of water or coastline problems or natural resources or the stripping away of land to use, to look nice, to satisfy the states on the east coast, you're talking about a small land mass, supported by a bureaucracy and backed by two senators who say that they are there representing the bureaucracy.

To me, this is where the difference comes. It was given to me by the man from Moiliili. On that basis alone, Mr. Speaker, I cannot accept that we are adding two more senators to the U.S. Senate who are really, fundamentally, instruments of the federal bureaucracy.

Therefore, I urge members of this House to vote against this resolution. Thank you."

Representative D. Yamada then rose to speak in favor of S.C.R. No. 4:

"Mr. Speaker, first of all, this amendment does not make the District of Columbia a state, but instead, they use the term 'state-like powers'. This term is not unusual in any federal legislation in which, whenever they want to grant any benefits to other states or the District of Columbia, they always add in a little page that says, for these purposes the District of Columbia will be seated and have state-like powers.

Most of the arguments that have been brought against this measure such as not having its own natural resources, a substantial number of the people living in the District of Columbia work for the federal government and the fact that there is a large amount as far as the income of the District of Columbia is from the federal bureaucracy, it is an urban city as opposed to a state where you have agriculture and everything else, the argument about small states watering down its strength in the Senate and many of these other arguments; all these arguments,

I think, were reasons why last year when this amendment came to the House Judiciary, the amendment did not reach the floor of this House.

During the period of time between sessions, this amendment still bothered me. Consequently, what we did was to try to get as much information as we could from senate congressional offices, not only from our senate congressional people who, by the way, all voted for this amendment, but from other senators. Basically, what it really boils down to is that this is a compromise.

While I can appreciate all the arguments against this, however, during the period of time between last session and now, I think I have in my mind that while these arguments against have some merit, I think all of them are overridden by the fact that perhaps the right to representation is more important than all of these arguments.

For that reason, Mr. Speaker, I personally feel that the people of the District of Columbia should have state-like powers, should have congressional representation, should have delegates in the electoral college.

I urge all members to vote for this resolution."

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

The House of Representatives reconvened at 11:42 o'clock p.m.

Representative Kunimura again rose to speak in favor of S.C.R. No. 4:

"Mr. Speaker, the gentleman from Waiālae-Kahala talked about bureaucratic industry, just one industry and all the arguments against this resolution. It seems to me like the old hash being fried and re-fried.

One question I have, Mr. Speaker, is it that deep down in the conscience against the resolution, and not only here in these halls, but across the nation, because other legislatures

are going to have to wrestle with this problem, is it because there are more non-whites in Washington, D.C. that there are objections to this resolution. That's my question."

Representative Larsen:

"Mr. Speaker, was that question directed at me?"

The Chair replied:

"I don't believe it was a question."

Representative Narvaes then rose to speak against this measure:

"Basically, it is my contention that changing the federal constitution is so fundamental that any reason for doing so has to be based on some very compelling and urgent reasons and I do not believe that this is the case as described in this resolution.

Mr. Speaker, for the gentleman from Kauai, I'm not totally white myself so the reasons he was talking about does not apply in my case."

Representative Hagino again rose to voice his objections to this resolution:

"Mr. Speaker, I just want to point out that I have no objections to full homerule powers for Washington, D.C. I have no objections to giving them proportional representation in the House of Representatives. Arguments about trying to deny the right to vote doesn't hold with my position on this.

My objection is specifically to one portion of the resolution that we are asked to ratify by congress, the amendment that we are asked to ratify by congress and it has to do with granting two senators in the U.S. Senate.

Just to go back again, I don't want to give a history lesson here, but at the time we became a republic in 1787 until the time of the Civil War, the major question that faced congress year after year had to do with statehood and it was a question

of which would be slave states and which would be free states. There were other questions: the western states versus the eastern states. Statehood debate dominated the nation for all those years and it continued to dominate up until the last several years. People have mentioned things about Alaska and Hawaii, there was a concern about Hawaii coming in and how Hawaii would vote, liberal or conservative. There was this dominating debate of what would be the effect of two senators coming in when a state is admitted into the union.

Now we see that the federal bureaucracy, Washington, D.C., is no longer concerned about these kinds of matters and that makes me a little frightened that perhaps the bureaucracy which we've created in this country is so huge that they no longer feel that individual states are important anymore.

This is all that I'm trying to plead and I believe there are such things that are important, such as regional differences and maybe even provincial differences and I urge all the members to vote against this measure."

Representative de Heer then rose to speak in favor of S.C.R. No. 4:

"Mr. Speaker, it is irrelevant to me whether or not a single industry, be it a federal industry or a private industry, dominates a state. There's another state on the eastern seaboard that is completely dominated by the largest chemical firm in the world, yet it is allowed full and fair representation in congress. These people living in Washington, D.C. have their sons drafted yet are not allowed to vote. They pay their taxes, and yet are not allowed to vote. They deserve this benefit of statehood and the concerns addressed in this resolution and I believe it's an issue that's been addressed but hasn't been addressed properly for far too long.

I urge all my colleagues, the comments of the previous speakers notwithstanding, to vote in favor of this."

Representative Sutton then rose in rebuttal:

"Mr. Speaker, I want to do my rebuttal one at a time, if I may.

The learned gentleman from Kauai, I think that he should concentrate for a second on how he would give statehood to D.C. and not give statehood to Los Angeles.

The gentleman who was my fellow advocate, I would like to say thank you very much for letting me use, he didn't let me use, but I did use, his own law professor, Professor Jerard at Washington University. This is the first time I haven't quoted my own university.

The learned gentleman who comes from Beaumont Woods in Manoa, I think that he doesn't recognize that anybody that moves into D.C., and if you look at D.C., there are not too many places to live. Maryland and Virginia are the bedroom places, that's where all the people live as a general rule. D.C. is highly concentrated with federal buildings. If you want to be able to vote and have your children fight the draft, just move into Virginia or Maryland, just a couple of miles further, Chevy Chase, that's a lovely place to stay.

Mr. Speaker, I am very much bothered by this concept in the constitution, no state without its consent shall be deprived of an equal suffrage in the senate. The moment D.C. is brought in, we have diluted it to 52 senators. At the present time we have two senators for each state, 50 states, 100 grand total, and therefore we have here in Hawaii, 2%. But the moment you get two additional, and you go up to 102, we've lost .001% of our effective strength in the senate.

We don't seem to get very much here. We don't get a sugar act, we don't seem to be able to get our share of the federal money, we've got the poorest roads in the whole United States of America, we can't even go around this island on a

rainy day or on a day when there are bad waves and we are a state that has to come as supplicants and begging because we're so far away our citizenry doesn't intermix sufficiently. They intermix in an Aloha spirit, not a business spirit.

Therefore, we ourselves have got to be realistic. There's no racial bias in this. We're not talking about anything racial because there is no racial argument in this thing. What we're talking about is the realistic concept of federalism.

Now, Mr. Speaker, Oliver Wendell Holmes said over a hundred pages of law could be forgotten if you've got one page of history. Why did we have this federalism concept, because a federalism concept was exactly what we have in our title, these United States, and that's the way we should keep it. Thank you."

Representative K. Yamada then rose to speak in favor of S.C.R. No. 4:

"Mr. Speaker, we talked about concepts such as federalism, they say that Washington, D.C. is a small land mass area so it should be disregarded, we talked about Washington, D.C. having only one industry. I think, Mr. Speaker, we are forgetting the major important issue that's before us on this resolution. We're not talking about industry. We're not talking about land mass area, we're not talking about concepts. We're talking about representation for the people in Washington, D.C., and that's the issue that's before us.

It amazes me, Mr. Speaker, just last year we celebrated our twentieth anniversary of statehood. We forget that at the time we fought for statehood, these are the very concepts that we argued for. We were taxed, we didn't have a voice in congress. We were conscripted in the service, we didn't have representation in congress. And that's what we fought for. Isn't that why we wanted statehood?

These people are not asking for

statehood, they simply are asking for a voice in congress.

I request all my fellow colleagues to vote in favor of this. Give them what we got with our statehood."

The motion was put by the Chair and the report of the Committee was adopted and S.C.R. No. 4, entitled: "SENATE CONCURRENT RESOLUTION RATIFYING A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING FOR REPRESENTATION OF THE DISTRICT OF COLUMBIA IN CONGRESS", having been read throughout, was adopted by a roll call vote of 38 ayes to 10 noes, with Representatives Anderson, Hagino, Kamalii, Lacy, Larsen, Lunasco, Narvaes, Sakamoto, Sutton and Uwayne voting no and Representatives Garcia, Masutani and Wakatsuki being excused.

COMMITTEE RE-REFERRAL

The Chair re-referred H.R. No. 344 to the Committee on Health, then to the Committee on Legislative Management.

At this time, Representative Sakamoto made a late introduction to the members of the House. He introduced Mary and Gil Silva, Sr., the parents of Representative Silva.

ADJOURNMENT

At 11:55 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, April 18, 1980.

SIXTIETH DAY

Friday, April 18, 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 Reverend Matthew Alencastre of the Blessed Sacrament Church, after which the Roll was called showing all members present with the exception of Representatives Fukunaga, Holt, Ikeda, Nakamura, Peters and D. Yamada, who were excused.

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

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 629 to 654) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 629) returning House Concurrent Resolution No. 147 which was adopted by the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 630) returning House Concurrent Resolution No. 148 which was adopted by the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 631) returning House Concurrent Resolution No. 149 which was adopted by the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 632) returning House Bill No. 2853-80, entitled: "A BILL FOR AN ACT RELATING TO HARBORS", which passed Third Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 633) informing the House that the amendments proposed

by the House to Senate Concurrent Resolution No. 15, SD 1, were agreed to by the Senate, and Senate Concurrent Resolution No. 15, SD 1, HD 2, was Finally Adopted by the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 634) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 159, HD 1, was adopted by the Senate, and House Bill No. 159, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 635) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1991-80, HD 1, was adopted by the Senate; and House Bill No. 1991-80, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 636) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1993-80, was adopted by the Senate; and House Bill No. 1993-80, SD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 637) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1986-80, was adopted by the Senate; and House Bill No. 1986-80, SD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 638) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2161-80, HD 1, was adopted by the Senate; and House Bill No. 2161-80, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate

(Sen. Com. No. 639) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2162-80, HD 1, was adopted by the Senate; and House Bill No. 2162-80, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 640) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2321-80, HD 1, was adopted by the Senate; and House Bill No. 2321-80, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 641) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2324-80, HD 1, was adopted by the Senate; and House Bill No. 2324-80, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 642) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2368-80, HD 1, was adopted by the Senate; and House Bill No. 2368-80, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 643) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2443-80, HD 1, was adopted by the Senate; and House Bill No. 2443-80, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 644) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the

Senate to House Bill No. 2634-80, HD 2, was adopted by the Senate; and House Bill No. 2634-80, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 645) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2929-80, HD 1, was adopted by the Senate; and House Bill No. 2929-80, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 646) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1003, SD 1, was adopted by the Senate; and Senate Bill No. 1003, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 647) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1703, SD 1, was adopted by the Senate; and Senate Bill No. 1703, SD 1, HD 1, CD 3, passed Final Reading in the Senate on April 17, 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. 648) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the Senate to Senate Bill No. 1944-80, SD 1, was adopted by the Senate; and Senate Bill No. 1944-80, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 649) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2071-80, SD 2, was adopted by the Senate; and Senate Bill No. 2071-80, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate

(Sen. Com. No. 650) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2120-80, was adopted by the Senate; and Senate Bill No. 2120-80, HD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 651) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2156-80, was adopted by the Senate; and Senate Bill No. 2156-80, HD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 652) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2202-80, SD 2, was adopted by the Senate; and Senate Bill No. 2202-80, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 653) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2869-80, SD 3, was adopted by the Senate; and Senate Bill No. 2869-80, SD 3, HD 1, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 654) informing the House that the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2977-80, SD 2, was adopted by the Senate; and Senate Bill No. 2977-80, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 17, 1980, was placed on file.

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

Representative Honda introduced

Miss Elizabeth Struben, "a person who has been selected by the First Lady of the State as the outstanding volunteer for the island of Maui. She is connected with Teen Challenge at Olowalu, Maui, and she is being recognized for the volunteer services that she has extended to our community."

Representative Kunimura introduced 14 students in the Pre-Industrial Preparation Club from Kauai High School who are here for the Hawaii Business Students' Conference to be held at Kapiolani Community College. They were accompanied by their teacher, Mrs. Jessie Muramaru.

Representative Kiyabu introduced 30 second grade students from Aliiolani School. They were accompanied by their teacher, Mrs. Nakamine, and a parent, Mrs. Chong.

At 11:20 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:25 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Ikeda, Nakamura and Peters.

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

A resolution (H.R. No. 568) extending congratulations and gratitude to Boyd Kiyochi Asamura of Honolulu, Hawaii was jointly offered by Representatives Kiyabu, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki and was read by the Clerk.

On motion by Representative Kiyabu, seconded by Representative Kunimura and carried, H.R. No. 568 was adopted.

The Chair recognized Representative Kiyabu who yielded to Representative Kunimura and he stated:

"Mr. Speaker, I hope when I retire people will not laugh as . . . you know, the retirement of the, not the historian, but the hysterical representative from Kauai. But honestly, Mr. Speaker, seriously speaking, the resolution, this morning, is maybe to some people, frivolous, maybe unnecessary, maybe a joke, but honest to goodness, life is made up of many, many things. Society is also made up of many, many professions and vocations. If one chooses to do the most menial of all work, he, too, is important in the eyes of God. I have heard some remarks made around the halls of the Legislature while this resolution was being circulated for signatures, but very few about humbug, about who is he. We are great as a nation, and especially in Hawaii we are great as a state because every station in life is important to all of us.

I have known Mr. Asamura for many, many years. As a matter of fact, I am pretty sure when I was one year in public office, he started his career in the halls of the Legislature. It was then the Territorial Legislature. He has been in politics way before then. He has helped many, many candidates, and he may have helped in a great way to build the Democratic Party of the State of Hawaii, and he has also helped the Republican candidates. This man has no particular boundary. He loves people; he loves to help people; and he is a man who believes in law and order. Mr. Asamura will be 70, or he has already made 70, and he is going to live up to the spirit of the law of mandatory retirement at 70 and this is the kind of person Boyd, if I may call him, really is. He passes around flowers to all the offices, not to the representatives to gain any favor, but to the helpers -- our secretaries and our clerks -- in the office to cheer them up because they, too, are forgotten in our mad rush to get our legislations across.

Too often, Mr. Speaker, we forget, we forget that the Legislature is made up of custodians, messengers, printshop people, backroom. Without them, Mr. Speaker, this Legislature cannot function and, today, we are declaring, once and for all, that the Legislature is not made up of only elected officials, but the Legislature is made up of people -- many, many people; people of all kinds of backgrounds and all kinds of talents and this, Mr. Speaker, is the true heart of this resolution.

Once and for all, any man that can dedicate so many years to the workings of this Legislature sure deserves a few minutes on the floor of this House for proper recognition and, Mr. Speaker, may I now return this floor to the Chairman of the Committee on State General Plans because I am pretty sure he would like to have a few words also."

Representative Kiyabu then stated:

"Mr. Speaker, would the Clerk incorporate the speech of Representative Kunimura as my own and we would like to, all of us, thank Boyd for all his diligent work in the House."

Representative Kiyabu then presented Mr. Boyd Asamura to the members of the House and audience, and yielded the floor to Representative Honda who stated:

"Mr. Speaker, much that I have to say was contained in the resolution and I would like to say that despite the fact that Boyd has been here for many years, I have just known him for two years and that I have found him to be a very likeable person, a very sincere and a generous man, and I would just like to wish him good health and much success in his retirement."

Representative Evans then rose and stated:

"Mr. Speaker, on behalf of the Republican caucus which Boyd has helped as much as he has on the Democratic side, we would like to extend to him a very happy retirement and we can't really think that he is going to retire. We know he will be back around here next year bringing the flowers and his good wishes to all of us every morning.

Thank you, Boyd."

Representative Larsen then rose and stated:

"Mr. Speaker, it is my pleasure to speak in favor of this resolution. I think, in a sense, it is really inappropriate because in my six years here, Boyd has been telling me. . . I think at least five or six times every year, that this is it, I am going to retire and I won't be coming next year, and now we have it in writing and I guess the only reason is that he is 70 years old, because I cannot believe that we won't see him again here, and we will look forward to seeing him everyday, whenever he wants to come, and Boyd, you can have coffee or

any kind in my office, so anytime."

Representative Lacy then rose and stated:

"Mr. Speaker, being the oldest freshman in the Legislature, Boyd, I want to tell you that I really appreciate very much your visits with me, especially in the off season. I had some troubles with my greenery in my office and I would come some mornings and find that the jade plant had completely collapsed over the weekend or at night. A couple of days later, Boyd would come visiting and would wonder what happened to the plant. He stood this for about two months and then one day he said he would bring me some fertilizer and give me instructions on how not to kill plants, so he brought in the fertilizer, a nice jar, warned me don't over-fertilize and I followed his instructions. But the one thing he wouldn't do -- he would not tell me what was in this homemade fertilizer. He has the recipe; he is like a great cook. Boyd, I only ask one thing that I would like for you to do when you are about 90 -- put in your will the exact recipe and send me the items and tell me how I can do that so I can carry it out.

Thank you very much and good luck to you."

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

"Mr. Speaker, when this resolution was first made out, I told Boyd that I would W/R, and formally, that means 'with reservations.' But Boyd, I want to explain it now; it's with deep respect and a lot of aloha that we've had from the last two years that I have known you. I wish the heck that I had known you the whole 22 years because you've turned into a very good friend, and I appreciate all the help you have given me.

Thank you."

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

"Mr. Speaker, in my office, I had a seize of cockroaches. I asked Boyd if he would help me with the cockroaches and he told me 'no', that they were symbolic."

Representative Kiyabu then asked

Representative Stanley to present the lei to the honoree and Representative Kunimura to present the resolution.

Representative Stanley then asked:

"Mr. Speaker, before I present the lei, may I be permitted to make a few comments?"

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

"Mr. Speaker, it is a very great honor to have been asked to present this lei to Boyd today because in my first year here, I didn't know who Boyd was and he used to come to my office and I finally realized it was because I always had pretty secretaries and he liked to bring flowers and he would even bring them to me, and it took a lot of courage on my part to finally tell Boyd one day that I was allergic and please stop bringing the flowers. He felt quite crestfallen so he only would come to the front part of my office and leave the flowers and announce in a loud voice, 'these aren't for you, Kate, these are for your secretaries.'

But the best thing about Boyd why I feel so honored to give the lei today is that when Representative Takamura retired from politics, Boyd came up to me and asked that he was going to be my patronage position and Boyd chose me and that is a real honor for me, and I have been very proud of that, and I am so glad that Boyd is my person here at the Legislature for the last four years and I expect to see him next year."

Representative Say then rose and stated:

"I would just like to say a few words that during the past four years that I have really known Boyd and he being the doorman, every morning he would say. . . I would say first, 'how's it Boyd,' and he would say, 'say it again Say, how's it Boyd,' so I want to say mahalo, Boyd, and aloha."

Representative Stanley then presented the honoree, Mr. Boyd Asamura, with a red carnation lei while Representative Kunimura presented him with a certified copy of the resolution.

At 11:40 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our very best to our honoree."

Upon reconvening at 11:54 o'clock a.m., the Chair directed the Clerk

to note the presence of Representative Fukunaga.

ORDER OF THE DAY

DEFERRED RESOLUTION

S.C.R. No. 58, SD 1, was referred jointly to the Committees on Youth and Elderly Affairs and Public Assistance and Human Services, then to the 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 up bills on Third and Final Readings on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1031-80 on S.B. No. 2002-80, SD 1:

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 2002-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LOST AND FOUND MONEY OR PROPERTY AT AIRPORTS", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1037-80 on S.B. No. 2883-80, SD 1:

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. 2883-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESSES", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2002-80 and 2883-80 had passed Third Reading at 11:55 o'clock a.m.

Stand. Com. Rep. No. 1038-80 on S.B. No. 1988-80:

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee 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", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1039-80 on S.B. No. 1899-80, SD 2:

Representative Morioka moved that the report of the Committee be adopted and S.B. No. 1899-80, SD 2, having been read throughout, pass Third Reading, seconded by Representative Inaba.

Representative Narvaes then rose and requested that his remarks, in favor of the bill, be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered."

Representative Narvaes' remarks are as follows:

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

Mr. Speaker, Senate Bill No. 1899-80, SD 2, would reduce taxes on non-fossil fuel generated electricity. This is necessary if Hawaii is to meet its stated goal of total self-sufficiency in electrical production by the year 1990.

The attempt to produce electricity from alternate sources such as geothermal wells is fraught with uncertainties and risks. In order to promote development on non-fossil fuel generated electricity it is necessary to reduce the risks to prospective developers.

Senate Bill 1899-80, SD 2, would reduce these risks and aid in the production of the alternate sources of fuel we need. The defeat of this bill would force Hawaii to remain heavily dependent upon fossil fuels for the generation of electricity. If alternate sources are not developed quickly, Hawaii may be forced to import coal to meet its energy needs. This would be very detrimental to the environment of our state and the health of our people.

Alternate energy production is a major concern of the industrialized nations of the world, and this bill would give us the opportunity to demonstrate Hawaii's seriousness in dealing with the energy problem. It would be a major effort on our part for the people of Hawaii and the world.

Mr. Speaker, I urge the swift passage of this bill to meet the energy needs of Hawaii.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1899-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE TAXATION OF NON-FOSSIL FUEL GENERATED ELECTRICITY", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1040-80 on S.B. No. 1370, SD 2:

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and S.B. No. 1370, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION LAW", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1988-80, 1899-80 and 1370 had passed Third Reading at 11:56 o'clock a.m.

At 11:57 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:59 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1065-80) informing the House that House Resolution Nos. 555 to 566, House Concurrent Resolution Nos. 150 and 151, Standing Committee Report Nos. 1043-80 to 1064-80, Conference Committee Report Nos. 88 and 89, and Special Committee Report Nos. 21 to 24, 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. 1066-80) recommending that H.R. No. 488 be referred to the Committee on Legislative Management.

On motion by Representative Say, seconded by Representative Hagino and carried, the report of the Committee was adopted and H.R. No. 488,

entitled: "HOUSE RESOLUTION REQUESTING REVIEW OF CERTAIN CULTURAL, ARTISTIC, OR HISTORICAL PROGRAMS LOCATED WITHIN OR BEING OPERATED AS PART OF 'THE CULTURAL PLAZA' IN HONOLULU, HAWAII", was referred to the Committee on Legislative Management.

At this time, the Chair re-referred H.R. No. 454, HD 1, to the Committee on Tourism only.

Representative Kiyabu, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1067-80) recommending that H.R. No. 454, as amended in HD 1, be referred to the Committee on Finance.

At this time, Representative Morioka, with the members of the Finance Committee concurring, waived the referral of H.R. No. 454, HD 1, to the Committee on Finance.

On motion by Representative Kiyabu, seconded by Representative Andrews and carried, the report of the Committee was adopted, and notwithstanding the report of the Committee that H.R. No. 454, HD 1, be referred to the Committee on Finance, H.R. No. 454, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO PREPARE A SOCIAL IMPACT ANALYSIS OF THE VISITOR INDUSTRY", was adopted.

SPECIAL COMMITTEE REPORTS

Representative Dods, for the majority of the Committee on Transportation appointed pursuant to H.R. No. 844, adopted by the Regular Session of 1979, to examine the status of the State's air, land, and water transportation programs, presented a report (Spec. Com. Rep. No. 24) with certain recommendations.

By unanimous consent, the report was received and placed on file.

Representative Kiyabu, for the Committee on State General Planning, appointed pursuant to H.R. No. 844, adopted by the Regular Session of 1979, to review, during the 1979 legislative interim, the twelve functional plans required under the Hawaii State Planning Act, presented a report (Spec. Com. Rep. No. 25) with certain recommendations.

By unanimous consent, the report was received and placed on file.

Representative Shito, for the Committee

on Housing appointed pursuant to H.R. No. 844, adopted by the Regular Session of 1979, to review the state's rental housing programs, presented a report (Spec. Com. Rep. No. 26) with certain recommendations.

By unanimous consent, the report was received and placed on file.

Representative Shito, for the Committee on Housing, appointed pursuant to H.R. No. 844, adopted by the Regular Session of 1979, to review, during the 1979 legislative interim, the impact of residential real property speculation in Hawaii, presented a report (Spec. Com. Rep. No. 27) with certain recommendations.

By unanimous consent, the report was received and placed on file.

Representative Lunasco, for the Committee on Education appointed pursuant to H.R. No. 844, adopted by the Regular Session of 1979, and directed to review basic skills instruction and competency-based testing programs in Hawaii's public schools, presented a report (Spec. Com. Rep. No. 28) with certain recommendations.

By unanimous consent, the report was received and placed on file.

Representatives Ushijima and Kiyabu, for the Committees on Higher Education and Tourism, appointed pursuant to H.R. No. 844, adopted by the Regular Session of 1979, and directed to jointly review the manpower needs of Hawaii's visitor industry, presented a report (Spec. Com. Rep. No. 29) with certain recommendations.

By unanimous consent, the report was received and placed on file.

At 12:00 o'clock noon, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:02 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 567, 569 to 583) and concurrent resolutions (H.C.R. Nos. 152 and 153) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 567) commending the legislative interns from the Kamehameha Schools during the

Regular Session of 1980 was jointly offered by Representatives Say, 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, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Say, seconded by Representative Hagino and carried, H.R. No. 567 was adopted.

At this time, Representative Say introduced Tanya Keawe Chang, his legislative intern from Kamehameha Schools, and commented: "One of the comments I have always gotten from her is that there is a lot of dirty old man over here and I hope she is not referring to me."

The Chair remarked:

"The Chair would like to assure Representative Say that there is only one."

Representative Lunasco then rose and stated:

"I had the opportunity to live next door to Calvin Say and when Keawe came to the Capitol, she was a very soft-spoken lady, but now, you'd think she was a politician and she is doing a darn good job at it."

At this time, Representative Hagino requested that a member of the Sergeant-at-Arms office present Keawe with a kukui nut lei and a kukui nut necklace.

A resolution (H.R. No. 569) extending best wishes and congratulations to the recipients of the Eagle Scout Award was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Crozier, de Heer, Dods, 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, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Evans, seconded by Representative Toguchi and carried, H.R. No. 569 was adopted.

A resolution (H.R. No. 570) extending congratulations to Sister Agnes Jerome

Murphy on her nomination as a Thomas Jefferson Award nominee was jointly offered by Representatives Evans, Marumoto, Larsen, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Lee, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Evans, seconded by Representative Marumoto and carried, H.R. No. 570 was adopted.

A resolution (H.R. No. 571) congratulating Albert Minn for past outstanding community service was jointly offered by Representatives Medeiros, Anderson, Evans, Ige, Sakamoto, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Lee, Lunasco, Marumoto, Masutani, Morioka, Narvaes, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Medeiros, seconded by Representative Anderson and carried, H.R. No. 571 was adopted.

A resolution (H.R. No. 572) extending warmest congratulations to the students from Hawaii county who participated in the 26th Annual Hawaii Industrial Arts Fair was jointly offered by Representatives K. Yamada, Aki, Blair, de Heer, Dods, Fukunaga, Honda, Inaba, Kihano, Kobayashi, Kunimura, Lee, Lunasco, Nakamura, Say, Segawa, Shito, Silva, Stanley, Takamine, Toguchi, Ushijima and D. Yamada.

On motion by Representative K. Yamada, seconded by Representative Takamine and carried, H.R. No. 572 was adopted.

A resolution (H.R. No. 573) congratulating Dr. Everett Kleinjans on his retirement as President of the East-West Center was jointly offered by Representatives Say, Ushijima, Aki, Andrews, Baker, Blair, Crozier, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Inaba, Kiyabu, Kobayashi, Lacy, Lee, Morioka, Narvaes, Sakamoto, Segawa, Shito, Silva, Stanley,

Toguchi, Uechi, Uwaine and D. Yamada.

On motion by Representative Say, seconded by Representative Ushijima and carried, H.R. No. 573 was adopted.

A resolution (H.R. No. 574) congratulating the Castle High School Theatre Guild for its production of "The King and I" was jointly offered by Representatives Evans, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kiyabu, Kobayashi, Kunimura, Larsen, Lee, Lunasco, Marumoto, Medeiros, Morioka, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima and Uwaine.

On motion by Representative Evans, seconded by Representative Ige and carried, H.R. No. 574 was adopted.

A resolution (H.R. No. 575) honoring Kaili Chun, outstanding young woman, top swimmer in Hawaii was jointly offered by Representatives Sakamoto, 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, Medeiros, Morioka, Nakamura, Narvaes, Peters, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Say, seconded by Representative Ige and carried, H.R. No. 575 was adopted.

A resolution (H.R. No. 576) recognizing and commending "The Homestead Highlander Band" and "The Highlandaire Jazz Ensemble" from the great state of Wisconsin and inviting them to return next year to our Aloha State was jointly offered by Representatives Peters, Aki, Andrews, Blair, Crozier, de Heer, Evans, Hashimoto, Holt, Honda, Ige, Kamalii, Kiyabu, Kunimura, Lunasco, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Peters, seconded by Representative K. Yamada and carried, H.R. No. 576 was adopted.

A resolution (H.R. No. 577) congratulating Honokaa High School on their baseball victories was jointly offered by Representatives Takamine, Aki, Anderson, Andrews, Baker, Crozier, Dods, Evans, Fukunaga, Garcia,

Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine and K. Yamada.

On motion by Representative Takamine, seconded by Representative K. Yamada and carried, H.R. No. 577 was adopted.

A resolution (H.R. No. 578) extending best wishes to the University of Hawaii baseball team as a member of the Western Athletic Conference (WAC) was jointly offered by Representatives Ushijima, Kunimura, Takitani, Segawa, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Lacy, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Narvaes, Peters, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Toguchi, Uechi, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative Takitani and carried, H.R. No. 578 was adopted.

A resolution (H.R. No. 579) honoring the memory of Technical Sergeant Terry Yukitaka Mizutari, a World War II hero, and recognizing the forthcoming dedication of a United States Department of Defense facility in his honor was jointly offered by Representatives Segawa, Takamine, Silva, Inaba, K. Yamada, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Kamalii, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Shito, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and Wakatsuki.

On motion by Representative Segawa, seconded by Representative Takamine and carried, H.R. No. 579 was adopted by a rising vote.

A resolution (H.R. No. 580) extending congratulations to Dorothy Thompson of Hilo, Hawaii, for her tremendous success in coordinating the Big Island's Merrie Monarch Festival

was jointly offered by Representatives Segawa, Takamine, Silva, Inaba, K. Yamada, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hashimoto, Holt, Honda, Ige, Ikeda, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Shito, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and Wakatsuki.

On motion by Representative Segawa, seconded by Representative Takamine and carried, H.R. No. 580 was adopted.

A resolution (H.R. No. 581) extending congratulations to the winners and contestants of the 1980 Miss Filipina Beauty Pageant was jointly offered by Representatives Kiyabu, Narvaes, Kihano, Kobayashi, Lunasco, Garcia, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kunimura, Lacy, Larsen, Lee, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Kiyabu, seconded by Representative Narvaes and carried, H.R. No. 581 was adopted.

A resolution (H.R. No. 582) congratulating the members of the crew of the Hokule'a was jointly offered by Representatives Sakamoto, Say, 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, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine and D. Yamada.

On motion by Representative Sakamoto, seconded by Representative Say and carried, H.R. No. 582 was adopted.

A resolution (H.R. No. 583) extending a warm "Aloha" to the American Newspaper Publishers Association and its many distinguished guests on the occasion of the 94th Annual American Newspaper Publishers Convention in Honolulu, Hawaii, from April 21-23, 1980 was jointly offered by Representatives K. Yamada, Aki, Anderson, Andrews, Blair, Crozier, de Heer, Evans, Fukunaga, Garcia, Hashimoto, Holt, Honda, Ige, Inaba, Kawakami, Kiyabu, Kobayashi,

Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and Wakatsuki.

On motion by Representative K. Yamada, seconded by Representative Crozier and carried, H.R. No. 583 was adopted.

A concurrent resolution (H.C.R. No. 152) recognizing and commending "The Homestead Highlander Band" and "The Highlandaire Jazz Ensemble" from the great state of Wisconsin and inviting them to return next year to our Aloha State was jointly offered by Representatives Peters, Aki, Andrews, Blair, Crozier, de Heer, Evans, Hashimoto, Holt, Honda, Ige, Kamalii, Kiyabu, Kobayashi, Kunimura, Lunasco, Marumoto, Sakamoto, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Peters, seconded by Representative K. Yamada and carried, H.C.R. No. 152 was adopted.

A concurrent resolution (H.C.R. No. 153) extending a warm "Aloha" to the American Newspaper Publishers Association and its many distinguished guests on the occasion of the 94th Annual American Newspaper Publishers Convention in Honolulu, Hawaii, from April 21-23, 1980 was jointly offered by Representatives K. Yamada, Aki, Anderson, Andrews, Blair, Crozier, de Heer, Evans, Fukunaga, Garcia, Hashimoto, Holt, Honda, Ige, Inaba, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada and Wakatsuki.

On motion by Representative K. Yamada, seconded by Representative Crozier and carried, H.C.R. No. 153 was adopted.

THIRD READING

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

S.B. No. 1836-80:

On motion by Representative Honda, seconded by Representative Nakamura and carried, S.B. No. 1836-80, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1836-80 had passed Third Reading at 12:12 o'clock p.m.

S.B. No. 2157-80, SD 1:

On motion by Representative Honda, seconded by Representative Nakamura and carried, S.B. No. 2157-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT", passed Third Reading by a vote of 51 ayes.

S.B. No. 2286-80:

On motion by Representative Stanley, seconded by Representative Kunimura and carried, S.B. No. 2286-80, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PROGRAMS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2157-80 and 2286-80 had passed Third Reading at 12:13 o'clock p.m.

S.B. No. 2000-80, SD 1:

On motion by Representative Nakamura, seconded by Representative Garcia and carried, S.B. No. 2000-80, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2000-80 had passed Third Reading at 12:14 o'clock p.m.

S.B. No. 866, SD 1:

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

S.B. No. 2634-80, SD 1:

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

S.B. No. 1906-80, SD 2:

Representative Uwaine moved that

S.B. No. 1906-80, SD 2, having been read throughout, pass Third Reading, seconded by Representative Hashimoto.

Representative Narvaes requested that his remarks, in favor of the bill, be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered."

Representative Narvaes' remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill 1906-80, Senate Draft Two.

Mr. Speaker, Hawaii's almost total reliance on imported fossil fuels is one of the most serious problems facing our State today. To deal with this problem requires enlisting the efforts of knowledgeable sources in both the private and public sectors. This bill would allow us to accomplish this.

In recent years, Hawaii has made considerable progress towards the goal of providing for its electrical needs through the use of alternative energy sources and devices. The increasing use of solar water heating systems, heat pumps, and other conservation devices in addition to the promising development of OTEC, wind power, biomass, and geothermal wells has made Hawaii a leader in the field of energy conservation.

This bill would exempt the sale of gasohol from the State's general excise tax, thereby making gasohol cost competitive with gasoline and more acceptable to Hawaii's consumers.

With the increased acceptance of gasohol, our State's reliance on imported fossil fuels would be reduced and local ethanol production will be promoted.

During the current legislative session we have heard testimony from representatives of both Pacific Resources, Incorporated and the Hilo Coast Sugar Processing Company concerning their interest locally producing ethanol. The provisions of this bill would give interested parties added incentive they need to begin finalizing their plans.

Without the passage of this bill, Mr. Speaker, gasohol will not be competitive with gasoline for many years and we will have missed an opportunity to take the initiative in promoting the use of gasohol

and the production of ethanol in our State. Therefore, I urge my colleagues to vote in favor of this bill.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 1906-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GASOHOL", having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no, with Representative Kamalii voting no.

S.B. No. 2536-80, SD 2:

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

S.B. No. 2457-80, SD 2:

On motion by Representative Morioka, seconded by Representative Inaba and carried, S.B. No. 2457-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO DOGS: LICENSES AND REGULATIONS; LICENSE FEE CONTROLLED BY ORDINANCE", passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1906-80 and 2457-80 had passed Third Reading at 12:15 o'clock p.m.

At 12:16 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:29 o'clock p.m.

S.B. No. 2536-80, SD 2:

On motion by Representative Morioka, seconded by Representative Inaba and carried, S.B. No. 2536-80, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES", passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Baker, Fukunaga, Hashimoto, Ige, Kobayashi and Uwaine voting no.

Representative Kihano then rose and requested that his remarks, in favor of the bill, be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered."

Representative Kihano's remarks are as follows:

"Mr. Speaker, I feel it essential that we do not lose sight of the objectives and purposes of this bill.

Many of the persons that would qualify for assistance under this bill came to Hawaii long ago. They worked as laborers in the plantations. Many had dreams of returning to their homelands with money earned by their labor.

Unfortunately, in today's rapidly inflating economy, these persons are living at minimum subsistence levels and are often receiving public assistance.

The passage of this bill would allow these persons to return to their homelands where the cost of living is far less than in this State, a place where their pension and social security benefits would permit them to live in dignity and security.

Additionally, this bill provides that any private non-profit organization may contract with DSSH to administer this program. Careful screening and selection of such organization by DSSH will preclude any abuses or fiscal mismanagement of the program.

As to abuses by applicants, the careful screening of the applicants will minimize the occurrences of abuse.

Thank you."

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

"Mr. Speaker, I have comments that I would like to make with strong reservations about this bill.

On the proposed bill, I had intended to vote no, but newer funds and appropriations included in this bill be really looked at because I have some notations here from some of our constituents that went under this program and felt that, at that time, the program wasn't in the best justice of them. I just wanted to speak out my reservations."

Representative Holt then rose and requested that his remarks, in favor of the bill, be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered."

Representative Holt's remarks are as follows:

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

Mr. Speaker, Senate Bill No.

2536-80, SD 2, is designed to permit the State to assist aged indigent resident aliens and naturalized citizens who desire to return to their homelands to establish permanent residency.

Mr. Speaker, during the last century, this State attracted many individuals from all parts of the world who migrated to Hawaii ultimately to find employment as laborers in cane and pineapple fields. These persons were, in large measure, young men and women who left their homelands attracted by the promise of this island state. In striving to secure a better life for themselves and their families, they also did much to enhance the culture and lifestyle which is Hawaii's today.

Mr. Speaker, this bill would help to realize the dreams of a segment of our population who now desire to return to their homelands to be reunited with the relatives and friends who were left behind so many years ago.

The concern over possible abuses of this program is not without merit, Mr. Speaker. The wish to prevent misuse of public funds and procurement of benefits derived from exclusive business dealings is justified. But the solutions to these problem areas lie in prudent administration and careful screening of applicants rather than complete denial of benefits to all. Senate Bill 2536-80, SD 2, lays the groundwork for a program which may well represent the only opportunity for these individuals to once again reside in their homelands. Notwithstanding problems which may have arisen in the past, it is an innovative plan and a workable one.

Mr. Speaker, passage of this bill would be a fitting recognition of the contributions which resident aliens and naturalized citizens have made to the heritage of modern Hawaii.

I urge all of my colleagues to vote in favor of this bill.

Thank you."

Representative Larsen then rose and asked:

"Mr. Speaker, are we talking about S.B. 2536-80?"

The Chair answered:

"Senate Bill 2536-80, Senate Draft 2."

Representative Larsen then asked:

"I thought we already took the record of for and against the bill. Are we talking about the bill now?"

The Chair answered:

"The Chair did not declare the result. The Chair recognized the other members and allowed them to insert into the record some of their arguments in favor of the bill."

Representative Larsen asked:

"May I make a few comments in favor of it with reservations?"

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

"Mr. Speaker, we had a discussion in caucus this morning concerning this issue and I believe we've all received a letter from our Representative from Nuuanu. I think it causes us some concern; it certainly causes me concern. I also listened to the arguments from the Vice Speaker and on balance of the two concerns of the people that are taking advantage of this program, I end up with the conclusion that, on balance, having the State have some control and some regard for these naturalized citizens who are returning to their homeland is better than not having the State involved with the program. That is why I would support this but we certainly would have a chance to look at it in the future and to make adjustments if they are in improper order.

Thank you."

The Chair then made the following announcement:

"The Chair will be a little more strict in reference to allowing people to speak on a bill after the discussion period has been declared by the Chair. The Chair will make this exception on this bill. On any further bills, the Chair would request that all members be on the floor, be timely with their arguments, be timely with the request to have their arguments inserted into the record."

Representative Sutton was recognized and he stated:

"I am the parliamentarian for the Republican Party and I do not wish to be out of order."

The Chair responded:

"The Chair appreciates Representative

Sutton on this particular occasion. The Chair realizes that he has been out of order at other times."

The Chair directed the Clerk to note that S.B. No. 2536-80 had passed Third Reading at 12:35 o'clock p.m.

At 12:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:38 o'clock p.m., the following late introductions were made to the members of the House:

Representative Say introduced Mr. Sakamoto, father of Representative Sakamoto.

Representative Nakamura introduced Mr. Richard Nakamura, now retired, who worked for many, many years in the Department of Accounting and General Services.

At 1:43 o'clock p.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives stood in recess until 8:30 o'clock p.m. tonight.

NIGHT SESSION

The House of Representatives reconvened at 8:58 o'clock p.m.

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

Representative Kihano introduced Dave Toves, "a very, very close friend to the Democratic Party who lives out in Makakilo."

Representative Kihano then introduced Miss Judy Kelly and Miss Kathy Ebesui, "close friends of mine watching the House in action tonight."

Representative Shito introduced the following persons: Mr. Gil Sasaki from Makakilo; Mr. Harold Morita and Mr. and Mrs. Sus Kaneshiro from Waipahu.

Representative Ige introduced his entire family as follows: his wife; his son, Mitchell; wife's brother, Kevin; wife's parents, Herbert and Jane Morimatsu; his sister, Robin; his mother, and grandmother "who runs the saimin stand in Palama that certain legislators here know about; and his wife's aunty and uncle, Mr. and Mrs. George Nakayama.

Representative Kunimura introduced Mr. and Mrs. Sing "who worked so hard for the children of Hawaii."

Representative Sutton introduced Mr. Sus Ono, Chairman of the Department of Land and Natural Resources.

Representative Narvaes introduced Mr. Henry Epstein, "one of Hawaii's good labor leaders."

UNFINISHED BUSINESS

Conf. Com. Rep. No. 80-80 on S.B. No. 1161, SD 1, HD 1, CD 1:

Representative D. Yamada moved that the report of the Committee be adopted and S.B. No. 1161, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Blair.

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

"Mr. Speaker, I realize that the committees have tried to make certain that there will be adequate protections in this bill against people who do bring legitimate law suits, but I really won't go into the bill; I am not going to try and persuade my colleagues to vote against this bill. I have been unsuccessful in two years whenever I spoke out against the bill. I just wanted to raise a warning that I feel that as this country becomes more and more conservative, and I believe this country has become more conservative over the last several years, that a law like this will eventually be used against political dissidents, native Hawaiian activists, environmentalists and ethnic minorities agitating or acting for civil rights, and I feel that it will be used although the intention of this bill is not to stifle dissent. I feel that as this country becomes . . . and as Hawaii becomes more conservative, this will be the final outcome of this bill should it be enacted into law.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1161, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES AND COSTS AND EXPENSES OF LITIGATION", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives

Baker and Hagino voting no.

The Chair directed the Clerk to note that S.B. No. 1161 had passed Final Reading at 9:05 o'clock p.m.

Conf. Com. Rep. No. 81-80 on S.B. No. 1827-80, SD 1, HD 1, CD 1:

Representative D. Yamada moved that the report of the Committee be adopted, and S.B. No. 1827-80, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Blair.

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

"Mr. Speaker, we have before us a document which is 2-1/2 inches thick. This, Mr. Speaker, is thicker than the Probate Code which I introduced and which somebody said I was wasting paper, and I didn't waste paper in the Probate Code and this isn't a waste of paper either.

This is the Rules of Evidence and it is a codification of those Rules of Evidence and this represents five years of hard work. I want to start by commending our own Chairman of our Judiciary Committee, the gentleman from Kauai, and Mr. Yamada has done a wonderful job. I want to commend Mr. Dennis O'Connor who is in the Senate which is the chamber on the other side of the hall, and they both did a wonderful job, but this represents five years of work, and they had a great deal of help. One of the people that helped was Judge Masato Doi. Judge Masato Doi went to Columbia Law School and he was a Harlan Fiske Stone Memorial Award winner, and he got solid A in Evidence, so you see, we had some good help from Masato Doi. They also had help from Mr. Bowman; we had help from the law school; and we have before us a document which does the same thing to Hawaii that the Federal Rules of Evidence did for the Federal courts.

Mr. Speaker, there was something terribly wrong in the Federal system, when within a single system you had to take your potluck as to what Rules of Evidence a Federal judge is going to use, and this was a very glaring difficulty the Federal Rules of Evidence solved.

These Rules of Evidence will mean that should we go into any court here in Hawaii, we will have the same Rules of Evidence, and it will mean the laymen will understand those Rules of Evidence.

This has incorporated even the most recent decision of the United States Supreme Court, a decision about testifying of one spouse against the other. It has extended the attorney-client privilege, Mr. Speaker, so that today there is that same secrecy involved if there is a relationship with an AG attorney. This is a great reversal from a jurisdiction that had the worse attorney-client or police-client or doctor-client relationship in the world, when they had the Y. Bow case, and this is a wonderful reversal of that.

Now, these Rules of Evidence have, in addition, descriptive pink pages that constitute 127 pages that will come along with the statutes and be incorporated in HRS so that one can look into an interpretation of these Rules of Evidence at the same time as you read the statutory language.

This is a monumental piece of work and I do want to say, Mr. Speaker, that we should be proud of this legislation."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1827-80, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 82-80 on S.B. No. 2329-80, SD 2, HD 1, CD 1:

On motion by Representative D. Yamada, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 2329-80, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1827-80 and 2329-80 had passed Final Reading at 9:10 o'clock p.m.

Conf. Com. Rep. No. 83-80 on S.B. No. 2741-80, SD 1, HD 1, CD 1:

Representative D. Yamada moved that the report of the Committee be adopted and S.B. No. 2741-80, SD 1, HD 1, CD 1, having been

read throughout, pass Final Reading, seconded by Representative Blair.

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

"Mr. Speaker, I detailed my opposition to this bill when it passed Third Reading in this House. The objections I raised at that time have not been satisfied by this conference version.

Essentially, Mr. Speaker, my concern is that the rights of the accused have taken precedence over the safety of the community. I can never agree with that priority.

As a registered nurse, I do not believe that I am subject to the glib criticism that I am insensitive to the needs of an ill individual. As a mother and legislator, I am also not insensitive to the fears and concerns of the general citizens that those found mentally or psychologically unfit to stand trial must somehow be treated in a fashion which combines confinement with treatment.

I will continue to work on this approach to treatment as in the best interests of the patient as well as the community. But, we have skirted the issue for providing an alternative to the insanity defense. We must begin to think in terms of providing another alternative such as Michigan's guilty, but mentally ill.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 2741-80, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FITNESS TO PROCEED", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Evans and Sutton voting no.

Conf. Com. Rep. No. 84-80 on S.B. No. 2784-80, SD 2, HD 1, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

The Chair directed the Clerk to note that S.B. Nos. 2741-80 and 2784-

80 had passed Final Reading at 9:12 o'clock p.m.

Conf. Com. Rep. No. 85-80 on S.B. No. 1851-80, SD 2, HD 1, CD 1:

Representative D. Yamada moved that the report of the Committee be adopted, and S.B. No. 1851-80, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Honda.

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

"Mr. Speaker, this plan brings together all of the loose ends of our juvenile justice system such as the State Law and Enforcement Planning Agency, the Honolulu Police Department, the Family Court, the Department of Social Services and Housing. Mr. Speaker, it is time that we implemented the juvenile justice master plan formulated by this bill because this is the culmination of the efforts of many individuals over the last several years. However, Mr. Speaker, this is only a plan and it must be implemented by us. By that I mean that we must fund it and the funding is exceedingly important.

Now, Mr. Speaker, we have a commitment. The Legislature must justify confinement when it says it has a promise of treatment if there is confinement. We are, therefore, committed as a community to provide the resources necessary to fulfill this promise and the duty that society assumes to fulfill the promise of treatment employed to justify involuntary confinement of juveniles.

Therefore, as we pass this bill, and I know we will because of your concurrence, that we will have here a commitment to adequately fund it and make sure that this plan receives a hundred percent backing from this body.

Thank you."

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

"Mr. Speaker, juvenile justice is among the most troubling problems confronting our community. The extreme harm possible by juvenile offenders to the safety and peace of mind of Hawaii's people has been dramatically highlighted in recent months.

Just as vivid an image, however, is the minor whose acts against society may more accurately be understood as not a threat, but a challenge to our sense of justice and compassion. In the past, however, our laws did little to explicitly distinguish between these two classes of troubled youth.

By this bill, I am proud to say, that distinction is finally made explicit. Particularly through the use of intake centers and counseling techniques we can, as a society, offer ourselves and our children the assurance that we care about them as much as about the legal order of the community. That is an important assurance.

Too often in the past, juvenile justice could be a contradiction in terms: the family courts and juvenile corrections system applied a separate notion of justice. Guarantees which we simply assume as adults were waived for minors, sometimes to the contravention of necessary protections. It is inevitable that the full weight of law will not fall on minors; that is essential to a sense of compassion.

My hope for the future is that we will continue to reassess our attitudes towards juvenile crime and corrections. I am more than bothered by reports of the quality and nature of the facilities which now treat our youth. If we wish to truly work towards the prevention of criminal activity, then we must offer rehabilitation as well as punishment.

I believe that this bill is the necessary context for beginning that review and correction of our own efforts. And I ask for the endorsement of my colleagues in this effort.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and S.B. No. 1851-80, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUVENILE JUSTICE SYSTEM", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Anderson voting no.

Conf. Com. Rep. No. 86-80 on S.B. No. 2927-80, SD 2, HD 1, CD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted, and S.B. No. 2927-80, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

MENTAL HEALTH", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1851-80 and 2927-80 had passed Final Reading at 9:17 o'clock p.m.

Conf. Com. Rep. No. 87-80 on H.B. No. 1784-80, HD 1, SD 1, CD 1:

Representative Shito moved that the report of the Committee be adopted, and H.B. No. 1784-80, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Lee.

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

"Mr. Speaker, this bill proposes to offer to all persons looking for a condominium to serve as their home a chance to purchase a unit at the lowest sales price possible.

One of the causes of the high costs of housing in Hawaii is the high rate of resale by some investors. A person purchases 'paper title' in a condominium unit prior to construction and within a short period of time, sells the unit to someone else, realizing a substantial profit. This cycle may be repeated several times before the real user of the condominium as a home purchases it. Unfortunately for the homeowner, he pays a price much higher than the original purchaser, a price reflecting the profits made by all the middlemen.

House Bill 1784-80 is a step in the right direction in correcting this problem by giving prospective owner-occupants an even chance along with investors to buy a unit at the ground floor price.

House Bill No. 1784-80 does the following:

(1) It requires a developer of a condominium project to publish an announcement giving all information of an upcoming condominium project which would interest a person looking for a home.

(2) It requires the developer to reserve at least 50 percent of all the residential units in the project for owner-occupancy for at least the first ten days of the sales campaign.

(3) It imposes a condition upon buyers to obtain financing within thirty days after signing a sales contract.

(4) It exempts government housing developments, and commercial, resort, and hotel condominiums from compliance with this bill. Thus, condos built in neighbor island resort areas such as Princeville, Kapalua, Kaanapali, Wailea, Waikoloa, Mauna Kea, Mauna Loa and Keahou Kona would be exempt while residential condo projects in Waikiki would have to comply.

(5) It requires developers of condominium conversion projects to give the first offer to purchase a unit to current residents of the conversion project who wish to reside therein as owner-occupants.

This bill is designed to provide greater opportunities for homeownership to prospective owner-occupants who are presently forced out of the real estate market because of the lack of a reasonable opportunity to buy a condominium unit when prices are generally at their lowest. At the same time, it is designed not to cause unreasonable inconvenience or delay to the developers.

I urge all the members to vote in favor of this bill."

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

"Mr. Speaker, when this bill came to us for Third Reading, at that time, Mr. Speaker, I had spoken in favor of this bill with a reservation and my reservation at that time, Mr. Speaker, was that regarding the announcements and publications by the developer to alert the citizens of this State that this development was to be constructed in an area which was calling for an advertisement in the paper and it didn't designate as to what particular paper and I brought these concerns to the floor of this House and talked to the Chairman of the Housing Committee of my concerns as well, and at this time, I would like to thank the Chairman of the Housing Committee for taking my concerns to the Conference Committee and it is now in this Conference Draft 1 where it reads that it must be published in one daily newspaper. And, I believe this is the whole thrust to this bill, and I thank you very much, Mr. Chairman."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1784-80, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1784-80 had passed Final Reading at 9:23 o'clock p.m.

At 9:24 o'clock p.m., Representative D. Yamada asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:30 o'clock p.m.

Conf. Com. Rep. No. 88-80 on S.B. No. 1838-80, SD 3, HD 1, CD 1:

Representative D. Yamada moved that the report of the Committee be adopted, and S.B. No. 1838-80, SD 3, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Honda.

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

"Mr. Speaker, we have here something that does not accomplish the mission. Governor Thompson of the state of Illinois and I appeared on national television and we talked about crime commissions in Chicago and Illinois and they all have the power to investigate and they have the power to issue subpoena duces tecum. We have a weasel-worded document here, Mr. Speaker -- weasel worded. And, let me show you how weasel worded it is.

I am asking you to turn to please, Mr. Speaker, to page 6. It says: '(1) Research and collect information regarding crime in Hawaii;' and '(2) Investigate incident to research. . .', incident to research is a qualification of the verb investigate. Qualifying as it does, they can only do such investigation as is incidental to research. Mr. Speaker, that doesn't accomplish the mission. Investigations aren't qualified; they are not limited. An investigation of any value continues until such time as it finds additional facts; you probe; you go after your facts; you're like a newspaper reporter; you dig for your facts. Sometimes one fact leads to another. But, here, there is a limitation -- investigate incident to research. You wouldn't be able to sell a newspaper if your report only has to do with research -- nobody would buy them; they wouldn't have any news. By the same thing, if you have a subpoena that can

only be for the individual, you can't get the essential documents because you don't have a duces tecum. Then, you have limited your power of subpoena so that you do not have the proper evidence subsequently to prosecute.

Now, Mr. Speaker, this is a very serious thing. We are an archipelago in the middle of the Pacific Ocean. We were a small, very limited community before World War II. Today, we have a population of a million people. By air transportation, we are the hub of the world -- the entire Pacific. We have an entirely different picture than we've ever had before and we have to protect the citizenry. We do not protect our citizenry unless we have something as well formulated as the crime commission of Chicago, the crime commission of Illinois, that Governor Thompson and I talked about on national television.

Mr. Speaker, this is a very serious omission and we do not give the powers that we should. Now how this Conference Committee felt that they had accomplished the mission, I don't know because when they put 'investigate incident to research', they certainly must have known that they were making limitations as there are some very learned gentlemen on this Conference Committee. Maybe they won't be too friendly with me tomorrow morning, but Mr. Speaker, they know what's required and they didn't do it. And, we have in the gallery one of the top investigators, he and I made all-star on the Punahou team of 1933 -- Edward Hitchcock. He is right up there and Eddie will tell you you can't investigate incident to research and investigate.

Therefore, I would ask you, Mr. Speaker, to vote no against this bill in the hopes that we do not put a skeleton out here which is going to serve as a scarecrow on something that does not serve the purpose. If you go into the rice patches of Tokyo and what not, you see the scarecrows and I'm telling you this, I watch the crows, and those crows, as soon as they smell it's a scarecrow, they come and ravage those rice fields. We've got nothing but a scarecrow here, Mr. Speaker, so let's see if we can't, next session, I know you won't be back with us, but you'll certainly have your heart with us, and let's see if we can't come back and, of course, we all have to get re-elected to come back and some of us might not make it. Some of us talk too much, so please vote no."

Representative Lunasco then rose and stated:

"Mr. Speaker, I am glad I am not a lawyer, but I rise to speak against this bill.

Mr. Speaker, I think the purpose of the Hawaii Crime Commission when it was first implemented, to me personally, was a darn good idea. But personally, at this point, I think we are wasting good money. The reason I say that is that I don't think they have done the job.

Mr. Speaker, when you go throughout the general public, they feel that the crime commission is really curbing crime and as far as I've been here -- I've been here ten years -- I have yet to see the crime commission come up with solutions to solve our problems in crime. Anybody can study crime in Hawaii and anybody can tell me that there is crime in Hawaii. If we don't come up with the solutions, to me, it is money wasted and I personally feel that the Hawaii Crime Commission hasn't done their job and I don't think they should be in existence."

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

"Mr. Speaker, the State Crime Commission is the one recognized government agency empowered to represent the citizens and efforts of the citizens of Hawaii to research and investigate crime.

The mission is a significant and valuable addition to the duties and responsibilities of formal police, prosecutor, and judicial departments. Their efforts cannot truly be duplicated by the commission -- and should not be.

It is to the crime commission to define and direct public attention to the support and full implementation of all police activities. It is to the State Crime Commission to give substance and priority to public frustrations over the extent and degree of crime in Hawaii. It is to the State Crime Commission to bring focus and clarity to the fullest expression of public cooperation with organized professional agencies combatting crime.

Many of the new provisions in this bill will greatly assist in those efforts. As a nine-member board, I expect that there will be a greater concentration of attention and dedication to the business of the commission. Especially by compensating the chair -- although at a relatively

low level of compensation -- there will be an intensified willingness to oversee member and staff actions. And the legislative affirmation of the combined research and investigative powers of the commission will do much to encourage the commission in their dedication.

However, Mr. Speaker, this morning I was prepared to vote against this conference bill. I feel very strongly that several basic questions about the nature and powers of the commission have not been adequately addressed.

There is still a fundamental confusion about the investigative powers of the commission. Without the ability to subpoena documentary evidence, how is the commission to verify or question testimony from subpoenaed witnesses?

If such investigation is to 'incidental' to research, how is the commission to fulfill its legislative mandates? Will they simply pick and choose among the many possible criminal activities in need of research and then when they find that data is insufficient be allowed to conduct an investigation?

If the members of the commission are still appointed by the Governor, how can we be assured of the political independence of the commission? Aren't we assuming that their report on 'organized crime' was inaccurate if we persist in making the commission a political creation?

These are very profound arguments against the continuation of the commission. However, my over-riding concern is that there be a citizen crime commission. I wouldn't even have the opportunity to raise these questions about the nature of criminal investigation in this state without the example of the crime commission.

More importantly, Mr. Speaker, I would not have the opportunity to review and urge further reassessment of the process without the example of the State Crime Commission.

I have been very impressed with the past achievements of this commission regardless of what others and my colleagues think. They have represented a genuine attempt by citizens to set and develop standards and priorities for the professional police agencies of this state. That is no small accomplishment.

I believe that the crime commission has, in effect, embarrassed the professionals. They have raised questions which have never been answered. Some

day this silence will be broken, and at that point, the people of Hawaii may truly appreciate the efforts of the commission.

In fact, it has been their previous courage to at least ask these questions which has prompted me to advocate giving them the powers necessary to follow through on their own efforts. It is my trust, not mistrust, in the political process and its consequences when it is honest and fearless, which forms the basis of my frustration.

I want them to have the opportunity to show us what can be done by a citizens group when it has the full support of all the elected officials. More, when it has the full support of the general public they represent.

The people. . . the people, as vague as we may sometimes think that concept may be -- the people, Mr. Speaker, are worthy of our trust. And it is for that reason, knowing that the State Crime Commission is one reflection of the people, that I cannot be overly pessimistic about the possibilities still open to them through this measure.

The important thing is that the State Crime Commission will continue its role and work for the people of Hawaii. Further, the conference version of this bill may reflect the only genuine product of compromise and adjustment of House and Senate differences. This is the only bill and for that, Mr. Speaker, I am also grateful.

At the same time, however, I will continue my efforts to see that the State Crime Commission receives as much public support from us as possible. I feel strongly that the primary difficulties experienced by the commission have been generated by public officials. That is more than unfortunate; it is very dangerous, and, I believe, undermines citizen confidence in our ability and commitment to control crime. By this bill, though, we may repair some of that damage.

We will have guaranteed a commission until 1984, and that is the whole point: the need and essential role of the commission will be preserved. There was a time during this session when that seemed in doubt.

I am reassured and supportive as long as this commission is citizen based. They will find a way to do what must be done to fight crime in Hawaii.

Thank you, Mr. Speaker."

Representative Sutton then rose to speak in favor of the bill, with reservations, stating:

"Mr. Speaker, I believe that our commitment to the people of this State in creating the Hawaii Crime Commission three years ago, our commitment to Governor Thompson of the state of Illinois, our commitment to the fight against crime, has been diminished by the Conference draft of this bill. This draft has so watered down the function of the citizens crime commission that we are left with a bare resemblance to the plan first envisioned by those of us who fought so hard for its creation in the first place. If any of us really care about lending our help to combat the influence of crime in this state, we should have no fear that a citizens body such as this commission would be able to conduct itself in a matter that might deny the rights of the criminal to infiltrate into Hawaii. I often wonder why anyone knowing the protection afforded under State and Federal Constitution should continue to throw obstacles in the way of an effectively functioning State Crime Commission.

One of the most serious defects of this bill is that it removes the power of subpoena duces tecum. This will especially handicap the commission in its work in white collar crimes. Now, Mr. Speaker, it effectively hurts in trying to hit organized crime. However, despite these handicaps, we cannot afford to let the crime commission die simply because time has expired on us and we only have three hours before sine die adjournment.

Therefore, Mr. Speaker, I am changing my vote. I am going to vote 'yes', with reservations, and I would urge you to change likewise."

Representative Kunimura then rose and stated:

"Mr. Speaker, I rise to speak for this resolution with very serious. . . Conference Committee Report on S.B. No. 1838-80, with very serious reservations. . . different, of course, from my colleague from Nuuanu, but before doing so, Mr. Speaker, my very dear friend and who sat in these chambers is a member from Kauai and the wise gentleman said, 'wise man change their minds, fools don't.' I must go back after this session and tell him that he is wrong.

Mr. Speaker, I have always supported the citizens crime commission; I had

deep respect for this commission, but because I feel very strongly about combatting crime, whether it is organized or otherwise, that I am going to support this bill with very serious reservations, and that is fundamentally, Mr. Speaker.

This commission, a few months ago, couldn't even stick together; they had to practically 'can' the chairman and the most disgusting thing I know about this commission was that at our hearing in Conference Room 326, I believe it was, when the question was asked, how come, and who did they make available this very confidential document, and their reply was. . .this gentleman's reply, not the crime commission, but this one individual, that they made it available to key legislators. I mean, this person doesn't even know the very, very foundation of the Legislature and the representative form of government. I am pretty sure this person is so ill-educated in government he would look at the Governor as the king and the Speaker as the baron or duke, and most of us as, maybe small chiefs, or a little bigger chiefs, maybe on the size. . .I don't know what makes him think like this, but I cannot accept a commission where the executive director makes available confidential document so that he may save his skin, maybe, so that we would appropriate enough money so that he would maintain his job. Make it available to key legislators -- this is an outright violation of the confidence and the authority given to him. Mr. Speaker, there are 76 legislators and I don't think any one is a key legislator. There are 26 key votes in this House and there are 13 key votes in the Senate, and this can cross party lines, but never a key legislator or a group of key legislators, and this, Mr. Speaker, frightened the heck out of me and I wish I wasn't so strong about crime and I can honestly speak against this bill and kill the commission.

But, Mr. Speaker, I am going to ride along and put my chips on this bill and, hopefully, that this bill would give them the message to shape up and fly right and if they don't, Mr. Speaker, I am pretty sure I'll be running for re-election to this House; if I do come back, even if the commission is in existence legally, I will fight with all the energy I have to take their money away. That is not a threat but a sound pledge. If they do the kinds of things they have been doing and

not keep confidential documents to themselves and win our trust and win our confidence, Mr. Speaker, they should be destroyed, and I urge, Mr. Speaker, all the members to vote for this piece of legislation that maybe, and I pray that we will have an effective, honest, sincere citizens crime commission that we can all again support and give them the full powers to investigate and the full powers with all the monies necessary to try and minimize not only organized crime in this State, but as much as possible, all crimes in the State.

Thank you."

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

"Mr. Speaker, when this bill first came before us, on the 47th day, there were many things done to the Senate version which gave me the incentive to speak with a lot of reservations about the bill. Now, Mr. Speaker, many of those reservations have been taken away.

Mr. Speaker, this bill now giving the crime commission some money and keeping it alive is definitely a good bill. Mr. Speaker, the longer this commission lives, the stronger the crime commission will become. The commission did an excellent job in the past and now that they have some money, they will do a better job in the future. Mr. Speaker, the crime commission will succeed despite the political chicanery thrown at it.

Mr. Speaker, I only have one question that I need to have answered; everybody here needs to have answered, and that question is: What is the real reason against a strong crime commission? And until this body is really ready to face up to that question, we will not have the kind of strong crime commission that we should have and, Mr. Speaker, this bill keeps the crime commission alive; the people of Hawaii want this crime commission, they want to see it stronger, they want to see it grow from what was first started three years ago and what we are allowing to continue.

Mr. Speaker, in the future, we can make this crime commission stronger. We can give them more money, we can give them more power. Mr. Speaker, I hope I can come back next year to work for a much stronger crime commission."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No.

1838-80, SD 3, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CRIME COMMISSION", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Lunasco voting no.

S.B. No. 1973-80 on Third Reading:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, S.B. No. 1973-80, entitled: "A BILL FOR AN ACT RELATING TO PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION, TO PERMIT THE SENATE TO CONVENE ITSELF INTO A SPECIAL SESSION", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1838-80 had passed Final Reading and S.B. No. 1973-80 had passed Third Reading at 9:55 o'clock p.m.

The Chair, at this time, re-referred H.R. No. 449, HD 1, to the Committee on Finance, then to the Committee on Legislative Management.

STANDING COMMITTEE REPORTS

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1068-80) recommending that H.R. No. 449, HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 449, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF INCREASED LEGAL ASSISTANCE FOR THE ELDERLY", was referred to the Committee on Legislative Management.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 1069-80) recommending that H.C.R. No. 139 be adopted.

On motion by Representative Silva, seconded by Representative Yamada and carried, the report of the Committee was adopted and H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO STATE FUNCTIONAL PLANS", was adopted.

Representative Blair, for the

Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1070-80) recommending that H.R. No. 462, as amended in HD 1, be adopted.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.R. No. 462, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO CONSIDER SOCIAL ISSUES IN ITS REVIEW OF LIFELINE RATES FOR PUBLIC UTILITIES", was adopted.

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. 1071-80) recommending that S.C.R. No. 55 be adopted.

On motion by Representative Say, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and S.C.R. No. 55, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE UNITED NATIONS TO ESTABLISH AND PROMOTE THE INTERNATIONAL YEAR OF THE PACIFIC, 1981", was adopted.

Representatives Kiyabu and Say, for the Committees on Tourism and Culture and the Arts, presented a joint report (Stand. Com. Rep. No. 1072-80) recommending that H.R. No. 477, as amended in HD 1, be adopted.

On motion by Representative Silva, seconded by Representative Say and carried, the joint report of the Committees was adopted and H.R. No. 477, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII VISITORS BUREAU TO CONSIDER SENDING A PROMOTIONAL TOUR TO EUROPE TO COMMEMORATE THE 100TH ANNIVERSARY OF KING KALAKAUA'S TRIP AROUND THE WORLD", was adopted.

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. 1073-80) recommending that H.C.R. No. 128 be adopted.

On motion by Representative Say, seconded by Representative Kawakami and carried, the joint report of the Committees was adopted and H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

THROUGH THE GOVERNOR'S ADVISORY COUNCIL ON CHINA AFFAIRS, TO INITIATE ESTABLISHMENT OF A SISTER-STATE/PROVINCE RELATIONSHIP BETWEEN THE STATE OF HAWAII AND GUANGDONG PROVINCE OF THE PEOPLE'S REPUBLIC OF CHINA", was adopted.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1074-80) recommending that H.R. No. 481 be adopted.

On motion by Representative Say, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 481, entitled: "HOUSE RESOLUTION RECOGNIZING THE WEEK OF MAY 7 THROUGH MAY 14, 1980 AS ASIAN/PACIFIC AMERICAN HERITAGE WEEK", was adopted.

Representative Say, for the Committee on Culture and the Arts, presented a report (Stand. Com. Rep. No. 1075-80) recommending that H.C.R. No. 134 be adopted.

On motion by Representative Say, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE WEEK OF MAY 7 THROUGH MAY 14, 1980 AS ASIAN/PACIFIC AMERICAN HERITAGE WEEK", was adopted.

Representative Kiyabu, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 1076-80) recommending that H.R. No. 495 be adopted.

On motion by Representative Silva, seconded by Representative K. Yamada and carried, the report of the Committee was adopted and H.R. No. 495, entitled: "HOUSE RESOLUTION RELATING TO STATE FUNCTIONAL PLANS", was adopted.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1077-80) recommending that H.C.R. No. 102 be adopted.

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1078-80) recommending that H.R. No. 494, HD 1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 494, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO OFFER AGRICULTURE AND AQUACULTURE COURSES ON A YEAR-ROUND BASIS, AND TO REVIEW ITS AGRICULTURE AND AQUACULTURE PROGRAMS", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1079-80) recommending that H.R. No. 27 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 27, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY AND DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO STUDY THE FEASIBILITY OF UTILIZING MUTUAL TELECOMMUNICATIONS IN THE PLANNED REDEVELOPMENT OF THE KAKAOKO COMMUNITY DEVELOPMENT DISTRICT", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1080-80) recommending that H.R. No. 472, HD 1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 472, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE AN ADVISORY COMMITTEE TO STUDY RADIOLOGICAL SAFETY", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1081-80) recommending that H.R. No. 35, HD 1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba

and carried, the report of the Committee was adopted and H.R. No. 35, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY BY THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING OF ESTABLISHING AND IMPLEMENTING A TELE-COMMUNICATIONS SYSTEM FOR DEAF AND SPEECH IMPAIRED PERSONS", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1082-80) recommending that H.R. No. 210, HD 1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 210, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY DIFFERENT MEANS BY WHICH TO HELP STUDENTS, ESPECIALLY ELEMENTARY SCHOOL STUDENTS, WITH READING DIFFICULTIES OR PROBLEMS AND TO IMPROVE THE OVERALL READING ABILITY AND PERFORMANCE OF OUR SCHOOL STUDENTS", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1083-80) recommending that H.R. No. 286 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 286, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF CULTIVATING LOW-LAND PROTEA ON LOW ELEVATION SITES ON OAHU", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1084-80) recommending that H.R. No. 312, HD 1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 312, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT AND IMPLEMENTATION OF PLANS TO PROMOTE SOUND RESOURCE MANAGEMENT PRACTICES WITHIN THE DEPARTMENT OF EDUCATION", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1085-80) recommending that H.R. No. 322 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 322, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A RELATIVE HOME MAINTENANCE ASSISTANCE PROGRAM", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1086-80) recommending that H.R. No. 328, HD 1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 328, HD 1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1087-80) recommending that H.R. No. 332 be adopted.

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

"Mr. Speaker, two years ago the Hawaii Autistic Society told the Education Committee they wanted this classification and at that time, Mr. Speaker, two years ago, I felt that labels did not help children only to find, two years later, that the department was classifying autism as SED's which is severely emotionally disturbed. When you classify autistic children as SED's, what happens, Mr. Speaker, is that the IEP's which is the individual education plans are done improperly.

What really concerns me here, Mr. Speaker, talking to the Departments of Education and Health, they felt that this classification was not needed. As I said, two years ago I agreed with them only to find otherwise, that everyone else other than our State department recognized autism as a separate handicap. In fact, during the hearing, I had my researcher approach SEACO which is a private contractor for special education, only to find that SEACO, they have programs for autism, and yet, Mr. Speaker, we served children in our educational system who have autism and yet they are classified as severely emotionally disturbed.

More importantly, Mr. Speaker, we find that in most cases the autistic children end up in institutions like Waimano Home and for this reason, Mr. Speaker, this is why the Education Committee felt, this time, that the Department of Education, along with the Department of Health, should work in cooperation with the Hawaii Autistic Society to come up with a classification for autism, and I would urge all of our colleagues to vote in favor of this resolution."

Representative Evans then rose to speak in favor of House Resolution 332, stating:

"Mr. Speaker, I concur with all of the statements that the Chairman of the Education Committee has said, and I basically am rising in favor of the resolution to really commend the Chairman and his Committee for the diligence that they used in pursuing the resolution and trying to work with the department which is almost a hopeless case. I wasn't too sure when Ollie was appointed Chairman two years ago to the Education Committee; I must say he has come a long way, and I really commend him for all his efforts.

Thank you."

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 332, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF EDUCATION AND HEALTH TO CLASSIFY AUTISM FOR SPECIAL EDUCATION AND HEALTH SERVICES", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1088-80) recommending that H.R. No. 341, HD 1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 341, HD 1, entitled: "HOUSE RESOLUTION 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 adopted.

Representative Morioka, for the Committee on Finance, presented

a report (Stand. Com. Rep. No. 1089-80) recommending that H.R. No. 345, HD 1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 345, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE PROVISION OF OCCUPATIONAL SAFETY AND HEALTH HAZARD CONTROL AND PREVENTION SERVICES", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1090-80) recommending that H.R. No. 372 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 372, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REVIEW EXISTING FISH AND GAME REGULATIONS", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1091-80) recommending that H.R. No. 422 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 422, entitled: "HOUSE RESOLUTION IN SUPPORT OF A BIKEWAY BETWEEN WAIMEA AND KEKAHA, KAUAI", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1092-80) recommending that H.R. No. 423 be adopted.

Representative Sutton then rose to speak in favor of House Resolution No. 423, stating:

"Mr. Speaker, the subject of this House Resolution is to request the University of Hawaii to review the status of the number and distribution of State financial aid units, and we know that the University of Hawaii has grown amongst various campuses -- I think there are nine in all -- and that may place considerable strain on the number and distribution of various State scholarships. But, Mr. Speaker, what we are interested in is people getting scholarships is excellence, and I would like to have in the record the fact that excellence in athletics, Mr. Speaker, is a considera-

tion.

Thank you very much, sir."

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 423, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVIEW THE STATUS OF STATE FINANCIAL AIDS UNITS", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1093-80) recommending that H.R. No. 425 be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 425, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING EMERGENCY HOTLINES WHICH THE PUBLIC MAY CALL PRIOR TO, DURING, AND AFTER DISASTER", was adopted.

Representative Morioka, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1094-80) recommending that H.R. No. 437, HD 1, be adopted.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.R. No. 437, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A STATEWIDE POLICY AND COORDINATED PROGRAM OBJECTIVES ON YOUTH EMPLOYMENT AND TRAINING IN HAWAII", was adopted.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1095-80) recommending that H.R. No. 221, as amended in HD 1, be adopted.

On motion by Representative K. Yamada, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.R. No. 221, entitled: "HOUSE RESOLUTION PROPOSING A CODE OF ETHICS FOR GOVERNMENT SERVICE", was adopted.

Representative Stanley, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No.

1096-80) recommending that H.C.R. No. 70, as amended in HD 1, be adopted.

On motion by Representative K. Yamada, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.C.R. No. 70, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION PROPOSING A CODE OF ETHICS FOR GOVERNMENT SERVICE", was adopted.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1097-80) recommending that H.R. No. 496 be adopted.

On motion by Representative Kunimura, seconded by Representative Crozier and carried, the report of the Committee was adopted and H.R. No. 496, entitled: "HOUSE RESOLUTION RELATING TO STANDING AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 1980 AND THE REGULAR SESSION OF 1981", was adopted.

At 10:04 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:55 o'clock p.m.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 119) was read by the Clerk as follows:

"STATE OF HAWAII
Executive Chambers
Honolulu

April 18, 1980

The Honorable James H. Wakatsuki
Speaker, House of Representatives
Tenth State Legislature
Regular Session of 1980
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for an extension of the 1980 Session of the Tenth Legislature.

With warm personal regards, I remain,

Yours very truly,

/s/ George R. Ariyoshi

George R. Ariyoshi

Enclosure"

/s/ George R. Ariyoshi

"EXECUTIVE ORDER

GEORGE R. ARIYOSHI
Governor of Hawaii

WHEREAS, Section 10, Article III of the Constitution of the State of Hawaii, provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor'; and

APPROVED AS TO FORM:

/s/ Wayne Minami

WAYNE MINAMI
Attorney General"

WHEREAS, said Section 10 further provides that 'Saturdays, Sundays, holidays, the days in mandatory recess and any days in recess pursuant to a concurrent resolution shall be excluded in computing the number of days of any session'; and

DEFERRED MATTERS FROM
EARLIER ON THE CALENDARConf. Com. Rep. No. 89-80 on H.B.
No. 2720-80, SD 2, CD 1:By unanimous consent, action was
deferred.

S.B. No. 866, SD 1, on Third Reading:

By unanimous consent, action was
deferred.

WHEREAS, the governor has been requested to grant an extension and it appears that such an extension is necessary;

S.B. No. 2634-80, SD 1, on Third
Reading:By unanimous consent, action was
deferred.

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of Hawaii, pursuant to the power vested in me by Section 10, Article III of the Constitution of the State of Hawaii, do hereby extend the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of twenty four (24) hours, following 12:00 midnight, April 18, 1980, but excluding Saturday and Sunday, pursuant to Section 10, Article III of the Constitution of the State of Hawaii.

At 11:57 o'clock p.m., the Chair
declared a recess, subject to the call
of the Chair.

ADJOURNMENT

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 18th day of April, 1980.

At 12:00 o'clock midnight, the House
of Representatives adjourned until
Monday, April 21, 1980.

SIXTY-FIRST DAY

Monday, April 21, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:55 o'clock p.m., with the Speaker presiding.

The Roll was called showing all members present.

By unanimous consent, reading of the Journal was deferred.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 120) was read by the Clerk as follows:

STATE OF HAWAII
Executive Chambers
Honolulu

April 22, 1980

The Honorable James H. Wakatsuki
Speaker, House of Representatives
Tenth State Legislature
Regular Session of 1980
State of Hawaii

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for an extension of the 1980 Session of the Tenth Legislature.

With warm personal regards,
I remain,

Yours very truly,

/s/ George R. Ariyoshi

George R. Ariyoshi

Enclosure"

"EXECUTIVE ORDER

WHEREAS, Section 10, Article III of the Constitution of the State of Hawaii, provides that an extension of not more than fifteen days of

any session may 'be granted by the presiding officers of both houses at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor'; and

WHEREAS, pursuant thereto the governor extended the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of twenty-four hours, excluding Saturday and Sunday, to 12:00 midnight, April 21, 1980; and

WHEREAS, the governor further extended the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of twenty-four hours to 12:00 o'clock midnight, April 22, 1980; and

WHEREAS, it appears that a further extension is necessary in the public interest;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of Hawaii, pursuant to the power vested in me by Section 10, Article III of the Constitution of the State of Hawaii, do hereby further extend the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of seventy-two (72) hours following 12:00 midnight, April 22, 1980.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 22nd day of April, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Wayne Minami

WAYNE MINAMI
Attorney General"

SENATE COMMUNICATIONS

The following communications

from the Senate (Sen. Com. Nos. 655 to 732) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 655) transmitting Senate Concurrent Resolution No. 59 requesting the tax review commission to review and report on certain specific tax issues which was adopted by the Senate on April 18, 1980, was placed on file.

By unanimous consent, action on S.C.R. No. 59 was deferred.

A communication from the Senate (Sen. Com. No. 656) returning House Concurrent Resolution No. 65 which was adopted in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 657) returning House Concurrent Resolution No. 69 which was adopted in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 658) returning House Concurrent Resolution No. 116, HD1, which was adopted in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 659) returning House Concurrent Resolution No. 124 which was adopted in the Senate on April 18, 1980, in an amended form, was placed on file.

By unanimous consent, H.C.R. No. 124, as amended by the Senate, was placed on the Clerk's desk and further action on said resolution was deferred.

A communication from the Senate (Sen. Com. No. 660) returning House Concurrent Resolution No. 150 which was adopted in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 660-A) returning House Bill No. 3006-80, HD1, which passed Third Reading in the Senate

on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 661) returning House Concurrent Resolution No. 151 which was adopted by the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 662) returning House Concurrent Resolution No. 152 which was adopted by the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 663) returning House Bill No. 1162, HD1, which passed Third Reading in the Senate on April 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. 664) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 209, SD2 and that S.B. No. 209, SD2, HD2 passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 665) informing the House that the Senate had discharged the Managers on the part of the Senate to House Bill No. 1606, HD2, SD1, was placed on file.

A communication from the Senate (Sen. Com. No. 666) informing the House that the Senate had discharged the Managers on the part of the Senate to House Bill No. 1610, HD1, SD1, was placed on file.

A communication from the Senate (Sen. Com. No. 667) informing the House that the Senate had discharged the Managers on the part of the Senate to House Bill No. 1762-80, SD2, was placed on file.

A communication from the Senate (Sen. Com. No. 668) informing the House that the Senate had discharged the Managers on the part of the

Senate to House Bill No. 2193-80, HD1, SD2, was placed on file.

A communication from the Senate (Sen. Com. No. 669) informing the House that the Senate reconsidered its action taken on April 7, 1980, in disagreeing to the amendments made by the House to Senate Bill No. 2155-80, SD1 and had discharged the Managers on the part of the Senate; and Senate Bill No. 2155-80, SD1, HD1 passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 670) informing the House that the Senate had reconsidered their action taken by passing House Bill No. 1162, HD1, on Third Reading and upon such reconsideration, said bill would be acted upon at a later date, was placed on file.

A communication from the Senate (Sen. Com. No. 671) informing the House that the Senate had reconsidered its action taken in adopting conference committee report recommending the Final Passage of House Bill No. 2029-80, HD2, SD2, CD1 and upon such reconsideration, said bill would be acted upon at a later date, was placed on file.

A communication from the Senate (Sen. Com. No. 672) informing the House that the Senate had reconsidered their action taken by adopting conference committee report recommending the Final Passage of House Bill No. 2723-80, HD2, SD1, CD1 and upon such reconsideration, said bill would be acted upon at a later date, was placed on file.

A communication from the Senate (Sen. Com. No. 673) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 25, HD1, was adopted by the Senate; and House Bill No. 25, HD1, SD3, CD1, passed Final Reading in the Senate on April 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. 674) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 501, HD1, was adopted by the Senate and House Bill No. 501, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 675) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 687, HD1, was adopted by the Senate and House Bill No. 687, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 676) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1494, was adopted by the Senate and House Bill No. 1494, HD1, SD2, CD2, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 677) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1684-80, HD1, was adopted by the Senate and House Bill No. 1684-80, HD1, SD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 678) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1758-80, HD2, was adopted by the Senate and House Bill No. 1758-80, HD2, SD3, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate

(Sen. Com. No. 679) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1782-80, HD2, was adopted by the Senate and House Bill No. 1782-80, HD2, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 680) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1784-80, HD1, was adopted by the Senate and House Bill No. 1784-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 681) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1871-80, HD1, was adopted by the Senate and House Bill No. 1871-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 682) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1873-80, was adopted by the Senate and House Bill No. 1873-80, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 683) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1911-80, HD1, was adopted by the Senate and House Bill No. 1911-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 684) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1915-80, HD1, was adopted by the Senate and House Bill No. 1915-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 685) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1919-80 was adopted by the Senate and House Bill No. 1919-80, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 686) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1925-80, HD1, was adopted by the Senate and House Bill No. 1925-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 687) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1985-80, HD1, was adopted by the Senate and House Bill No. 1985-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 688) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2029-80, HD2, was adopted by the Senate and House Bill No. 2029-80, HD2, SD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 689) informing

the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2058-80, HD1, was adopted by the Senate and House Bill No. 2058-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 690) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2059-80 was adopted by the Senate and House Bill No. 2059-80, SD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 691) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2071-80, HD1, was adopted by the Senate and House Bill No. 2071-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 692) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2091-80, HD1, was adopted by the Senate and House Bill No. 2091-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 693) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2172-80 was adopted by the Senate and House Bill No. 2172-80, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate

(Sen. Com. No. 694) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2175-80 was adopted by the Senate and House Bill No. 2175-80, SD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 695) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2241-80, HD1, was adopted by the Senate and House Bill No. 2241-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 696) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2286-80, HD1, was adopted by the Senate and House Bill No. 2286-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 697) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2357-80 was adopted by the Senate and House Bill No. 2357-80, SD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 698) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2359-80 was adopted by the Senate and House Bill No. 2359-80, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 699) informing the House that the report of the

Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2532-80 was adopted by the Senate and House Bill No. 2532-80, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 700) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2558-80, HD1, was adopted by the Senate and House Bill No. 2558-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 701) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2647-80, HD2, was adopted by the Senate and House Bill No. 2647-80, HD2, SD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 702) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2669-80, HD1, was adopted by the Senate and House Bill No. 2669-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 703) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2672-80, HD1, was adopted by the Senate and House Bill No. 2672-80, HD1, SD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate

(Sen. Com. No. 704) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2723-80, HD2, was adopted by the Senate and House Bill No. 2723-80, HD2, SD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 705) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2826-80, HD1, was adopted by the Senate and House Bill No. 2826-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 706) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2930-80, HD1, was adopted by the Senate and House Bill No. 2930-80, HD1, SD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 707) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2944-80, HD2, was adopted by the Senate and House Bill No. 2944-80, HD2, SD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 708) 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. 118, SD2, was adopted by the Senate and Senate Bill No. 118, SD2, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 709) 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. 870, SD2, was adopted by the Senate and Senate Bill No. 870, SD2, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 710) 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. 1161, SD1, was adopted by the Senate and Senate Bill No. 1161, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 711) 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. 1516, SD1, was adopted by the Senate and Senate Bill No. 1516, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 712) 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. 1827-80, SD1, was adopted by the Senate and Senate Bill No. 1827-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 713) 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. 1831-80, SD1, was adopted by the Senate and Senate Bill No. 1831-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 714) 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. 1832-80, SD1, was adopted by the Senate and Senate Bill No. 1832-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 715) 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. 1838-80, SD3, was adopted by the Senate and Senate Bill No. 1838-80, SD3, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 716) 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. 1851-80, SD2, was adopted by the Senate and Senate Bill No. 1851-80, SD2, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 717) 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. 1960-80, SD1, was adopted by the Senate and Senate Bill No. 1960-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 718) 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. 2006-80 was adopted by the Senate and Senate Bill No. 2006-80, HD1, CD1, passed Final

Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 719) 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. 2302-80, SD2, was adopted by the Senate and Senate Bill No. 2302-80, SD2, HD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 720) 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. 2329-80, SD2, was adopted by the Senate and Senate Bill No. 2329-80, SD2, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 721) 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. 2501-80, SD1, was adopted by the Senate and Senate Bill No. 2501-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 722) 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. 2581-80 was adopted by the Senate and Senate Bill No. 2581-80, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 723) 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. 2665-80, SD2, was adopted by the Senate

and Senate Bill No. 2665-80, SD2, HD2, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 724) 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. 2693-80, SD2, was adopted by the Senate and Senate Bill No. 2693-80, SD2, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 725) 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. 2741-80, SD1, was adopted by the Senate and Senate Bill No. 2741-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 726) 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. 2744-80, SD1, was adopted by the Senate and Senate Bill No. 2744-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 727) 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. 2784-80, SD2, was adopted by the Senate and Senate Bill No. 2784-80, SD2, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 728) 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. 2877-80, SD1, was adopted by the Senate and Senate Bill No. 2877-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 729) 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. 2927-80, SD2, was adopted by the Senate and Senate Bill No. 2927-80, SD2, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 730) 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. 3012-80, SD1, was adopted by the Senate and Senate Bill No. 3012-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 731) 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. 3145-80, SD1, was adopted by the Senate and Senate Bill No. 3145-80, SD1, HD1, CD1, passed Final Reading

in the Senate on April 18, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 732) 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. 3146-80, SD1, was adopted by the Senate and Senate Bill No. 3146-80, SD1, HD1, CD1, passed Final Reading in the Senate on April 18, 1980, was placed on file.

STANDING COMMITTEE REPORT

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1098-80) informing the House that House Resolution Nos. 567 to 578, House Concurrent Resolution No. 152, Standing Committee Report Nos. 1066-80 to 1097-80 and Special Committee Report Nos. 25 to 29 have been printed and distributed.

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

At 11:57 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned.

SIXTY-SECOND DAY

Tuesday, April 22, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:55 o'clock p.m., with the Speaker presiding.

The Clerk called the Roll and all members were present with the exception of Representatives Aki, Andrews, Garcia, Hagino, Ikeda, Inaba, Larsen, Masutani and Peters, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Sixty-First Day was deferred.

GOVERNOR'S MESSAGE

A message from the Governor (Gov. Msg. No. 121) was read by the Clerk as follows:

"STATE OF HAWAII
Executive Chambers
Honolulu

April 22, 1980

The Honorable James H. Wakatsuki
Speaker, House of Representatives
Tenth State Legislature
Regular Session of 1980
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive Order providing for an extension of the 1980 Session of the Tenth Legislature.

With warm personal regards, I remain,

Yours very truly,

/s/ George R. Ariyoshi

George R. Ariyoshi

Enclosure"

"EXECUTIVE ORDER

WHEREAS, Section 10, Article III of the Constitution of the State of Hawaii, provides that an extension of not more than fifteen days of any session may 'be granted by the presiding officers of both houses

at the written request of two-thirds of the members to which each house is entitled or may be granted by the governor'; and

WHEREAS, pursuant thereto the governor extended the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of twenty-four hours, excluding Saturday and Sunday, to 12:00 midnight, April 21, 1980; and

WHEREAS, the governor further extended the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of twenty-four hours to 12:00 midnight, April 22, 1980; and

WHEREAS, it appears that a further extension is necessary in the public interest;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of Hawaii, pursuant to the power vested in me by Section 10, Article III of the Constitution of the State of Hawaii, do hereby further extend the 1980 regular session of the Tenth Legislature of the State of Hawaii for a period of Seventy-two (72) hours following 12:00 midnight, April 22, 1980.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 22nd day of April, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Wayne Minami

WAYNE MINAMI
Attorney General"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 733 to 736) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 733) 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. 2914-80, SD 2, was adopted by the Senate; and Senate Bill No. 2914-80, SD 2, HD 2, CD 1, passed Final Reading

in the Senate on April 21, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 734) returning House Concurrent Resolution No. 128, which was adopted by the Senate on April 21, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 735) returning House Concurrent Resolution No. 134, which was adopted by the Senate on April 21, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 736) returning House Concurrent Resolution No. 153, which was adopted by the Senate on April 21, 1980, was placed on file.

ORDER OF THE DAY

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1029-80 on S.B. No. 866, SD 1:

By unanimous consent, action was deferred to April 25, 1980.

Stand. Com. Rep. No. 1030-80 on S.B. No. 2634-80, SD 1:

By unanimous consent, action was deferred to April 25, 1980.

Conf. Com. Rep. No. 89-80 on H.B. No. 2720-80, SD 2, CD 1:

By unanimous consent, action was deferred to April 25, 1980. (Appropriations Measure)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 118a and 118b) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 118a) informing the House that on April 17, 1980, he signed the following bills into law:

Senate Bill No. 1519 as Act 20, entitled: "RELATING TO HAWAII BANK ACT OF 1931";

Senate Bill No. 2066-80 as Act 21, entitled: "RELATING TO LIQUOR";

Senate Bill No. 3085-80 as Act 22, entitled: "RELATING TO ENVIRONMENTAL IMPACT STATEMENTS";

Senate Bill No. 3131-80 as Act 23, entitled: "RELATING TO MORTUARIES AND FUNERALS";

House Bill No. 2418-80 as Act 24, entitled: "RELATING TO ENERGY PRODUCTION FACILITIES IN AGRICULTURE DISTRICTS".

A message from the Governor (Gov. Msg. No. 118b) informing the House that on April 22, 1980, he signed the following bills into law:

Senate Bill No. 1871-80 as Act 25, entitled: "RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII";

Senate Bill No. 1992-80 as Act 26, entitled: "RELATING TO TRADE-MARKS, PRINTS, LABELS, AND TRADE NAMES";

Senate Bill No. 2003-80 as Act 27, entitled: "RELATING TO MOTOR CARRIER SAFETY LAW";

Senate Bill No. 2004-80 as Act 28, entitled: "RELATING TO HIGHWAY SAFETY";

Senate Bill No. 2188-80 as Act 29, entitled: "RELATING TO ARTICLES OF INCORPORATION";

Senate Bill No. 2515-80 as Act 30, entitled: "RELATING TO CONTRACTORS";

Senate Bill No. 2740-80 as Act 31, entitled: "RELATING TO SHARES WITHOUT PAR VALUE";

Senate Bill No. 3026-80 as Act 32, entitled: "RELATING TO TEMPORARY DISABILITY INSURANCE";

House Bill No. 1827-80 as Act 33, entitled: "RELATING TO PARTNERSHIPS";

House Bill No. 2127-80 as Act 34, entitled: "RELATING TO THE IMPOUNDMENT OF VESSELS";

House Bill No. 2351-80 as Act 35, entitled: "RELATING TO EMPLOYMENT PRACTICES".

At 11:59 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until tomorrow, Wednesday, April 23, 1980.

SIXTY-THIRD DAY

Wednesday, April 23, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 1:10 o'clock a.m., with the 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 Andrews, Garcia, Ikeda, Inaba and Peters, who were excused.

By unanimous consent, reading of the Journal was deferred.

At 1:15 o'clock a.m., on motion by Representative K. Yamada, seconded by Representative Evans and carried, the House of Representatives recessed until 11:00 o'clock a.m.

At 11:20 o'clock a.m., the House of Representatives reconvened.

At this time, the Vice Speaker assumed the rostrum.

ORDER OF THE DAY

COMMITTEE REFERRAL

S.C.R. No. 59 was referred to the Committee on Finance

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 584 to 592) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 584) congratulating the Waiakea High girls varsity basketball team upon winning the 1980 BIIF Basketball Championship was jointly offered by Representatives K. Yamada, Anderson, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Hashimoto, Holt, Honda, Ige, Kawakami, Kihano, Kiyabu, Kobayashi, Larsen, Lee, Marumoto, Medeiros, Nakamura, Narvaes, Sakamoto,

Say, Segawa, Shito, Silva, Sutton, Takamine, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and Wakatsuki.

On motion by Representative K. Yamada, seconded by Representative Takamine and carried, H.R. No. 584 was adopted.

A resolution (H.R. No. 585) extending recognition, appreciation and congratulations to Orlando and Pat Valentin and the Pearl of the Orient Dance Company was jointly offered by Representatives Kihano, Baker, Blair, Crozier, Evans, Holt, Ige, Inaba, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Lunasco, Marumoto, Medeiros, Sakamoto, Say, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uwaine, K. Yamada and Wakatsuki.

On motion by Representative K. Yamada, seconded by Representative Shito and carried, H.R. No. 585 was adopted.

A resolution (H.R. No. 586) congratulating the winners of the Young Windward Show was jointly offered by Representatives Ige, Evans, Toguchi, Sakamoto, Medeiros, Anderson, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Ige seconded by Representative Evans and carried, H.R. No. 586 was adopted.

A resolution (H.R. No. 587) congratulating the Ali'Iolani Hale Restoration Committee for its outstanding service to the people of Hawaii was jointly offered by Representatives Hashimoto, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Holt, Honda, Ige,

Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Lee, Lunasco, Marumoto, Masutani, Medeiros, 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 Ige and carried, H.R. No. 587 was adopted.

A resolution (H.R. No. 588) extending congratulations to the Pearl City High School judo team on winning the Oahu Interscholastic Association Judo Team Championship was jointly offered by Representatives Hashimoto, Masutani, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Lee, Lunasco, Marumoto, Medeiros, 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 Masutani and carried, H.R. No. 588 was adopted.

A resolution (H.R. No. 589) extending congratulations to the Kaiser High School Cougars baseball team for capturing the 1980 Oahu Interscholastic Athletics Association Championship was jointly offered by Representatives Ikeda, Dods, Aki, Anderson, Baker, Blair, Crozier, de Heer, Evans, Fukunaga, Hagino, Hashimoto, Honda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Lacy, Lee, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Toguchi, Uechi, Uwayne and K. Yamada.

On motion by Representative Dods, seconded by Representative Sutton and carried, H.R. No. 589 was adopted.

A resolution (H.R. No. 590) recogniz-

ing and commending the State of Hawaii Office of Children and Youth, its director and staff, for the outstanding contribution they have made to the young people of Hawaii was jointly offered by Representatives Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Aki, seconded by Representative Ige and carried, H.R. No. 590 was adopted.

A resolution (H.R. No. 591) congratulating the Hawaii All-Star Bronco Baseball Team for winning the 1979 International Youth Baseball Tournament Championship was jointly offered by Representatives Sakamoto, Aki, Anderson, Blair, Crozier, Evans, Fukunaga, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kunimura, Larsen, Lunasco, Marumoto, Masutani, Medeiros, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Uwayne and K. Yamada.

On motion by Representative K. Yamada, seconded by Representative Blair and carried, H.R. No. 591 was adopted.

A resolution (H.R. No. 592) congratulating and commending Carl and Arlene Sorbo for their efforts in promoting recycling in the State of Hawaii was jointly offered by Representatives Narvaes, Anderson, Andrews, Baker, Blair, Crozier, Dods, Garcia, Hashimoto, Honda, Ige, Inaba, Kawakami, Kobayashi, Kunimura, Lunasco, Marumoto, Masutani, Nakamura, Sakamoto, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi and Uechi.

On motion by Representative Narvaes, seconded by Representative Sutton and carried, H.R. No. 592 was adopted.

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

"Mr. Speaker, we recessed very early this morning for the purpose of having bills decked and I don't see any bills decked. None are in my box and I would like to know when the first bills are going to be decked."

The Chair responded:

"We're still in session. We have until 12:00 o'clock midnight."

Representative Evans:

"I understood, Mr. Speaker, that some were already agreed to and ready, and I'd like to know why they're not decked."

The Chair answered:

"If you have that information, you are very privileged."

Representative Evans:

"I do not have that information, that's why I'm asking."

The Chair answered:

"We have until 12:00 o'clock midnight tonight to deck those bills."

Representative Evans:

"That's no answer."

GOVERNOR'S MESSAGE

A message from the Governor

(Gov. Msg. No. 118c) informing the House that on April 23, 1980, he signed the following bills into law was read by the Clerk and placed on file:

House Bill No. 721 as Act 36, entitled: "RELATING TO CONSUMER TRANSACTIONS";

House Bill No. 1816-80 as Act 37, entitled: "RELATING TO TRUST COMPANIES";

House Bill No. 1817-80 as Act 38, entitled: "RELATING TO INSURANCE";

House Bill No. 1969-80 as Act 39, entitled: "RELATING TO PROPERTY";

House Bill No. 2284-80 as Act 40, entitled: "RELATING TO FROZEN FOOD PRODUCTS";

House Bill No. 2339-80 as Act 41, entitled: "RELATING TO PORT PILOTS";

House Bill No. 2487-80 as Act 42, entitled: "RELATING TO THE DEPARTMENT OF EDUCATION".

At 11:30 o'clock a.m., on motion by Representative K. Yamada, seconded by Representative Kunimura and carried, the House of Representatives recessed until 12:00 o'clock midnight tonight.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until tomorrow, Thursday, April 24, 1980.

SIXTY-FOURTH DAY

Thursday, April 24, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 10:50 o'clock a.m., with the 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 Anderson, Andrews, Evans, Garcia, Holt, Ikeda, Kamalii, Lacy, Marumoto, Masutani, Medeiros, Narvaes, Peters, Sakamoto, Silva, Sutton, Toguchi and K. Yamada, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Sixty-Third Day was deferred.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1029-80 on S.B. No. 866, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1030-80 on S.B. No. 2634-80, SD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 89-90 on H.B. No. 2720-80, SD 2, CD 1:

By unanimous consent, action was deferred. (Appropriations measure)

STANDING COMMITTEE REPORTS

Representative Aki, for the Committee on Youth and Elderly Affairs, presented a report (Stand. Com. Rep. No. 1099-80) recommending that S.C.R. No. 58, SD 1, be adopted.

By unanimous consent, action was deferred one day.

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1100-80) informing the House that Standing Committee Report Nos. 1099-80, 1101-80 and 1102-80, have been printed and distributed.

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

Representative Segawa, for the Committee on Health, presented a report (Stand. Com. Rep. No. 1101-80) recommending that H.R. No. 344 be referred to the Committee on Legislative Management.

By unanimous consent, action was deferred one day.

Representatives Kiyabu, Segawa, Shito and Ushijima, for the Committees on State General Planning; Health; Housing; and Higher Education, presented a report (Stand. Com. Rep. No. 1102-80) recommending that H.R. No. 417, as amended in HD 1, be referred to the Committee on Finance.

By unanimous consent, action was deferred one day.

At this time, the Chair directed the Clerk to note the presence of Representatives Holt and Sakamoto.

At 10:58 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until tomorrow, Friday, April 25, 1980.

SIXTY-FIFTH DAY

Friday, April 25, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 11:15 o'clock p.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Takitani, after which the Roll was called showing all members present with the exception of Representatives Anderson, Andrews, Garcia, Lacy and Larsen, who were 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 Sakamoto introduced his previous boss and head of the third branch of government, Chief Justice William Richardson.

Representative Takamine introduced Mr. Breezer Bush, a resident of Oahu but one who also represents all the interests of Hamakua.

Representative Ushijima introduced Councilwoman Marilyn Bornhorst who was visiting the chambers.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

S.C.R. No. 58 was re-referred to the Committee on Youth and Elderly Affairs.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1099-80 on S.C.R. No. 58, SD1

On motion by Representative Aki, seconded by Representative Ige and carried, the report of the Committee was adopted and S.C.R. No. 58, SD1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE REVIEW AND STUDY OF THE FORMATION OF

A STATE INTERAGENCY COORDINATION COMMITTEE ON CHILD ABUSE AND NEGLECT", was adopted.

Stand. Com. Rep. No. 1101-80 on H.R. No. 344

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and H.R. No. 344, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY AND PREPARE A PLAN FOR A UNIFORM STATE MEDICAL EXAMINER SYSTEM", was referred to the Committee on Legislative Management.

At 11:19 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:20 o'clock p.m.

Stand. Com. Rep. No. 1102-80 on H.R. No. 417, HD1

By unanimous consent, action on Stand. Com. Rep. No. 1102-80 and H.R. No. 417, HD1, was deferred until the end of the calendar.

SUSPENSION OF RULES

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

Stand. Com. Rep. No. 1029-80 on S.B. No. 866, SD1

Representative Dods moved that the report of the majority of the Committee be adopted and that S.B. No. 866, SD1, pass Third Reading, seconded by Representative Masutani.

Representative Sutton then rose

to speak against S.B. No. 866:

"Mr. Speaker, the purpose of this bill is to alleviate safety hazards from air safety congestion by charging the Department of Transportation in cooperation with the FAA to conduct research into the causes and solutions to various safety problems and directing the Department of Transportation to follow up on the results of this research and authorizing the Department of Transportation to adopt rules and regulations to put this legislation into effect.

What has happened is we have a tremendously dangerous air traffic congestion situation at the Honolulu International Airport and we have not solved it to date by getting the small planes out of there.

Mr. Speaker, we know what happened at the Charles Lindburgh Memorial Field in San Diego and we know that we have as hazardous, or more hazardous, situation at Honolulu International.

Therefore, Mr. Speaker, I would ask that we, looking at this budget, have a good deal of desperation that we did not find an alternate airport, that is something that will attract. By putting money in the Dillingham Memorial Field we have something which we already know is hazardous, a carrier came in and set its planes down and it took them three days to get it back out. There's a mountain and a very dangerous wind. We have the Kentron Report which puts this field at the very end of the list. Waipio would have been ideal.

By giving the authority in this bill we still have a very limited jurisdiction because the moment a plane gets off the ground, the jurisdiction is that of the FAA and the federal authorities and by giving Ryokichi Higashionna the power to make rules, we hope that he can raise the fees and the various hangar charges sufficiently so that these people will go out to an alternative airport, Ford Island, Dillingham Field.

We already know that Dillingham

Field has gliders and parachutists. We already know that this will not satisfy the average weekend aviator.

Therefore, Mr. Speaker, I would urge you to keep these reservations in mind."

Representative Say also rose to speak against this measure:

"I think this particular measure is a cop-out on the part of the Senate in regard to finding a general aviation airfield."

Representative Say then asked that his other remarks be inserted into the Journal and the Speaker, noting no objections, so ordered.

"Mr. Speaker, this bill charges the Department of Transportation with regulating aircraft operations at Honolulu International Airport for the purpose of improving air traffic safety. While this bill sounds good, it is not the answer to the safety problems at Honolulu International Airport.

Mr. Speaker, we need a reliever airport to really resolve our air safety problems.

Mr. Speaker, the need to develop a general aviation reliever airport on Oahu is almost as old as I am. For over eighteen years, the state has discussed this subject. Various sites for the airport have been proposed and rejected, and the bottom line is that we still do not have an airport that we all recognize as needed.

Mr. Speaker, I don't blame our Chairman for wanting to move this bill out rather than doing nothing to improve air safety at Honolulu International Airport. His concern for expressing some kind of intent to improve safety at Honolulu International Airport is clear. So I am not directing my remarks at the Chairman, he's had to take a difficult course of action and I can see why he's forced to take this route.

When we convened the Tenth Legislature last year, there seemed to be high hopes that the state would move to develop a reliever airport. Prior

to our convening in 1979, the Senate Transportation Chairman requested the Department of Transportation to consider locating this reliever airport at Poamoho, Oahu. However, Mr. Speaker, two legislative sessions have passed and we are still no closer to building this facility than we were two years ago.

Mr. Speaker, the good Senator who chairs the Senate Transportation Committee based his request for Poamoho on his concern over the air traffic congestion at Honolulu International Airport and the threat to air safety it poses. I think that we know that in the last two years, air traffic congestion at Honolulu International Airport hasn't gotten any better. It's become worse.

The state administration, air carriers, pilots and the State House of Representatives have all expressed support for the construction of a reliever airport. If we've agreed to this, then why are we voting on this bill? The Department of Transportation is already empowered to improve air traffic safety under Section 261-4 of the Hawaii Revised Statutes.

Mr. Speaker, do any of my fellow representatives truly believe that passing this bill is any substitute for building a new airport? I believe that passing this bill will only set us back in our search for a new airport by leading people to believe that the airport will be made safe. This bill also puts off the selection of a reliever airport for another year and could discriminate against certain classes of airport users, such as general aviation flight schools.

I don't think we should pass this measure until we know what types of limitations on aircraft operations the Department will establish. I don't think anyone here can tell me specifically what types of aircraft operations will be limited, and to what extent they will be limited.

Mr. Speaker, I don't think this bill will improve the safety of Honolulu International Airport to the extent that it should. If this bill specified a firm limit on the types of aircraft operations that would

be allowed at Honolulu International Airport, I might consider the bill to have more merit. As it stands, we are giving the Department of Transportation very broad powers to limit aircraft operations without much guidance as far as who and what numbers should be limited. The Senate has not provided the State House or the public with an acceptable solution to improving safety at Honolulu International Airport. Instead, they offer this bill, which is not the answer the people want.

I urge all of my colleagues to vote no on this measure and place the responsibility for not selecting a site for a general aviation reliever airport squarely on the shoulders of the Senate, where it belongs. Thank you, Mr. Speaker."

The motion was put by the chair and the report of the majority of the Committee was adopted and S.B. No. 866, SD1, entitled: "A BILL FOR AN ACT RELATING TO AIR TRANSPORTATION", passed Third Reading by a vote of 43 ayes to 3 noes, with Representatives Hagino, Say and Sutton voting no and Representatives Anderson, Andrews, Garcia, Lacy and Larsen being excused.

The Chair directed the Clerk to note that S.B. No. 866, SD1, passed Third Reading at 11:25 o'clock p.m.

Stand. Com. Rep. No. 1030-80 on S.B. No. 2634-80, SD1

On motion by Representative Dods, seconded by Representative Masutani and carried, the report of the Committee was adopted and S.B. No. 2634-80, SD1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY SAVING TRANSPORTATION MODES", having been read throughout, passed Third Reading by a vote of 46 ayes, with Representatives Anderson, Andrews, Garcia, Lacy and Larsen being excused.

The Chair directed the Clerk to note that S.B. No. 2634-80, SD1, passed Third Reading at 11:26 o'clock p.m.

Conf. Com. Rep. No. 89-80 on
H.B. No. 2720-80, SD2, CD1:

By unanimous consent, action
on this measure was deferred.

Conf. Com. Rep. No. 90-80 on
H.B. No. 2773-80, HD1, SD1, CD1:

Representative Morioka moved
that the report of the Committee be
adopted and that H.B. No. 2773-
80, HD1, SD1, CD1 pass Final Read-
ing, seconded by Representative
Inaba.

Representative Narvaes then request-
ed that his remarks in favor of the
measure but with certain reservations
be inserted into the Journal and
the Chair, noting no objections,
so ordered.

"Mr. Speaker, this bill would
raise the interest ceiling on state
general obligation bonds from eight
percent to nine and one-half percent
and would lift completely the statutory
ceiling for county issued bonds
provided that whatever interest
is to be borne by county bonds is
set by ordinance. The bill would
also expand the 35 year maximum
maturing date to reimburse general
obligation bonds and county bonds.

The passage of this bill would
give the administration and counties
discretionary power to go over the
eight percent interest limit we established
earlier, a limit we felt was prudent
and would not place an unnecessary
burden on Hawaii's taxpayers.
By raising the interest limit, we
are putting ourselves in a position
where we may be forced to bear
millions of dollars in extra interest
expense, an expense that may not
be truly necessary.

As the Conference Committee report
itself states, 'Hawaii is fortunate
in that during this time of high interest
costs, the state enjoys an ample
surplus in its general fund. Thus...it
is undesirable at this time to allow
the issuance of state bonds at interest
rates which are so costly.' So is
it truly necessary to raise the interest
ceiling?

I agree that it is important for us to
ensure that our borrowing capacity
is continued and raising the interest
ceiling would help us to ensure this.
It does not mean, however, that we
cannot stay with an eight percent
limit. Therefore, Mr. Speaker, we
must be assured that both the adminis-
tration and the counties watch the market
very carefully. As I have said before,
the state must make every effort to
establish the best interest rates possible
for general obligation bonds it sells.

But I am particularly concerned
with the counties and the action taken
by county leaders since we are lifting
completely the statutory ceiling for
county issued bonds.

I am also concerned that this bill will
permit action that might fuel our high
inflation rate. To curb inflation we
must spend more cautiously and hold
the line on taxes. Because of this
bill there is the danger that we will
over-extend ourselves in bonded debt
and add to the inflation problem.

If we can have some assurances
that the effort will be made to get
the best interest rates, then I believe
my colleagues should give their support
to this bill. In this way, we can ensure
our borrowing capacity, we will not
be bound by statute to an interest
ceiling too low to allow us to sell our
bonds.

Thank you, Mr. Speaker."

The motion was put by the Chair and
carried, and the report of the Committee
was adopted and H.B. No. 2773-80,
HD1, SD1, CD1, entitled: "A BILL FOR
AN ACT RELATING TO BONDS", having
been read throughout, passed Final
Reading by a vote of 45 ayes, which
was not less than two-thirds vote of
all the members to which the House is
entitled, with Representative Sutton
voting no, and Representatives Anderson,
Andrews, Garcia, Lacy and Larsen being
excused.

Conf. Com. Rep. No. 91-80 on H.B.
No. 18, HD 1, SD 2, CD 1:

On motion by Representative Morioka,
seconded by Representative Inaba

and carried, the report of the Committee was adopted and H.B. No. 18, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO A COUNCIL ON REVENUES", having been read throughout, passed Final Reading by a vote of 46 ayes, with Representatives Anderson, Andrews, Garcia, Lacy and Larsen being excused.

The Chair directed the Clerk to note that H.B. No. 2773-80, HD1, SD1, CD1 and H.B. No. 18, HD1, SD2, CD1 passed Final Reading at 11:27 o'clock p.m.

Conf. Com. Rep. No. 92-80 on H.B. No. 1912-80, HD1, SD1, CD1

On motion by Representative Morioka, seconded by Representative Inaba and carried, H.B. No. 1912-80, HD1, SD1, CD1, was recommitted to the same Conference Committee.

Conf. Com. Rep. No. 93-80 on H.B. No. 1865-80, HD1, SD2, CD1

By unanimous consent, action on this measure was deferred.

Conf. Com. Rep. No. 94-80 on H.B. No. 1864-80, HD1, SD2, CD1

By unanimous consent, action on this measure was deferred.

Conf. Com. Rep. No. 95-80 on S.B. No. 2795-80, SD1, HD1, CD1

By unanimous consent, action on this measure was deferred.

Conf. Com. Rep. No. 96-80 on H.B. No. 1772-80, HD2, SD1, CD1

By unanimous consent, action on this measure was deferred.

At 11:28 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

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

STANDING COMMITTEE REPORT

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1103-80) informing the House that House Resolution Nos. 579 to 592, Standing Committee Report Nos. 1099-80 to 1102-80 and Conference Committee Report Nos. 90 to 96 have been printed and distributed.

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

SESSION EXTENSION

"THE SENATE
THE TENTH LEGISLATURE
of the
State of Hawaii
Honolulu, Hawaii

To the President of the Senate
and the Speaker of the House
of Representatives:

Your petitioners, members of the Senate and of the House of Representatives of the Tenth Legislature of the State of Hawaii, respectfully request an extension of 12 hours beyond the Sixty-Fifth day of the Regular Session of 1980 of the Tenth Legislature of the State of Hawaii.

/s/ all Representatives with the
exception of Representatives Anderson,
Kawakami, Kunimura, Larsen, Lunasco,
Marumoto, Ushijima and D. Yamada
/s/ all Senators with the exception
of Senator Yim

PROCLAMATION

We, Richard S. H. Wong, President of the Senate, and James H. Wakatsuki, Speaker of the House of Representatives, of the Tenth Legislature of the State of Hawaii, pursuant to the power vested in us by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of the members to which each house is entitled, do hereby extend

the Regular Session of 1980 of the Tenth Legislature of the State of Hawaii for a period of 12 hours beyond the Sixty-Fifth Day of the 1980 Regular Session, excluding Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution.

/s/ Richard S. H. Wong
Richard S. H. Wong
President of the Senate

/s/ James H. Wakatsuki
James H. Wakatsuki
Speaker of the House"

CONFERENCE COMMITTEE REPORTS

Representatives Stanley and Morioka, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2035-80, HD2, , presented a report (Conf. Com. Rep. No. 97-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 97-80 on H.B. No. 2035-80, HD2, SD2, CD1 was deferred until Monday, April 28, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2035-80, HD2, SD2, CD1 were made available to the members of the House at 10:20 o'clock p.m.

Representative Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 1853-80, presented a report (Conf. Com. Rep. No. 98-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 98-80 on H.B. No. 1853-80, SD3, CD1 was deferred until Monday, April 28, 1980, and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1853-80, SD3,

CD1 were made available to the members of the House at 10:20 o'clock p.m.

Representative Morioka, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1912-80, HD1, presented a report (Conf. Com. Rep. No. 99-80) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 99-80 on H.B. No. 1912-80, HD1, SD1, CD2 was deferred until Monday, April 28, 1980 and in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1912-80, HD1, SD1, CD2 were made available to the members of the House at 10:20 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 593 and 594) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 593) extending congratulations to Billy Ouye on being presented the Aloha Spirit Award by the Chamber of Commerce of Hawaii was jointly offered by Representatives Kamalii, Peters, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kawakami, Kiyabu, Kobayashi, Lacy, Larsen, Lee, Lunasco, 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 Kamalii, seconded by Representative Peters and carried, H.R. No. 593 was adopted.

A resolution (H.R. No. 594) extending congratulations to metropolitan police officer Mark A. Worsham on being presented the Aloha Spirit Award by the Chamber of Commerce of Hawaii was jointly offered by

Representatives Kamalii, Peters, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kawakami, Kiyabu, Kobayashi, Lacy, Larsen, Lee, Lunasco, Marumoto, 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 Kamalii, seconded by Representative Peters and carried, H.R. No. 594 was adopted.

At 11:38 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:40 o'clock p.m.

At this time, the Chair re-referred H.R. No. 417, HD1 jointly to the Committees on State General Planning, Health, Housing and Higher Education.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 1029-80 on H.R. No. 417, HD1

Representative Kiyabu moved that H.R. No. 417, as amended in HD1, be adopted, notwithstanding the Committee report, seconded by Representative Segawa.

Representative Ige then requested that his remarks in favor of this resolution be inserted into the Journal and the Chair, noting no objections, so ordered.

"The purpose of this resolution is to request the Department of Land and Natural Resources to develop a coordinated master plan for the use of the Hawaii State Hospital lands in Kaneohe.

The Department of Health is in the process of expanding the Hawaii State Hospital with an estimated expenditure of 15 million dollars. Windward Community College is also planning to expand their facility

from 54 acres to 138 acres by 1984 at an estimated cost of 12.5 million dollars. This resolution recognizes the concerns in each individual plan while looking at the entire parcel as a complex, thus assuring the windward community efficient use of public lands and public monies by the Department of Health and the University of Hawaii.

Equally as important, this resolution requests the Department of Land and Natural Resources to also consider including elderly housing on that land.

There are an estimated 92,000 residents, age 60 and above living in Hawaii. The elderly population is expected to increase to 192,000 by the year 2000, with a mere 5,000 elderly housing units available in this state today. Unfortunately, not one single unit is in the windward community. A sense of responsibility to provide affordable housing for our elderly runs through my veins.

Mr. Speaker, elderly housing is just as important as mental health or higher education. I don't think we should force the elderly to live where they don't want to, but we do need to look at how we could use state lands in Kaneohe. Elderly housing is one possible use. Before we proceed with any elderly housing project in Kaneohe, we need to answer some very basic questions.

Do we know if this parcel is suitable for construction?

Do we know if this particular site will qualify us for federal support?

Do we know the approximate cost per unit per month to be paid by the occupant?

Do we know the sentiment of the windward community?

Members of the House, questions like these need to be answered. I believe the passage of this resolution will take that first step to document answers to these critical questions.

Mr. Speaker, we can no longer

ignore the needs of our elderly in the windward community, particularly the need for affordable housing.

It is said there is nothing more awesome than an idea whose time has come. I must say that the challenges to meet the needs of our golden generation is upon us; that it is time for all the people of Hawaii to commit ourselves to confronting the many difficult problems that face our seniors today.

I am confident that by working together and forming a partnership which represents senior citizens, the windward community and the state, that there are no limits to what we can do. Let us begin today.

I urge all members of this House to support this resolution."

Representative Evans then asked that her remarks against this resolution be inserted into the Journal and the Chair, noting no objections, so ordered.

"Mr. Speaker, my concern is not with the idea of calling for a coordinated master plan for the area in question.

The lands upon which the Hawaii State Hospital and the Windward Community College are situated include 117 acres of state property presently under the jurisdiction of the Department of Health.

I believe these lands should receive proper long-range planning and inter-agency coordination before any major expenditures are approved.

It is my understanding that there already has been a great deal of communication and interaction between the agencies in question, the Department of Health and the University of Hawaii regarding each agency's plans for their Kaneohe facilities.

What is totally out of place in this resolution, Mr. Speaker, is the idea of including something that does not belong at all in the complex we are discussing, the subject of housing for the elderly.

Even in Committee hearings and during decision-making discussions, it was clear that there was great opposition to the inclusion of elderly housing in the plans for this complex.

First of all, Mr. Speaker, the area in question already faces a tug of war between the competing needs of the hospital and the growing enrollment of the community college.

Other facilities nearby include the Windward Mental Health Clinic and the Kaneohe Regional Park. These all serve a specific kind of need, and it would appear inappropriate at this time to inject the idea of housing development into this complex when other possible locations have not even been adequately explored.

As a matter of fact, it appears that the Hawaii Housing Authority, in making a preliminary study on this proposal, did not even attempt to investigate other possible sites or to approach the community for input, or even to find out that other elderly housing projects are already being proposed.

Housing has no place whatsoever in this particular area, no matter how we rationalize a bad planning idea with the argument that the elderly are in need of homes. We heard testimony in committee from an organization of senior citizens from Kaneohe, who said they are opposed to such a proposal for this area.

To include the prospect of elderly housing development for this particular complex is contrary to all planning currently in motion for this community, and most specifically, to what is proposed in the development plans for windward Oahu. Those plans basically call for the continuation of current usage in this area, not private residential housing.

There was some misconception at the Committee hearing on this measure regarding the scope of the development plans, which are prepared by the city and county of Honolulu. At least one member of the Committee expressed a belief that, since development

plans were being put together by the county, it would not in any way affect the state facilities.

Not only is this statement totally erroneous, but I am more than a little surprised to hear it from an elected official.

Good planning to meet any need, be it health, housing, education, employment or natural resources, requires that a variety of information be gathered from as many directions as possible. It also requires that, when possible, as many alternatives to meet that need be explored.

We have before us, Mr. Speaker, a good example of the wrong way to provide housing for the elderly. Legislation and planning in a vacuum will do no good for the community.

I urge that this resolution be filed. Thank you."

The motion was put by the Chair, and H.R. No. 417, HD1, entitled: "HOUSE RESOLUTION REQUESTING A MASTER PLAN FOR A WINDWARD COMMUNITY COMPLEX", was adopted, notwithstanding the Committee report, and with Representatives Evans, Hagino, Marumoto, Narvaes and Sutton voting no.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 595 to 609) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 595) congratulating the Hamakua Development Council for providing voluntary public services to residents of the Hamakua District and requesting the Council to aid in the development of the state functional plans mandated by the Hawaii State Planning Act was jointly offered by Representatives Takamine, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Narvaes,

Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 595 was adopted.

A resolution (H.R. No. 596) honoring the memory of Jack Teehan, devoted husband, loving father, distinguished World War II flier, talented journalist, community leader and true humanitarian was jointly offered by Representatives Peters, Aki, Baker, Blair, de Heer, Evans, Fukunaga, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Kunimura, Larsen, Lee, Lunasco, Marumoto, Say, Shito, Silva, Stanley, Takamine, Takitani, Uechi, Ushijima, D. Yamada and K. Yamada.

On motion by Representative Peters, seconded by Representative Aki and carried, H.R. No. 596 was adopted by a rising vote.

A resolution (H.R. No. 597) congratulating the "Waialuan", the student newspaper of Waialua High School, for winning third prize in the "Hawaii Heart High School Journalism Contest" was jointly offered by Representatives Lunasco, Aki, 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, 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 Lunasco, seconded by Representative Nakamura and carried, H.R. No. 597 was adopted.

A resolution (H.R. No. 598) congratulating the Waialua High School Bulldogs for winning the Oahu Interscholastic Association Central District Baseball Title was jointly offered by Representatives Lunasco, Aki, 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, 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 Lunasco, seconded by Representative Nakamura and carried, H.R. No. 598 was adopted.

A resolution (H.R. No. 599) commending the Steering Committee on the 28th annual Cherry Blossom Festival was jointly offered by Representatives Uwaine, Hagino, Baker, Blair, Crozier, de Heer, Fukunaga, Garcia, Holt, Honda, Ige, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Larsen, Lee, Marumoto, Morioka, Nakamura, Sakamoto, Say, Shito, Stanley, Takamine, Toguchi, Ushijima and D. Yamada.

On motion by Representative Uwaine, seconded by Representative Hagino and carried, H.R. No. 599 was adopted.

A resolution (H.R. No. 600) congratulating Mr. John D. Bellinger on his receiving the Distinguished Civilian Service Award from the U.S. Army's Western Command was jointly offered by Representatives Kunimura, Kawakami, Ushijima, D. Yamada, Aki, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Kobayashi, Lacy, Larsen, Lee, Lunasco, Marumoto, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Stanley, Sutton, Takamine, Toguchi, Uechi, Uwaine, K. Yamada and Wakatsuki.

On motion by Representative Kunimura, seconded by Representative Kawakami and carried, H.R. No. 600 was adopted.

A resolution (H.R. No. 601) extending congratulations and deep appreciation

to Teresa Limcaco for serving as Miss Hawaii Filipina for 1979 was jointly offered by Representatives Uechi, Narvaes, Blair, Dods, Evans, Hashimoto, Holt, Inaba, Kamalii, Kiyabu, Kobayashi, Kunimura, Lacy, Marumoto, Medeiros, Morioka, Sakamoto, Shito, Silva, Stanley and Takitani.

On motion by Representative Uechi, seconded by Representative Narvaes and carried, H.R. No. 601 was adopted.

A resolution (H.R. No. 602) congratulating the Kohala High girls' basketball team was jointly offered by Representatives Takamine, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Takamine, seconded by Representative Silva and carried, H.R. No. 602 was adopted.

A resolution (H.R. No. 603) recognizing the past outstanding public service of the North Kohala Community Development Association and recommending the Association to assist in the development of the state functional plans mandated by the Hawaii State Planning Act was jointly offered by Representatives Takamine, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwaine, D. Yamada and K. Yamada.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 603 was adopted.

A resolution (H.R. No. 604) congratulating Miss Lianne Moku for winning the 1980 Miss Hawaii Filipina Pageant was jointly offered by Representatives Takamine, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwayne and K. Yamada.

On motion by Representative Takamine, seconded by Representative Segawa and carried, H.R. No. 604 was adopted.

A resolution (H.R. No. 605) commending the North Hilo Community Council for past outstanding public service to residents of the North Hilo Community and urging the Council to participate in the development of the state functional plans mandated by the Hawaii State Planning Act was jointly offered by Representatives Takamine, Aki, Anderson, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takitani, Toguchi, Uechi, Ushijima, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Takamine, seconded by Representative Inaba and carried, H.R. No. 605 was adopted.

A resolution (H.R. No. 606) congratulating Rodney K. B. Young on winning a Frank Gannett Newscarrier Scholarship was jointly offered by Representatives Say, Kobayashi, Morioka, Kiyabu, Blair, Crozier, Dods, Hashimoto, Honda, Kawakami, Marumoto, Nakamura, Shito, Silva, Stanley, Toguchi, Uechi, Ushijima and D. Yamada.

On motion by Representative Say, seconded by Representative Kobayashi and carried, H.R. No. 606 was

adopted.

A resolution (H.R. No. 607) encouraging and extending warmest Aloha to all individuals, groups and organizations choosing to recognize the years 1980 through 1989 as "Hawaii in the Eighties: Decade of Youth" was jointly offered by Representatives Aki, Ige, Kunimura, Baker, Blair, Crozier, de Heer, Dods, Holt, Honda, Ikeda, Inaba, Kobayashi, Lee, Marumoto, Medeiros, Say, Segawa, Shito, Stanley, Takitani, Toguchi, Uechi, Uwayne, D. Yamada and K. Yamada.

On motion by Representative Aki, seconded by Representative Ige and carried, H.R. No. 607 was adopted.

A resolution (H.R. No. 608) congratulating Mrs. Florence (Higa) Chinen on the 35th anniversary in the teaching of the art of Ikebana was jointly offered by Representatives Say, Ushijima, Fukunaga, de Heer, Aki, Andrews, Evans, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kihano, Kiyabu, Kobayashi, Lee, Marumoto, Morioka, Nakamura, Peters, Sakamoto, Segawa, Shito, Stanley, Takamine, Takitani, Toguchi, Uechi, Uwayne and K. Yamada.

On motion by Representative Say, seconded by Representative Ushijima and carried, H.R. No. 608 was adopted.

A resolution (H.R. No. 609) extending congratulations and deep appreciation to Elsa Perlas for serving as Miss Oahu Filipina for 1979 was jointly offered by Representatives Kihano, Narvaes, Shito, Blair, Dods, Evans, Hashimoto, Holt, Inaba, Kamalii, Kiyabu, Kobayashi, Kunimura, Lacy, Marumoto, Medeiros, Morioka, Sakamoto, Silva, Stanley and Takitani.

On motion by Representative Kihano, seconded by Representative Shito and carried, H.R. No. 609 was adopted.

At 11:50 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:53 o'clock p.m.

DISPOSITION OF MATTERS
PLACED ON THE CLERK'S DESK

By unanimous consent, H.C.R.
No. 124, as amended by the Senate,
was taken from the Clerk's desk.

On motion by Representative Kawakami, seconded by Representative Fukunaga and carried, H.C.R.
No. 124, SD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF ESTABLISHING AN INDUSTRIAL PARK IN NORTH KONA AND IF DEEMED FEASIBLE, TO PROCEED WITH THE ESTABLISHMENT OF SUCH PARK", was finally adopted.

Representative Kunimura then rose and stated:

"A few weeks ago we had, here on the floor of the House, a very fine young gentleman by the name of Kahi Ching, remember we honored him here, he did such fine work in art. Well, his work went up to New York City and he won the national championship in the Hall-mark national contest. You're going to be hearing quite a bit about Mr. Ching."

Also, Mr. Speaker, if you're wondering why I'm wearing a hard

hat, there have been so many changes in the budget these last few hours that it became almost dangerous so I've been trying to protect myself because I believe in OSHA."

Representative Kamalii:

"I was under the impression it was because of his hard head."

Representative Narvaes:

"I was under the impression it was because of his soft head."

Representative Sutton:

"Because of the fact it's blue, I thought it meant that Mr. Kunimura was true blue."

Representative Say:

"Here we go with lolo row."

ADJOURNMENT

At 12:00 o'clock midnight, on motion by Representative K. Yamada, seconded by Representative Kamalii and carried, the House of Representatives adjourned until 8:30 o'clock a.m. Monday, April 28, 1980.

SIXTY-SIXTH DAY

Monday, April 28, 1980

The House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, convened at 8:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Faith Evans, after which the Roll was called showing all members present with the exception of Representatives Andrews, Crozier, Inaba and Uechi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Sixty-Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 122 to 130) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 122) transmitting copies of a report prepared by the Executive Office on Aging in response to H.R. No. 573, requesting the Executive Office on Aging to review the quality and adequacy of state activities for informing elderly persons about public services to which they are entitled, was placed on file.

A message from the Governor (Gov. Msg. No. 123) transmitting copies of a report prepared in response to House Resolution No. 108, 1980 Regular Session, requesting reports on agricultural parks, was placed on file.

A message from the Governor (Gov. Msg. No. 124) transmitting copies of a report entitled: "Policies, Plans and Ordinances" which was prepared by the Hawaii Community Development Authority, was placed on file.

A message from the Governor (Gov. Msg. No. 125) transmitting copies of the "Hawaii Coastal Zone Management (CZM) Program 1979 Annual Report", was placed on file.

A message from the Governor (Gov. Msg. No. 126) transmitting copies of the Public Utilities Commission's Report on House Resolution No. 73, HD 1, relating to energy, was placed on file.

A message from the Governor (Gov. Msg. No. 127) transmitting copies of a report prepared by the Department of Accounting and General Services in coordination with the University of Hawaii, in response to House Resolution No. 115, requesting a report on the University of Hawaii's Facility Planning and Construction Program, was placed on file.

A message from the Governor (Gov. Msg. No. 128) transmitting copies of a report prepared by the Departments of Health, Education and Accounting and General Services, in response to House Resolution No. 358 and House Concurrent Resolution 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 placed on file.

A message from the Governor (Gov. Msg. No. 129) transmitting copies of the response by the Department of Regulatory Agencies to House Resolution No. 73, HD 1, (1980), requesting a progress report on the implementation of the residential energy conservation utility program mandated by the National Energy Conservation Policy Act of 1978, was placed on file.

A message from the Governor (Gov. Msg. No. 130) informing the House that on April 25, 1980, he signed the following bills into law:

Senate Bill No. 1834-80 as Act 43, entitled: "RELATING TO ANNULMENT OF A MARRIAGE";

Senate Bill No. 2007-80 as Act 44, entitled: "RELATING TO VENDING FROM STATE HIGHWAYS";

Senate Bill No. 2070-80 as Act 45, entitled: "RELATING TO NO-FAULT INSURANCE";

Senate Bill No. 2081-80 as Act 46, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2186-80 as Act 47, entitled: "RELATING TO NUMBER PLATES";

Senate Bill No. 2208-80 as Act 48, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 2232-80 as Act 49, entitled: "RELATING TO AIRPORT PARKING CONTROL";

Senate Bill No. 2277-80 as Act 50, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 2358-80 as Act 51, entitled: "RELATING TO AUDIT AND ACCOUNTING";

Senate Bill No. 2419-80 as Act 52, entitled: "RELATING TO FAMILY COURTS";

Senate Bill No. 2682-80 as Act 53, entitled: "RELATING TO PUBLIC ACCOUNTANCY"; and

Senate Bill No. 2938-80 as Act 54, entitled: "RELATING TO HIGHWAY SAFETY".

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 16 to 19) were read by the Clerk and were disposed of as follows:

A communication from Ray Nagel, Athletic Director, University of Hawaii (Dept. Com. No. 16) acknowledging receipt of a copy of House Resolution No. 308 commending the 1979 Rainbow Warrior Football Team, was placed on file.

A communication from Durward Long, Chancellor, University of Hawaii (Dept. Com. No. 17) acknowledging receipt of House Resolution No. 196, concerning academic advising services of the College of Arts and Sciences, University of Hawaii at Manoa, was placed on file.

A communication from the Honorable Jean King, Lieutenant Governor, State of Hawaii (Dept. Com. No. 18) acknowledging receipt of a copy of House Concurrent Resolution No. 86, endorsing a statewide observance of Earth Day on Tuesday, April 22, 1980, was placed on file.

A communication from Lester E. Cingcade, Administrative Director, The Judiciary (Dept. Com. No. 19) transmitting copies of the Judiciary's annual report for the year 1978-79, was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 737 to 751) were read by the Clerk and were disposed of as follows:

A communication from the Senate

(Sen. Com. No. 737) returning House Bill No. 1361, HD 3, which passed Third Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 738) returning House Bill No. 2552-80, which passed Third Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 739) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1912-80, HD 1, was adopted by the Senate; and House Bill No. 1912-80, HD 1, SD 1, CD 2, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 740) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2723-80, HD 2, was adopted by the Senate; and House Bill No. 2723-80, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 741) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2029-80, HD 2, was adopted by the Senate; and House Bill No. 2029-80, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 742) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2720-80, was adopted by the Senate; and House Bill No. 2720-80, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 743) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 18, HD 1, was adopted by the Senate; and House Bill No. 18, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 744) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1864-80, HD 1, was adopted by the Senate; and House Bill No. 1864-80, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 745) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1865-80, HD 1, was adopted by the Senate; and House Bill No. 1865-80, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 746) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2773-80, HD 1, was adopted by the Senate; and House Bill No. 2773-80, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 747) 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. 2795-80, SD 1, was adopted by the Senate; and Senate Bill No. 2795-80, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 748) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1772-80, HD 2, was adopted by the Senate; and House Bill No. 1772-80, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 749) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to

the amendments proposed by the Senate to House Bill No. 1853-80, was adopted by the Senate; and House Bill No. 1853-80, SD 3, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 750) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2035-80, HD 2, was adopted by the Senate; and House Bill No. 2035-80, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

A communication from the Senate (Sen. Com. No. 751) informing the House that the Senate has reconsidered its action taken on April 3, 1980, in disagreeing to the amendments made by the House to Senate Bill No. 2531-80, and the President has discharged the Managers on the part of the Senate for the consideration of said amendments; and Senate Bill No. 2531-80, HD 1, passed Final Reading in the Senate on April 28, 1980, was placed on file.

MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 24 to 36) were read by the Clerk and were disposed of as follows:

A communication from Ms. Cherry Matano, Administrative Assistant to Senator Spark M. Matsunaga (Misc. Com. No. 24) acknowledging receipt of House Concurrent Resolution No. 42, was placed on file.

A communication from the Honorable Spark M. Matsunaga, United States Senator (Misc. Com. No. 25) acknowledging receipt of a copy of 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, was placed on file.

A communication from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye (Misc. Com. No. 26) acknowledging receipt of House Resolution No. 40, opposing any nuclear waste storage in the Pacific, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 27) acknowledging receipt of a copy of House Resolution

No. 429, commending ABC News closeup for the documentary entitled, "Escape From Justice", regarding the continuing presence of Nazi war criminals in America, was placed on file.

A communication from R. O. Ziegler, Director, Department of Transportation, Federal Aviation Administration (Misc. Com. No. 28) transmitting a response to House Resolution No. 271, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 29) acknowledging receipt of a copy of House Resolution No. 271, was placed on file.

A communication from Ms. Cherry Matano, Administrative Assistant to Senator Spark M. Matsunaga (Misc. Com. No. 30) acknowledging receipt of House Resolution No. 271, was placed on file.

A communication from Ms. Cherry Matano, Administrative Assistant to Senator Spark M. Matsunaga (Misc. Com. No. 31) acknowledging receipt of House Resolution No. 429, was placed on file.

A communication from Ms. Cherry Matano, Administrative Assistant to Senator Spark M. Matsunaga (Misc. Com. No. 32) acknowledging receipt of House Resolution No. 250, was placed on file.

A communication from Reubin O.D. Askew, United States Trade Representative (Misc. Com. No. 33) acknowledging receipt of a copy of House Resolution No. 142, was placed on file.

A communication from Worth Bateman, Acting Under Secretary, The Secretary of Energy (Misc. Com. No. 34) acknowledging receipt of House Resolution No. 135, was placed on file.

A communication from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye (Misc. Com. No. 35) acknowledging receipt of House Resolution No. 142, was placed on file.

A communication from Eiler C. Ravnholt, Administrative Assistant to Senator Daniel K. Inouye (Misc. Com. No. 36) acknowledging receipt of House Resolution No. 219, was placed on file.

At this time, Representative Kunimura

introduced Mr. Donald Ching, Deputy Director of the Department of Regulatory Agencies, and former Senator and member of the House of Representatives, who was seated in the gallery.

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 all bills on Final Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 99-80 on H.B. No. 1912-80, HD 1, SD 1, CD 2:

Representative Morioka moved that the report of the Committee be adopted, and H.B. No. 1912-80, HD 1, SD 1, CD 2, having been read throughout, pass Final Reading, seconded by Representative Inaba.

At 8:52 o'clock a.m., Representative Anderson asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:55 o'clock a.m.

Representative Morioka then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill No. 1912-80, HD 1, SD 1, CD 2. In so doing, I'd like to ask our colleagues to consider this measure not as a single piece of legislation. Instead, I suggest we examine this bill in the context of how it meshes with the other financial legislation passed by this Legislature.

It also would be helpful to consider the total environment under which it was developed, such as the State's financial health, the constitutional mandates, time constraints and so forth.

Also, it would be neither productive nor prudent to recycle by chapter and verse the circumstances that led to the submission of this measure. Much already have been covered by the press. I believe it best not to have an instant reply on the floor of this House.

I do, however, feel compelled to share with my colleagues this body's

guiding policy during the Conference Committee deliberations. Throughout the negotiations, your Conference Committee, Mr. Speaker, was guided by the principle that a mutually agreeable budget could be reached by reasonable people. Earnest differences, we felt, could be resolved in the interest of what's best for Hawaii, not what's best for this body, nor for the Senate, but what's best for the people we represent.

As in any negotiation there were times things went smoothly. At times, it was turbulent. There was bundling and unbundling of several financial packages. This is understandable, for both sides felt their position had merit. Your conferees bargained hard, diligently and in good faith, keeping in mind how each budget item meshed into the overall financial plan as perceived by this House.

This final version of the supplemental budget and other related measures does represent nearly all the programs this House wanted. While it is understandable, Mr. Speaker, that not every member will be totally pleased with this package, nonetheless, it is a product of earnest, hardnose bargaining in keeping with the time-honored legislative process.

Some of the significant items in this supplemental budget and related measures include funding for capital improvement projects, funds to extend the State program for unemployed, funds for the Hawaii Visitors Bureau, funds for the Office of Hawaiian Affairs, and funds to accelerate repair and maintenance of school and government facilities.

Other tax relief measures providing tax relief to the people of Hawaii were also agreed upon. The conferees agreed to increase the allowable tax exemptions per person from \$750 to \$1,000 to be in line with the Federal tax laws. In addition, the excise tax credit was increased by 20 percent. Both of these measures will enhance our constituents ability to better cope with inflation.

Other positive actions taken was the lifting of the 8 percent ceiling on the State bonds to increase the marketability of State bonds in the volatile New York bond market and providing more funds for the Hula Mae Program. Early on, I asked that this body consider this measure in totality as part of the overall financial plan and I reiterate

this request.

Mr. Speaker, it was a couple of weekends and weeks of marathon negotiations -- hard, earnest and good faith bargaining by your conferees. I believe that under the circumstances prevailing, your conferees are submitting a good and reasonable budget measure. 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 culmination of this financial measure.

I would like to extend my heartfelt appreciation to all Finance Committee members, to the subject matter committee chairmen, to all the members of this honorable body for the suggestions and concerns they have shared. To our Majority Leader and to you, Mr. Speaker, a special thank you for your guidance and assistance. And finally to my staff members, as well as the research staff members, for their part in getting this job done. All of your cooperation is greatly appreciated.

I urge all members to support this measure."

Representative Kunimura then rose and stated:

"Mr. Speaker, I rise to speak in favor of this document. It is a document that was put together by a ragtag army and I call it the ragtag army because it was made up of practically 90 percent or so of brand new freshmen, and the chairman that had just taken over because of the resignation of our well experienced and long-time chairman, Jack Suwa.

Now I know, Mr. Speaker, how George Washington felt during the Revolutionary War, more recent, how the people of Afghanistan are feeling now because of the kinds of overwhelming power and experience that the Russians have in Afghanistan. But I must admit here, this morning, Mr. Speaker, experience is very important, but above all, the most important ingredient to success is the gumption, the internal fortitude, of the members or people who are willing to fight and put aside personal differences, personal gains and work towards collective gain for all. This I have found in the young members of this Finance Committee.

Mr. Speaker, I served under you when you were chairman of the committee; I've seen chairmans come and chairmans go, and I have been on the committee now for sixteen years and this is the proudest group of people I've ever served with. We went into conference, Mr. Speaker, facing the kinds of overwhelming odds, practically all of the members of the Ways and Means Committee are chairmen of respective committees of the Senate -- House rules prevent that -- and we had only rank and file members but I want to say to all of you, thank you very much; you have made my experience here in the Legislature one. . . something that will never be able to be destroyed because of the kind of faith and confidence you put in the House, in the leadership of both sides of the aisle, and Mr. Speaker, if I may, single out one person that I feel I owe this very much to. I have made many fun of this person, poked fun at him, I disagreed with him many times on the floor of this House and also in many committees that we served together, many of us have given up hope that this particular man was senile, but I found the 'rock' in this particular gentleman. He is a team man and I have come to admire him, respect him and love him, and I want the world to know that regardless of our political differences in party, if anybody came up or came out of this as number one, or number ten on a scale of ten, it is this former adversary of mine, now my very dear friend, and I wish he will forgive me for many of the unkind things that I have said in the past, and that particular person is Representative Ike Sutton. He has carried the ball during the critical moments of our negotiation because you must understand, Mr. Speaker, that one side of the negotiators were a group of people that wanted to destroy the House committee because of the inexperience, not only in our membership, but also inexperience, they thought, in our chairman. I cannot even begin to conceive what makes people like that function or tick. Sometimes I feel sad, and yet, like today, I feel very happy because it made the better part of us come out. If we didn't have that kind of situation, maybe I would never have found Ike Sutton to be what he really is, but I hope the people would really take note and understand that when you try to destroy the other house instead of trying to come out with a better package for the people, trying to win rather than the people win,

we are going to have the kind of almost disaster that we had for about a week and a half. I hope they will get the message.

I would also like to say here, for the record, Mr. Speaker, the media didn't help either. Mr. Speaker, my complaint has always been -- since we opened the Legislature I have not seen the media around. The hours we spent in the crucial negotiation, some came but they could enjoy the luxury of going home to bed. Once I complained to a radio station and you know what the answer was, Mr. Speaker? It is expensive -- overtime is expensive. Is that the way we equate openness? Is that the way we protect and cherish the freedom of the press, freedom of the media -- in dollars and cents? I am pretty sure they could have added a few more million to all of their advertising -- people who advertise, they could have charged them a few million and they would have made up for that expenditure of overtime. But I would like to say for the record that the media did not help; the media contributed to the extension of this Legislature, and I hope they put that in their pipe and smoke it!

Mr. Speaker, if I were vindictive, number one, I would be introducing, if I come back to this Legislature, the newspaper bill -- Mr. Kawasaki's bill -- to show them that we, too, are human beings and sensitive, but I don't think after a month or so I would be angry anymore, and second, Mr. Speaker, I would like to say this, that if the people want openness, don't only come and knock on the politicians' doors but knock on the doors of the media and have them open it up because without them, three, four or five o'clock in the morning, nobody would know what's going on. And I would like to say this. . . even if I am angry, what's holding this building up, Mr. Speaker, are those pillars and what's holding this democracy up is the freedom of the press, and I hope they use it wisely and they be willing to spend a little more money to make these things open so that the public would have an opportunity, not to be with us four o'clock in the morning, but to comfortably see what's going on, maybe six o'clock in the evening. That's their job. I think we have done our job in opening the Legislature and the committees; I think it is their job to bring that openness to the people.

And therefore, Mr. Speaker, again, may I say to all of the members, especially the young members, I would like to say, Mahalo Nui Loa, and to my dear

friend, I hope he will forgive me and to you, Mr. Sutton, that you come back many, many years and I hope you serve on the Finance Committee.

Thank you."

Representative Anderson then rose to speak in favor of the bill with grave reservations, stating:

"On page 41, Mr. Speaker, there are two items: \$25,000 for the Filipino 75th annual celebration of their commission and \$25,000 for the Okinawans 80th anniversary.

Last year, Mr. Speaker, we passed a Scandinavian commission bill; it is going to celebrate their 100th. This year I put in and followed to a T both the Okinawan and Filipino bills to make sure that the Scandinavian bill would be improper. I talked to both houses; I talked to the leadership and I was promised that it would be put in because the commission is here and they are going to have a celebration in February. We now have a commission that doesn't have one dime funded. I don't think that this is going to be very, very good for this House or the Senate. And, it is not because it was forgotten accidentally, I put enough time asking for the money and it bothers me, Mr. Speaker, that the Governor has set aside a day that does not have one dime for a commission that he himself has endorsed.

It also bothers me very much that a State such as ours would forget a \$2 million funding for a fishing industry for large vessels that we did not put in. I think that any part of this business that we have in this State should be funded. I think it is a very irresponsible move to say that we are looking to the fishing industry, aquaculture and the rest, and not fund them.

If I sound mad, Mr. Speaker, it is because I damn well am. I have played ball just listening to the two previous speakers, I'm standing here as a young politician. I may be old in age but I am young in service and I have played the game as fairly as anybody. I've spoken against these nine members in the Republican Party if I thought that a bill was right for the Democratic Party. I have spoken on the issue and that's why I'm speaking against this type of bad legislation as I call it. It's not as a Republican versus a Democrat; it's as a legislator.

I hope my colleagues would vote for this document.

Thank you, Mr. Speaker."

Representative Dods then rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill 1912-80, HD 1, SD 1, CD 2, but with serious reservations also.

Mr. Speaker, this bill means a lot to all of us, both here and in our community, for what it contains. Some of my fellow colleagues have already expressed their feelings on different project and program areas so I will contain my comments to the transportation aspects of this bill.

First, let me say what I like about this budget and what it does contain.

In the air transportation area, the following programs will be able to proceed: (1) new parking facilities for the inter-island terminal, \$11 million; (2) Diamond Head extension to the main terminal, \$9.5 million; (3) additional funds have been provided to purchase the Lewers and Cooke property for future expansion at HIA, \$5 million; (4) funds for the new inter-island terminal, \$13.5 million; (5) a major emphasis to build up our air cargo facilities, \$3.6 million; funds for the new airport on Kauai, \$10 million.

In the water transportation area, with this budget plus the House bill that we passed earlier, we have proceeded with a major new commitment to have this administration proceed with the construction of the Barber's Point Deep Draft Harbor, \$5 million; badly needed money to proceed with the Honolulu waterfront development, the Aloha Tower complex, \$400,000; funds to get maximum use out of Honolulu Harbor, \$4.5 million; also funds for Kahului Harbor development, \$265,000.

In the land transportation area, I guess I am most pleased with the first item and what it does for my own constituents: Funds to proceed with the development of Kalaniana'ole Highway, \$4.2 million; (2) funds to complete the Fort Weaver Road project, \$11.7 million; (3) the Moanalua Road improvement, \$13.6 million; (4) H-1 improvements from Aina Koa to Middle Street, \$13.1 million, plus numerous other highway, water and air transportation projects too numerous to mention.

These projects, Mr. Speaker, total up to well over \$100 million in new and old

projects. Right now are badly needed projects to help our construction industry, our visitors, our shippers, and our own people to take care of their transportation needs.

But, Mr. Speaker, my biggest objection to this budget is what it says it does and, in fact, does not do, and I now quote from the Standing Committee Report on page 4: 'Funds have been made available to support a General Aviation Airport and relieve traffic at the HIA. . .' Mr. Speaker, it's just plain bullshit.

On page 422, item 7E, extension of runway four (left) at HIA, \$200,000. Let me tell you what this does to relieve traffic from the Department of Transportation -- not a damn thing. The reason I feel so strongly, Mr. Speaker, is that I feel we are deceiving the public with things that we are saying we are doing with words only.

On page 421, Oahu General Aviation Airport, Dillingham Airfield, funds to develop Dillingham Airfield as the first satellite general aviation airport, \$3.6 million. As you may remember, Mr. Speaker, the Department of Transportation and your Transportation Committee recommended \$12 million for the development of a new general aviation airport at Poamoho. The Senate did not want Poamoho because it ranked seventh in the Kentron Report. Let me now quote from the Kentron study about Dillingham: 'Ranked number 32 of 36 sites studied.' What did the Kentron study say about Dillingham as the potential site for relieving traffic at HIA? The final determination, Mr. Speaker, and I quote from the Kentron study -- 'not a potential site.' To claim, by changing the name of an airport to Oahu General Aviation is pure shibai, and if we want to change the name, maybe Mizuguchi's Memorial.

Mr. Speaker, two years ago, your Transportation Committee named the selection of a reliever airport on Oahu as its number one goal to help make Honolulu International Airport a safer place for all of us. Notwithstanding the Committee Report, Mr. Speaker, we did not solve this problem. I feel that, at this time, a good review of what has happened in this area needs to be recapped.

Two years ago, Mr. Speaker, the Senate Transportation Chairman held a major press conference and announced, and I quote: 'It's time

someone had to bite the bullet and put a general aviation airport in his district and I recommend a site at Poamoho.' Mr. Speaker, this was done after he said he had carefully reviewed all of the problems at HIA and all the potential sites. What he did not say, Mr. Speaker, was a number of things: First, that the Department of Transportation had recommended the site; (2) admit that he had never even inspected the site he had just recommended; and (3) he felt that getting elected was more important than doing his job as Transportation Chairman.

Mr. Speaker, if I seem bitter about this, I am, and I apologize to you and my colleagues for this because we took a lot of heat in trying to solve this problem. After that announcement, your Transportation Chairman agreed with the Senator in order to solve this pressing problem and in the two years that has passed, Mr. Speaker, we continue to press for a development of a general aviation airport at Poamoho. We have done that -- to recommend something that was realistic, but the Senate has wafered and flaked all over the place: First, Poamoho; next, a site selection committee; then, Bellows, which they could not even pass in the Senate; and we hear from the Republican Senators that they want Waipio. Result, poor vote in the Senate; then, Dillingham.

What it means, Mr. Speaker, is we have nothing. A name change here, Mr. Speaker, and we have solved the problem. If this problem was not so serious, I would be enjoying myself. Then, I could be like the Senator and say, as Senate Transportation Chairman, my main job was to prevent an airport to be built in my area.

Mr. Speaker, I could go on and on about this subject but, right now, I am just so worn out. I think all of us should take a good look at this problem and what it means to all of us. If, after 18 years of trying to find a solution to the safety problem at HIA and failing, we must realize that an airport probably will not be built until after an air disaster occurs at HIA.

But there is hope, Mr. Speaker, not in this budget bill but what we passed on Friday -- Senate Bill No. 866. If we cannot solve the general aviation problem, then we have to proceed to put limits on them.

Mr. Speaker, despite my strong

objections to this bill, I urge all of you to vote for it and thank all of you for your support, especially the Transportation Committee members who backed me up. Thank you all very much."

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

"Mr. Speaker, I have been a recipient of very gracious remarks from the senior Representative from Kauai and he knows and I know that no document is perfect. He knows that the spirit of compromise there are deficiencies in this document.

But, Mr. Speaker, I have played with the greatest football team the United States of America has ever had, the Stanford Cardinals. I was on the staff of Fleet Admiral Nimitz -- the battle of Midway turned the whole course of history. But, Mr. Speaker, no more gallant team have I ever served than this team and I am proud to have been a member thereof."

Representative Takitani then rose to speak in support of the bill, stating:

"Mr. Speaker, this is a well-rounded document, one that the people of this State, I feel, will benefit greatly from. I have no regrets whatsoever about this bill, not even the fact that we needed an extra six days to complete it. These six days were well worth it. This extra time allowed both houses to make sure that worthy programs survived so that, in the end, the residents of this State will be the ones that will come out smelling like roses, not individual legislators.

Over the weekend, Mr. Speaker, on the TV news, I heard the Ways and Means Chairman say that he doesn't want to go through something like this again and I am sure there's no one else that wants to go through something like this. But he also claimed that this lengthy session was caused because the House acted like horse traders while the Senate acted on the merit of individual programs.

Mr. Speaker, I would just like to close with this statement that if this State is going to be run on just one man's definition of merit, we may as well close this Capitol down, reopen Iolani Palace now that it's renovated, and go back to being a kingdom.

Thank you."

Representative Segawa then rose to speak in favor of H.B. No. 1912-80, HD 1, SD 1, CD 2, stating:

"First of all, Mr. Speaker, I wish to express my personal appreciation for our Committee's appreciation to the leadership of this House, more especially during the critical period, and to the Speaker and Majority Leader for their leadership. I would also like to thank the members of the Finance Committee and its chairman for the many hours that they spent in preparation of the House position in the different program areas.

Mr. Speaker, the supplemental budget, I believe, is a good budget but, of course, like in all budgets there are exceptions. I personally should have no complaints. There is \$15 million in the budget for a new Hilo Hospital. There are also large CIP funds for the State Hospital, Kula Hospital, Leahi Hospital, Kona Hospital, and Mahelona Hospital. Mr. Speaker, while there are many other major construction or renovation needs in the hospitals, the hospital care for the people of Hawaii has come a long way.

Through the cooperation of the administration and the Legislature, I believe that we have done quite a bit to bring up the health care needs of the people of this State. There are significant programs that have been funded in emergency medical services, programs for the arthritic people, hemophiliacs, infant stimulation programs, spouse and child abuse programs, Variety Club, new program for autistic children, sex abuse. Mr. Speaker, I mentioned certain exceptions. I believe there is no one in this House who expects to get everything that they had wanted to get.

Some of the things I am not too happy with: First, the State Hospital. Mr. Speaker, the Senate made a big hullabaloo about what's happening at the State Hospital. Presently, there is a class action suit by the HGEA regarding the problems of the State Hospital. The House funded additional personnel of 17 which the Senate has removed. I am very concerned as to some of the ramifications which we may have to face in the next year.

Mr. Speaker, we started by an enabling act for a mental health community based residential program and we appropriated \$475,000 which was now cut to \$250,000. The fallacy of this funding, Mr. Speaker, is that many of the existing mental health,

alcohol, drug-related programs have been cut drastically. Some of these programs may not survive and it is really a funny thing when you think that it seems good that we start a program, but we have failed to maintain existing programs.

The hitch on all of these, Mr. Speaker, is that these private agencies who are presently the backbone of community-based health services in direct services go through an agonizing process to obtain funds, very often inadequate even to maintain present services. Unlike government agencies and personnel needs of government workers backed by organized unions, many of these program people are pushed aside and many times from the basis of personalities or the inadequacy of their lobbying effort.

Mr. Speaker, we in the Legislature, often fail to see the people these programs serve. However, I am very happy to see a proviso in the budget which will allow now that a system for the private agencies to apply for funding through the B & F agency and, hopefully, that they will be included in next year's budget and be given adequate funding.

In spite of all these shortcomings, Mr. Speaker, I believe we can go home to report to our respective constituents that the House did its best. I urge all of my colleagues to vote for the passage of this bill."

Representative Narvaes then requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, so ordered.

Representative Narvaes' remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill 1912-80, House Draft 1, Senate Draft 1, Conference Draft 2.

Mr. Speaker, it's been truly interesting and a privilege sitting as a member of the Finance Committee these last two years. That Finance Committee has had its ups and downs, but the final product, I feel, is basically a good product, although this supplemental budget could be much better.

Mr. Speaker, I believe that we should have finished on time. I also believe that our political process is not anywhere near as open as it should be. I seriously feel that

often, the Conference Committee and Conference Sub-Committee violated the spirit of the sunshine law.

Mr. Speaker, often the people and press of this State were denied the opportunity to observe and accurately assess the nature and quality of the deliberations which led to House Bill 1912-80, Conference Draft 2.

Mr. Speaker, in the future, closing off of objective observations must be stopped.

Perhaps if there had been more openness, much of the difficulties which resulted in four extensions of this legislative session could have been avoided. The public pressure to deal honestly with each other and for the benefit of the people would have been irresistible, and we could have come to an agreement much more quickly.

I hope that these violations will be corrected in the future, and that we can -- in the future -- always present a budgetary document which was truly open and honest in its preparation as well as in its final product.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1912-80, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1970 TO JUNE 30, 1981", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 1912-80 had passed Final Reading at 9:32 o'clock a.m.

At 9:33 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 9:52 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Crozier, Inaba and Uechi.

The Chair then said:

"While we are awaiting word from the Senate on the passage of the supplemental budget, the Chair would like to have action taken by this body on several resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 610 to 616 and 618 to 633) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 610) commending and congratulating Common Cause on its Tenth Anniversary was jointly offered by Representatives Lacy, Kobayashi, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Ige, Ikeda, Inaba, Kamalii, Kihano, Kiyabu, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Lacy, seconded by Representative Kobayashi and carried, H.R. No. 610 was adopted.

A resolution (H.R. No. 611) congratulating and commending the Honolulu Community Theatre on its Sixty-Fifth Anniversary was jointly offered by Representatives Lacy, Say, Hagino, Kobayashi, Kiyabu, Kamalii, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kawakami, Kihano, Kunimura, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Lacy, seconded by Representative Kobayashi and carried, H.R. No. 611 was adopted.

A resolution (H.R. No. 612) congratulating and commending Hawaiian Telephone Company on the implementation of statewide coin-free emergency dialing was jointly offered by Representatives Lacy, Aki, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Peters, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwaine and D. Yamada.

On motion by Representative Lacy, seconded by Representative Peters and carried, H.R. No. 612 was adopted.

A resolution (H.R. No. 613) congratulating the Bankers' Association for Foreign Trade (BAFT) on its 58th annual meeting was jointly offered by Representatives Ushijima, de Heer, Aki, Anderson, Baker, Blair, Crozier, 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, Takamine, Takitani, Toguchi, Uechi, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Ushijima, seconded by Representative de Heer and carried, H.R. No. 613 was adopted.

A resolution (H.R. No. 614) congratulating the Windward Community College students who were included in Who's Who Among Students in American Universities and Colleges was jointly offered by Representatives Ige, Evans, Toguchi, Medeiros, Sakamoto, Anderson, Aki, Baker, Blair, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Nakamura, Narvaes, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Uechi, Ushijima, Uwaine, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Ige, seconded by Representative Evans and carried, H.R. No. 614 was adopted.

A resolution (H.R. No. 615) congratulating the Castle High School golf team was jointly offered by Representatives Ige, Evans, Toguchi, Medeiros, Sakamoto, Anderson, Aki, Baker, Crozier, de Heer, Dods, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ikeda, Inaba, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Morioka, Narvaes, Say, Segawa, Shito, Silva, Stanley, Takamine, Takitani, Uechi, Ushijima, D. Yamada, K. Yamada and Wakatsuki.

On motion by Representative Ige, seconded by Representative Evans and carried, H.R. No. 615 was adopted.

A resolution (H.R. No. 616) congratulating the Salvation Army on its One Hundredth Anniversary was jointly offered by Representatives Ige, Masutani, Baker, de Heer, Fukunaga, Honda, Inaba, Larsen, Lunasco, Morioka, Nakamura, Narvaes, Sakamoto, Say, Takamine, Takitani, Toguchi, Uechi, Uwaine

and D. Yamada.

On motion by Representative Ige, seconded by Representative Masutani and carried, H.R. No. 616 was adopted.

A resolution (H.R. No. 618) authorizing the Speaker to approve the Journal of this House of any legislative day being compiled as of the 66th Day was jointly offered by Representatives Peters, Evans, Kamalii, Kihano, Kunimura and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 618 was adopted.

A resolution (H.R. No. 619) that pursuant to Rule 16 of the Rules of Procedure adopted by this Body, the Committee on Journal be and is hereby authorized and directed to compile and print the Journal of the House of Representatives, Regular Session of 1980 was jointly offered by Representatives Peters, Evans, Kamalii, Kihano, Kunimura and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 619 was adopted.

A resolution (H.R. No. 620) authorizing the Speaker to designate which of the employees and officers of the House shall be given additional employment to meet the work after the session and is further authorized to determine the period of employment for each was jointly offered by Representatives Peters, Evans, Kamalii, Kihano, Kunimura and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 620 was adopted.

A resolution (H.R. No. 621) authorizing and empowering the Speaker, as he deems necessary (1) to expend such sum or sums from the funds appropriated for legislative and other expenses of the Tenth Legislature, Regular Session of 1980; (2) to contract, hire or employ such personnel and assistance; and (3) to do or cause to be done such other duties, all for the purposes of completing the work of the Tenth Legislature, Regular Session of 1980, subsequent to the adjournment thereof, including the carrying out of any official legislative business in the interim between the 1980 and 1981 sessions, up to

and including January 21, 1981, this authorization being in addition to any other authorization heretofore granted to the Speaker or any other officer or officers of the House of Representatives was jointly offered by Representatives Peters, Evans, Kamalii, Kihano, Kunimura and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 621 was adopted.

A resolution (H.R. No. 622) extending appreciation and thanks to the Honolulu Star-Bulletin for its extensive coverage of the activities of the Tenth Legislature, Regular Session of 1980 was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 622 was adopted.

A resolution (H.R. No. 623) extending appreciation and thanks to the Associated Press for its extensive and splendid coverage of the activities of the Tenth Legislature, Regular Session of 1980 was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 623 was adopted.

A resolution (H.R. No. 624) extending appreciation and thanks to the United Press International for its extensive and splendid coverage of the activities of the Tenth Legislature, Regular Session of 1980 was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 624 was adopted.

A resolution (H.R. No. 625) extending appreciation and thanks to the Honolulu Advertiser for its splendid coverage of the activities of the Tenth Legislature, Regular Session of 1980 was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 625 was adopted.

A resolution (H.R. No. 626) extending appreciation and thanks to the Pineapple Growers Association of Hawaii for supplying pineapple juice to the House of Representatives, Regular Session of 1980 was jointly offered by Represent-

tatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 626 was adopted.

A resolution (H.R. No. 627) expressing appreciation and thanks to the Capitol Security Force for excellent service to this House throughout the Regular Session of 1980 was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 627 was adopted.

A resolution (H.R. No. 628) expressing appreciation and thanks to the Legislative Auditor's Office for its splendid cooperation and excellent service rendered to the House during this session was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 628 was adopted.

A resolution (H.R. No. 629) extending appreciation and thanks to the Legislative Reference Bureau for its splendid cooperation and excellent service rendered to the House of Representatives, Regular Session of 1980 was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 629 was adopted.

A resolution (H.R. No. 630) extending sincere gratitude and thanks to the Honolulu Council of Churches, the Honpa Hongwanji Mission and the Catholic Diocese was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 630 was adopted.

A resolution (H.R. No. 631) extending appreciation and thanks to the Central Services Division, Department of Accounting and General Services for its splendid cooperation and excellent service rendered to the

House of Representatives, Regular Session of 1980, was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 631 was adopted.

A resolution (H.R. No. 632) extending appreciation and thanks to the Honolulu Police Department for its fine and efficient service rendered to the House of Representatives, Regular Session of 1980 was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 632 was adopted.

A resolution (H.R. No. 633) extending appreciation and thanks to the radio and TV stations for their fine and extensive coverage of legislative activities throughout the session was jointly offered by Representatives Peters, Evans, Kamalii, Kihano and K. Yamada.

On motion by Representative Peters, seconded by Representative Kamalii and carried, H.R. No. 633 was adopted.

SUSPENSION OF RULES

On motion by Representative K. Yamada, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action taken by the House and thereafter to agree to the Senate amendments on certain bills.

RECONSIDERATION OF ACTION TAKEN

By unanimous consent, H.B. No. 2167-80, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the House reconsidered its action taken on April 8, 1980, in disagreeing to the amendments proposed by the Senate in H.B. No. 2167-80, HD 1, SD 1.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2167-80, HD 1, and H.B. No. 2167-80, HD 1, SD 1, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Andrews being

excused.

The Chair directed the Clerk to note that H.B. No. 2167-80 had passed Final Reading at 9:59 o'clock a.m.

By unanimous consent, H.B. No. 2193-80, HD 1, SD 2, was taken from the Clerk's desk.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House reconsidered its action taken on April 8, 1980, in disagreeing to the amendments proposed by the Senate in H.B. No. 2193-80, HD 1, SD 2.

On motion by Representative Morioka, seconded by Representative Inaba and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2193-80, HD 1, and H.B. No. 2193-80, HD 1, SD 2, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 2193-80 had passed Final Reading at 10:00 o'clock a.m.

At 10:01 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:45 o'clock a.m., the Chair announced:

"The Chair would like to inform the members that the Senate has approved the supplemental budget; said budget is now being transmitted or has been transmitted to the Governor."

UNFINISHED BUSINESS

Conf. Com. Rep. No. 89-80 on H.B. No. 2720-80, SD 2, CD 1:

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2720-80, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT BETWEEN THE STATE OF HAWAII AND MARK CONSTRUCTION, INC.", having been read throughout, passed Final Reading by a vote of 45 ayes to 5 noes, with Representatives Evans, Ikeda, Medeiros, Narvaes and Sutton voting no, and Representative Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 2720-80 had passed

Final Reading at 10:47 o'clock a.m.

Conf. Com. Rep. No. 93-80 on H.B. No. 1865-80, HD 1, SD 2, CD 1:

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1865-80, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Andrews and Wakatsuki being excused.

Conf. Com. Rep. No. 94-80 on H.B. No. 1864-80, HD 1, SD 2, CD 1:

On motion by Representative Morioka, seconded by Representative Inaba and carried, the report of the Committee was adopted and H.B. No. 1864-80, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Evans, Ikeda and Sutton voting no, and Representative Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 1864-80 had passed Final Reading at 10:49 o'clock a.m.

Conf. Com. Rep. No. 95-80 on S.B. No. 2795-80, SD 1, HD 1, CD 1:

Representative Morioka moved that the report of the Committee be adopted, and S.B. No. 2795-80, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Inaba.

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

"Mr. Speaker, I rise to speak in favor of this bill. In so doing, I would like to clarify some misunderstanding regarding the House position on this matter.

The purpose of this measure is to establish a State growth index to control general fund expenditures as mandated by the Constitutional Convention.

Both houses, as you recall, Mr. Speaker, were at great odds at the outset and could not reach any kind of a compromise. Only with the threat of adjourning this session without a budget, a compromise measure was

agreed on.

At our first open conference, a letter from a local economist, Mr. Tom Hitch, was circulated and made public. In essence, it was a reply to the Senate Ways and Means Chairman severely criticizing our position in using the change in general fund revenues as an index. He said it was absurd and using his quotes, 'The House must be kidding.' This was followed by editorials in both dailies criticizing our position.

Mr. Speaker, I want the members of this House to know and the Journal to reflect that we were not kidding. Our position was arrived at only after careful studies of all possible indicators. We were aware then that the popular position and perhaps easiest formula would have been to use total personal income. But because our studies have revealed that this information provided by the Department of Commerce is 12 to 18 months old when it is published, and it is necessary for the Department to revise their information three to four times a year and as far back as ten years. And to top it all, Mr. Speaker, much of the figures used are guesstimates or estimated figures to provide this type of information in a general manner. We know of no one who has made an in-depth study on this subject who can say that total personal income is the best index to be used for measuring a state's spending limit. If total personal income is the panacea to this problem, I am sure the delegates to the Constitutional Convention would have so suggested.

In today's economy, Mr. Speaker, where the changes are taking place by the day and even by the hour, we felt that it is more prudent and responsible to use factual and current statistics. After all, the purpose of this growth index is to determine spending limitations. What better guidelines can you have, especially in this fluctuating economy, then the earning power or ability to pay factors in determining our index.

I bring this up, Mr. Speaker, because I feel very strong about the House position. If this criticism came from some unknown or unreliable source, we could forget about it. However, when a respected economist from our community and our dailies render such irresponsible opinions, I believe we must speak up and preserve the integrity of the House.

Uncertain over the appropriateness on the use of total personal income as the indicator of economic growth to calculate the expenditure ceiling for any year, the conferees developed a special formula to have the indicator as current as possible. In addition the conferees agreed to a 'sunset' provision to give the Legislature a chance to study the appropriateness of the spending formula, and to look into other possible yardsticks to estimate rate of growth of the State's economy.

This is a compromise measure and may not be satisfactory to all members, but to be in keeping with the constitutional mandate in establishing the expenditure limitation, I urge all members to support this measure."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2795-80, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGETARY PROCESS", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Baker voting no, and Representative Andrews being excused.

The Chair directed the Clerk to note that S.B. No. 2795-80 had passed Final Reading at 10:54 o'clock a.m.

Conf. Com. Rep. No. 96-80 on H.B. No. 1772-80, HD 2, SD 1, CD 1:

On motion by Representative Takamine, seconded by Representative de Heer and carried, the report of the Committee was adopted and H.B. No. 1772-80, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PROGRAM FOR THE UNEMPLOYED", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 1772-80 had passed Final Reading at 10:55 o'clock a.m.

Conf. Com. Rep. No. 97-80 on H.B. No. 2035-80, HD 2, SD 2, CD 1:

Representative Stanley moved that the report of the Committee be adopted, and H.B. No. 2035-80, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Morioka.

Representative Inaba then rose and requested a ruling on a potential conflict

of interest.

The Chair ruled "no conflict."

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

"Mr. Speaker, agreeing on the final draft of this bill and as you will see, Mr. Speaker, this is Conference Draft 1, proved to be one of the knottiest issues faced by Senate and House conferees appointed to recommend agreements on money measures and to me personally, Mr. Speaker, as one of the conferees, it proved to be one of the most poignant issues I have had to grapple with in my six years in this legislative body.

The difficulty of the decision for me lay in balancing the just demands of government workers -- now in the 70's and 80's -- whose pension checks had without question been riddled by years of high inflation. This fiscal responsibility of the State was at issue also. But at issue were people who are in a state of not even sustaining their standard of living. I believe that the final draft of this hardfought bill contains a formula that is an inequitable agreement on both sides. Many of these elderly government workers had appeared before the House Finance Committee and they had presented their case in unforgettable terms. Many of them had come into my office and I had spoken to them personally.

This bill provides that those retiring before mid-1965 will receive an extra \$4.50 \$4.50 a month for each year of service. Those persons retiring between mid-1965 and a month for each year of service. Those persons retiring between mid-1965 and between the mid-1970's and mid-1975, they will receive \$1 a month towards their pension multiplied by their years of service. For those retiring after 75, there is no limitation, there is no provision, there is no cap on this. There was a very definite attempt on the part of the Senate to put a cap of \$900. This did not make sense because these government workers had given their all to the State. Were we General Motors, we would not have looked at it that way, we would have looked at it as we have come out. The Senate position was unreasonable, the Senate position of having a one-shot deal was unreasonable unless anybody can prove to me that this inflation will cease in the year 1981. For the individual pensioners, Mr.

Speaker, these increases will range from \$23 to \$99 more in their retirement checks. Perhaps, individually, these people will still have a need for us to grapple with inflation for them because they are on fixed income and their fixed incomes are fighting an 18 percent or 12 percent inflation rate, depending upon which one of the indexes that you use.

You know, Mr. Speaker, I'm at that state and I would just like to say that economists, and I am an economist, we lie.

I urge you, Mr. Speaker, and all my fellow colleagues to vote for this bill which I believe is judiciously and responsibly worked out by the brilliance of the House Finance Committee.

Thank you."

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

"Mr. Speaker, it is with a great deal of pleasure that I have been able to move for the final passage of this bill. I didn't think it would make it a few days ago but I would like to thank the Finance Committee and the leadership of this House who really stood behind this measure.

I would like the people on the floor and people who are listening today to know that the pensioners are in dire need of this cost of living bonus. For the 1,755 pensioners who have retired before 1965, without the bonus, as of today, their present monthly retirement pension is for general employees \$105; for teachers, \$176; for police, fire and corrections officers, \$280, and that graphically illustrates the need for this bill that is here before us now, and with this need in mind, I would like to urge all the members of this House to vote in favor of this bill."

Representative Kunimura then rose and stated:

"Mr. Speaker, just a few words in favor of this bill, but first, if I may request the Chair if Representative Sutton's statement could be incorporated as though it was mine, and if I may add, when I was a little boy, I still remember my father saying that if you want to really understand the conscience of the community, first you check on how they upkeep their graveyard and, secondly, how they treat their children and the elderly.

This House, Mr. Speaker, has done

the latter. We tried our best because inflation is the creation of government and not the individuals and if we are responsible for the inflation that affects, especially the older people that has to exist on fixed income, then, certainly, especially in a year like this when we are talking about millions of dollars in surplus, that we should take care of the elderly. And I cannot understand and I don't think I will ever understand the mentality of the Senate when they wanted to make this a one-shot deal. I don't know if they are human or not, that for one year you eat, then from that on, you either starve or you have to come here and beg. I don't think the elderly of the State of Hawaii should ever have to come to the Legislature to beg and this I detest, and if it was anything at all, Mr. Speaker, it was worth extending the session to make sure that this bill passed this session. Although it is not what I really wanted, it is a beginning, and we can come back and for those who come back here, Mr. Speaker, I ask that they improve on this, and I would like to urge all members to vote in favor of this bill."

Representative Lacy then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, but mainly my remarks are that I want the record to show in the Journal such that my colleague from Kauai who I respect greatly is not an economist and surely he is not a lying economist. I want those to be sure that those remarks that he asked to be put in the record will be removed for his benefit.

Thank you."

Representative Dods then rose and asked for a ruling on a potential conflict inasmuch as his father is a retired government worker.

The Chair ruled "no conflict."

At 11:02 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:05 o'clock a.m., the motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 2035-80, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative

Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 2035-80 had passed Final Reading at 11:05 o'clock a.m.

Conf. Com. Rep. No. 98-80 on H.B. No. 1853-80, SD 3, CD 1:

Representative Kawakami moved that the report of the Committee be adopted, and H.B. No. 1853-80, SD 3, CD 1, having been read throughout, pass Final Reading, seconded by Representative Peters.

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

"Mr. Speaker, I hold in my hand a document which is the Constitution of the State of Hawaii. This document has two definitions of the word 'native Hawaiian.' Under the Hawaiian Homes Act it determines a quantum of 50 percent or more. Under the bill which we have in front of us, the name 'native Hawaiians' includes all of Hawaiian ancestry as it justly should.

Now, Mr. Speaker, the Constitutional Convention mandated us to do something of this nature but the approach that was taken by the Senate was to establish a trust, and the trust talked in terms of something that the common law, as you well know, Mr. Speaker, were competing classes of beneficiaries, and the trust will fail if it has competing classes of beneficiaries. Their wording said 20 percent to native Hawaiians, 80 percent to native Hawaiians and others, and automatically set up competing classes in a trust.

If you will look at the bill, Mr. Speaker, you will see this very simple words: '20 percent of all funds derived from the public lands trust described in Section 10.3 shall be expended by the Office of Hawaiian Affairs as defined in Section 10.2 for the purposes of this chapter.' That simple! We didn't try to work out a trust that wouldn't work or that would fail for competing trust, or competing classes, or it lacked a corpus, then in existence, or a race then in existence. We use this simple language.

Now, Mr. Speaker, we have before us something that I think is historic. I had the good privilege when I was a Federal judge of living with the American Indians and seeing their various treaties. We have nothing on our books until the Constitutional Convention that adequately took care of the needs of the Hawaiian people.

Mr. Speaker, this bill will undoubtedly be a pivotal year and this bill will be a pivotal thing for the State's citizens of Hawaiian ancestry and all other citizens because a state that is 21 years old has not taken into consideration what appeared as a creation of a trust in its own Admission Act.

Significantly, Mr. Speaker, this bill, today, provides, and what we call OHA, the Office of Hawaiian Affairs, will be completely independent from all other agencies of the government in its source of funding -- a mechanism that was very hotly debated in the middle of the night by the House and Senate conferees, but one that I heartily endorse because it was advocated by the leaders of the Hawaiian community and because we had a member of our Conference Committee who is truly a representative of the Hawaiian people, our own Henry Peters, and because, Mr. Speaker, he had done the initial research which started the Constitutional Convention into their significant thing of having this amendment, Article 12, Hawaiian Affairs.

Specifically, Mr. Speaker, this bill insures that 20 percent of the income from ceded public land is to serve as the source of funds and revenue which will be used and held solely by OHA through its Board of Trustees which are to be elected this coming November.

Mr. Speaker, this funding mechanism in this bill before us now will also significantly affect the scale and the scope of OHA's purpose -- to promote the betterment of the conditions of the Hawaiian people as described in House Bill 890 of the 1979 Legislature.

The more liberal and independent funding mechanism which we have established enhances OHA's capabilities of implementing its other established functions which include serving as the principal state agency responsible for the performance, development and coordination of programs and activities relating to native Hawaiians and all Hawaiians.

Mr. Speaker, you and I are not Hawaiians, but we are Hawaiian at heart, and so I would ask that you join me in endorsing and voting for this bill."

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

"Mr. Speaker, the setting of the

20 percent pro rata share of the public lands trust as the rightful means to fund the Office of Hawaiian Affairs is a significant affirmation of the mission of OHA. Although I am not totally satisfied that 20 percent is the appropriate percentage, I believe that it was vital to the eventual success of the office, that at the least a pro rata be named.

OHA is a redreaming of possibilities for the Hawaiians and for the State of Hawaii. When I speak of governmental exploration of new ideas and programs to handle persistent social concerns, I mean approaches like OHA. We must begin to break past patterns of looking only at the problems instead of creative attempts to meet legal rights and needs. This office is a step towards social justice for Hawaiians, not another welfare or rehabilitation program. Perhaps it is the language of the original trust which should be our guide -- betterment.

Our commitment as legislators should always be to the betterment of our communities. We sometimes forget that most basic challenge. I hope that one of OHA's main contributions to the entire State will be to remind us of that goal.

Thank you."

Representative Holt then rose and stated:

"Mr. Speaker, I would like to thank the two previous speakers for their remarks in favor of this bill and add my comments in support of it. Mr. Speaker, I rise to speak in favor of H.B. 1853-80, SD 3, CD 1.

Mr. Speaker, this bill is a culmination of efforts on behalf of the Hawaiian people which first bore fruit at the 1978 Constitutional Convention. The Office of Hawaiian Affairs was established then, not as any kind of government agency, but as a constitutional office. In 1979, this legislative body established the Office of Hawaiian Affairs by law through Act 196. This Act talks about a pro rata portion of all funds derived from the public land trust shall be funded in an amount to be determined by the Legislature to be used for the betterment of our Hawaiian people. This language simply echoes the constitutional intent of Sections 4, 5 and 6 of Article 12 of our State Constitution which establishes the public trust for Hawaiians.

The formula for this pro rata trust fund money is set under this bill so that funding for OHA is accomplished

by operation of law and OHA need not come back each year for legislative appropriation. This, Mr. Speaker, is an obligation that is long overdue.

Hawaiians and non-Hawaiians alike will always remember the Tenth State Legislature as one that did not shirk its responsibility to our Hawaiian community. Mr. Speaker, the actions of the Tenth State Legislature make me feel very proud of being a part of all this on my first time around and one of the highlights for me is what we have accomplished with OHA. Without the funding this year, it would have been a hollow gesture.

I thank the Chairman of the House Committee on Water, Land Use, Development and Hawaiian Affairs, the Chairmen of the House Judiciary and Finance Committees, our House leadership, and all other members of this honorable body for their work on this bill, and in closing, I would like to urge all of my colleagues to vote aye for OHA.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1853-80, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 1853-80 had passed Final Reading at 10:15 o'clock a.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 1606, HD 2, SD 1, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1606, HD 2, and H.B. No. 1606, HD 2, SD 1, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 1606 had passed Final Reading at 10:16 o'clock a.m.

By unanimous consent, H.B. No. 1610, HD 1, SD 1, was taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1610, HD 1, and H.B. No. 1610, HD 1, SD 1, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 1610 had passed Final Reading at 10:17 o'clock a.m.

By unanimous consent, H.B. No. 1762-80, SD 2, was taken from the Clerk's desk.

On motion by Representative D. Yamada, seconded by Representative Honda and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1762-80, and H.B. No. 1762-80, SD 2, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Andrews being excused.

The Chair directed the Clerk to note that H.B. No. 1762-80 had passed Final Reading at 10:18 o'clock a.m.

STANDING COMMITTEE REPORT

Representative Kunimura, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1104-80) informing the House that Conference Committee Report Nos. 97-80 to 99-80 have been printed and distributed.

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

At 10:20 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:21 o'clock a.m., the Vice Speaker assumed the rostrum.

Representative Kunimura was then granted permission to make a late introduction and he introduced Mrs. Dorothy Tao, "a lifetime educator, one who has served the people of Kauai and especially the children of Kauai. She is a school librarian who has done a damn good job, and she is the person who gave me the

idea about community school libraries."

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 617) honoring and commending James H. Wakatsuki, Speaker of the Hawaii State House of Representatives, for his two decades of service as an elected public official, congratulating him upon his appointment as a Circuit Court Judge, and extending best wishes for the future was jointly offered by Representatives Kunimura, Peters, Kihano, K. Yamada, Aki, Anderson, Andrews, Baker, Blair, Crozier, de Heer, Dods, Evans, Fukunaga, Garcia, Hagino, Hashimoto, Holt, Honda, Ige, Ikeda, Inaba, Kamalii, Kawakami, Kiyabu, Kobayashi, Lacy, Larsen, Lee, Lunasco, Marumoto, Masutani, Medeiros, Morioka, Nakamura, Narvaes, Sakamoto, Say, Segawa, Shito, Silva, Stanley, Sutton, Takamine, Takitani, Toguchi, Uechi, Ushijima, Uwayne and D. Yamada and was read by the Clerk.

Representative Kunimura moved that H.R. No. 617 be adopted, seconded by Representative Peters.

Representative Kunimura then rose and stated:

"Mr. Speaker, I came to this House almost eighteen years ago when I met this young and energetic gentleman called James Wakatsuki and he was chairman of the House Education Committee, and I have worked very closely with him, disagreeing a lot of times but agreeing most of the time. I have heard people call him all kinds of names, but I think two names I would like to cherish until I die, the name they called him the 'rock' and I believe those that served in this House for quite a while remember our presentation to the Speaker of a real rock on the floor of this House, and also during the hectic days of our conference on the budget with the Senators, Jimmy was the chairman of the House Committee on Finance and he was referred to by the Senators as the 'opihi' because he was tenacious in upholding the House position and you know, surprisingly, he was almost 99.4 percent right on all of the things that he supported. I remember there were several embarrassing moments for me when I disagreed with the Speaker on some House policy matters and it turned out that he was correct and I was wrong.

I was happy to learn that we had

a Speaker in this House that didn't say much but he had a hell of a lot to give. I am going to miss him and I think most of us will be missing him. Our great loss will be a great gain for the family. I know how much the family must have given so that he could serve us and the people of this State.

To you, Mrs. Wakatsuki, thank you very much. I know you suffered a lot because most of the children in this State having parents as members of the Legislature are no parents at all. They are brought up like half orphans. I know because at home I have a daughter that is going to be eighteen years old and I have been a father to her for only about nine out of that eighteen years. This is what I am accused of. But it is the women and it is really truly their support that gives us the strength and the energy and the courage to stand on the floor of this House or in the committees to advocate and push ahead what we really feel in our hearts to be right.

I know Jimmy will make a good judge because deep down inside of him, although we may call him all kinds of names, he is a warm and compassionate person, and I know many of us will be very happy and proud that we had the opportunity of serving with him in this House. I know that the Senators are going to be happy and I hope this House will be producing the same kind of quality leadership that we found in Jimmy, and I know that he will come from the bench to talk with us whenever we feel lonely, we feel lost, and I wish he could be a judge and still get to be with us but the Constitution prohibits that so I hope, in voting for this resolution, although we may have had some difficulties or some trying times with him, the whole thing about life is, put a man or woman on a scale, take his good or her good and if it comes out one ounce better than . . . you know, on the plus side than bad, then that person is good, and I would like to say that Jimmy is pounds and pounds heavier on the side of good than bad and may I ask that every member of this House, in voting for this resolution, reflect the good and the bad of this man; there wasn't any bad, I doubt it, that we vote with our hearts today and wish him well on his new endeavor.

Thank you."

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

"I have served with Speaker Wakatsuki for 22 years, from the very beginning, and I don't remember saying anything nice or bad about the Speaker on the floor of the House, but I would feel remiss if I didn't make some remarks.

Mr. Speaker and members of this House, the end of the Tenth Legislature also marks the close of the distinguished legislative career of James H. Wakatsuki. It has been my good fortune to have been his colleague here for more than two decades. I would like to take this means to bid him aloha and wish him well in his new public office. The House will suffer a great loss with his departure and we shall miss the leadership, experience, knowledge and wisdom he brought to this body. However, I am confident that he will serve the State and its people well in the judicial position he is soon to occupy for his outstanding service as a lawmaker stands as an undeniable proof of an unselfish dedication to the public good and welfare.

James H. Wakatsuki was first elected in 1958 and from the standpoint of service, he and I are the oldest members in this House. His tenure as a Representative dates from the last Territorial Legislature and covers every State Legislature. During this period, he acted as the chairman of many committees, including the Committees on Finance, Judiciary, Education and Higher Education, and also served as Majority Floor Leader and Majority Leader. After serving with distinction in each of the foregoing positions and truly earning the respect of his colleagues, he was eventually elevated to the top leadership position in the House where his performance has been exemplary. Above all, we shall miss his keen mind and political sense and his ability to bring order out of seeming chaos, and I think the last few days we have seen a good example. We shall miss the leadership that guided the House through many crucial situations and enabled it to resolve many seemingly insolvable problems.

Mr. Speaker, I wish you good luck, aloha and mahalo.

Thank you very much."

Representative K. Yamada then rose and stated:

"Mr. Speaker, I rise to speak

in behalf of the resolution but I do have some reservations and my reservation is that I simply don't want this man to go. I think I speak for most of the younger members of the House.

When I first came on board and that was four years ago, we had violent disagreements during those two years. We met in caucuses and I am sure he remembers the wrath that he took from me during those two years. Even then, Mr. Speaker, I have always found this man to be very judicious. He was a close friend, he still is, and that is why I do have a great deal of reservation in seeing him go but I know that from what he has done here in the House chambers and in our meetings, that he is a judicious individual, that he has no revenge in his heart. No matter how we treated him, he always treated us with kindness. I do have to admit, Mr. Speaker, however, his favorite expression to me has always been 'no', but aside from that, you know, I can't express the great deal of feeling that I have for this individual.

Mr. Speaker, he was somewhat like a father image to me. . .to most of us. Heaven knows he's old enough for that. I am going to miss him. I think we all are going to miss him. I know I am going to have to appear before him from time to time, and I am going to have to call him 'your honor.' But, Mr. Speaker, the title fits."

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

"Mr. Wakatsuki, on behalf of the Republican Caucus, we want to bid you much success but before we do, we would like you to know that while we haven't always agreed with your ruling on our points of order, we have always respected you. You are a man who seems to have nerves of steel, a bionic man, it would appear, who never showed fatigue even after standing many long hours on the rostrum. Remember those Abercrombie days or nights?

I know, Mr. Speaker, when you go on to another branch of government, we will continue to view you as someone with nerves of steel. However, Mr. Speaker, since you will be sitting a lot, will the bionic material that seems to have been a part of your lower extremities now be transferred to your goodius maximus?

On behalf of the Republican Caucus, we would like to wish you the best

of success and we know you will make an excellent judge. Good luck to you."

Representative Sutton then rose and stated:

"Mr. Speaker, I rise to speak in favor of this resolution and this is one resolution I shall not vote no on.

Mr. Speaker, the rules of the House are now suspended so can I be poetic?

This day is the last one in twenty-two years; this one ending one of the great political career. The conference on keg lights is now all gone; it's bailiff, clear the court; the decider is all alone. Some people have called him Speaker, others called him Jimmy; from now on we'll just call him, your honor. I wish you luck, Jimmy, Mr. Speaker, or opihi, and I am sure all others feel the same. For just one last word, Jimmy, please improve your golf game."

Representative Blair then rose and stated:

"Mr. Speaker, just briefly, in 1972, I ran against this man for the State House and I would just like the record to reflect that the better man won."

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

"Mr. Speaker, as I look back on my first term in office, I must admit that I was extremely fortunate to have been elected at this time. I think the Tenth State Legislature will be remembered in my mind, among other things, as a time when James Wakatsuki was serving his last term as Speaker of the House. I consider myself very fortunate to have had the chance to watch him in action because now I can tell my grandchildren that I knew him when he was the Speaker. I can tell them about the first time I have ever seen the Speaker's golf swing because I had heard so much about it. People told me about how the club wraps around his head and that GOLF DIGEST wouldn't print it in a million years and now that I have seen it, I must agree that it is true.

Another thing I have discovered about Speaker Wakatsuki is that

he has an extremely fine sense of humor except that the only way we can identify it is when his shoulders shake. We've all gotten to the point where we watch for shaking shoulders at the rostrum so we know when he's in a good mood or if he's feeling grouchy.

He also has a sense of fairness that is hard to argue with, whether he is talking to us about legislative programs or his golf handicap, and most of all, Speaker Wakatsuki knows how to count, whether it's votes on the floor of the House or the number of strokes I've taken to hit the ball. He does have a knack of keeping track of things, but I would say this that I have come to realize that Speaker Wakatsuki did not become a star overnight. He says he's been here in the House for a long time but I think he has shown many of us that it is more than a matter of simply getting re-elected and enduring year after year. It seems he has made use of each year that he has been here, taking on different chairmanships, dealing with different problems and personalities, accepting changing times and changing politics, and working with it to learn from it and it has been really nice of you, Speaker Wakatsuki, to share this wealth of knowledge and experience with us. I am especially glad I got here before you left.

Aloha and Mahalo."

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

"Mr. Speaker, I believe our esteemed Speaker was leaving to become a judge. You know, one of the arts that has not been mentioned in the resolution was his deliberations on many subject matters and I actually request on the part of the members for certain trips or certain things that need to be done and I believe the arts that our esteemed Speaker has developed is to let you keep talking and let yourself talk out of a trip or something else you should have and I've seen him deliberate on matters of great importance. But I just wanted to bring a point that, you know, the Speaker is very deliberate on the golf course and I want him to know that it is not going to work because the guys are not going to be talked out of their games so I just want the Speaker to know that deliberations and slowness on the course is not going to help him win this battle on the golf course.

Thank you."

Representative Kamalii then rose

and stated:

"Mr. Speaker, I rise to speak in favor of this resolution. I hadn't intended to but I just can't let the Speaker leave without again saying a few words.

The problem with the congratulatory resolution is that the speeches sound like eulogies. Well, Jimmy, he may not be the liveliest member of this House, but he certainly isn't a dead body so to you members, I would like to again read a speech that I gave earlier. . .if only to assure you, Jimmy, that your actions will never be forgotten and will happen again only over my dead body. And I'm honored and happy to be able to say a few words and speak to the character and abilities of the House Speaker, James Wakatsuki.

I know most of you thought I would be making these remarks before the Senate Judiciary Committee but I knew then that I would have a better time and place and I was right and on this last day of the session, I am finally fully aware of the Christian rule. . .rule not lest you be judge. I hope, Jimmy, that if I ever appear in your court, that you will remember that justice is blind. Of course, I have noticed on the floor of the House that you are usually deaf to what we Republicans have to say, but a blind and deaf judge may be the fairest of all.

There is one real advantage to leaving the Speakership and drawn into the judiciary. At least as a judge you will be able to sit down, as my colleague has said, and what I can't quite understand is why Governor Ariyoshi has benched so many of his best team players.

On the other, one of the greatest questions raised by your leaving, Mr. Wakatsuki, is who will or can take your place. I know that all of your Democratic colleagues have sworn by your honor that you can't be replaced. However, I have noticed during the last days that many of these same legislators have been going up to the rostrum and elbowing you on the side to practice standing there. I have also heard that Danny, the electrician, is going to be holding seminars immediately after the session so that they will know how to handle the rostrum.

There is only one misperception about you that I feel must be cleared up before you leave the Legislature.

Some reporters, as it was said earlier, have called you the opihi because you don't smile and always hang on. Well, Jimmy, I have known you for twenty years and you are much more like the wana, not because of its poisonous barbs, but when you wanna, you wanna, and we're all gonna.

We'll miss that kind of leadership, Jimmy. I mean that very sincerely. I've known you for a long time and in all those years, I think we have agreed with you two out of every one hundred times. However, time has generally proven that I was right. With that record in mind then and knowing that you may disagree with what I say, I know you'll make a very fine judge -- no stiff sentences but a lot of fines.

Good luck and God bless you always, Jimmy."

Representative Peters was recognized and he stated:

"Yes, Mr. Speaker, I know it is sort of an emotional moment for most of us in this House, knowing that one of the truly great leaders of this State, will be going elsewhere. The Chair. . .his ability, his wisdom and his love for people, I want him to be assured that the majority members of this House. . .I guess everyone in this House, had taken this kind of guidance and leadership to heart. I know that everyone of us would have stand up and say a few words in behalf of this resolution. We recognize the fact that we have all been students to the Speaker. He has truly been a great teacher, that many of the things that he has shared with us will still remain in our hearts and in our minds so that in the future years, those qualities can be shared with future legislators. Then, in the final analysis, we can say without a doubt that our decision, through his guidance, have been tempered with the best interest and welfare of the people of this State. Certainly, he is going to be missed; certainly, he is very much loved and revered by all of us.

I know I have said once before on this floor in introducing another individual, that I think it is appropriate for the Speaker, as well. There is no other leader that I know of in this State or even in this country who have exerted so strong and personable feelings on government as the Speaker of this House and I say that unequivocally.

I have an ilima lei here which, by Hawaiian tradition, signifies royalty

and by anybody's standards, by any country's standards, the Speaker of this House is certainly royalty. With your permission, Mr. Speaker, and as we vote on this measure, I would like to be able to present this ilima lei from all the members of the Majority and I know the Minority Leader has a lei in behalf of the Minority members, so I want to present this lei to him with all our love for him. As you know, the lei has a circumference that has no beginning and has no end and that's how much we love him. It shall never end.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.R. No. 617 was adopted.

At this time, Representative Peters presented the ilima lei to Speaker Wakatsuki and Representative Kamalii presented him with a maile lei.

The Chair responded:

"I don't think that this should be a very sad moment, I think we should all be very happy and proud of the accomplishments of the Tenth Legislature. I am deeply touched by all the kind words spoken on this floor. I don't believe that any one man deserves such recognition but if those words are deserving of me, then it is a reflection upon all of you that I have had the privilege of serving with and all the other members that I have had the privilege of serving as a colleague. I am what I am here this morning because all of the efforts of my colleagues on this floor, the colleagues of the past Legislatures, have given me the support, the understanding, the cooperation, that is needed for one to lead as Speaker of the House.

I love you all. I thank you very deeply for the kind courtesies that you have extended to me and this office.

I am not really leaving the office of Speakership tomorrow as I had indicated to the press that it will be sometimes in the latter part of summer that I would like to spend during the interim, spend some time with each of you individually, to pay my respect to you individually, when I have the time to sit down with you in your offices, on the golf course, maybe, or even in the hallway.

Again, on behalf of my wife, Irene,

who is sitting there in the gallery, myself and my children, I thank you very much.

"The Senate has informed the House that they are ready to adjourn sine die. I believe we are also ready to adjourn sine die."

Representative Kunimura was recognized and he stated:

"Mr. Speaker, in all my eighteen years here, I have never seen anything done in the manner it should be done because we've never had a Speaker that retired in the manner you are so may I, with your indulgence, request a short recess so that the Sergeant-at-Arms can summon Mrs. Wakatsuki to the floor so we may officially return you to the family."

At 11:55 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, and Mrs. Wakatsuki was escorted to the chamber floor by Mr. Richard Sugita, Sergeant-at-Arms.

Upon reconvening at 11:57 o'clock a.m., Representative Kunimura stated:

"I know it is going to be difficult for Mrs. Wakatsuki to have you around the House as much as you are going to be. . .be home on time, so please be kind and understanding because it is kinda hard to get adjusted to you. I had a hard time getting adjusted to you when I first came over here and I was almost in tears, you know, to see you leave us. Damn it, I wish all of us felt the way we do and express the things we said about you while you were still here. I guess life is such that, as the Minority Leader said, anytime you want somebody say nice things about you, you gotta die, so I hope we sounded like a eulogy to many of us here, that you are passing from this House to the Judiciary."

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

Representative Uwayne's remarks are as follows:

"Mr. Speaker, as this is the last day of the 1980 Regular Session of the Tenth State Legislature, I would like to share some thoughts, if I may, with my colleagues and yourself on my past four years in the State House.

It is my belief that our basic duty here, as elected representatives of

the people, is to do what we perceive to be in the best interests of the public. It is a difficult duty. . . one which carries great responsibility.

Mr. Speaker, it is our duty to sincerely strive towards and pursue our point of view, our assessment of what we believe to be good for the State of Hawaii. It is our right and responsibility to do this because each member of this House is equal in the conduct of business here, and should have equal access to and input towards the exercise of legislative power.

As you know, Mr. Speaker, there has been many disagreements within our Majority Caucus these past four years. I also understand the fact that democracy is based on majority rule, and only history, as you have said, will prove if our decisions are right or wrong. But as equal members of this House, each of us have simply pursued what we believe to be right and best for those who elected us.

Mr. Speaker, you leave at a time when Hawaii's political structure is in transition. It has been twenty-six years since the Democrats became the majority party in the State House. Mr. Speaker, it has also been twenty-two years since you were first elected to this body. Since then, the Democrats, along with the Republican members of this Legislature, have been responsible for many notable legislative accomplishments. However, I don't believe that it is enough to be satisfied with the past. We owe more to ourselves than simply feeling satisfied. And, Mr. Speaker, even if we feel satisfied with our accomplishments, we shouldn't feel confident that our constituents are satisfied with what we have accomplished.

As we enter into the new decade of the 1980's, all public officials need to recognize that the public has changed since the first 'Democratic' Revolution took place in the mid-1950's. Mr. Speaker, the people of Hawaii have new hopes and aspirations; the people of Hawaii are also faced with new problems which may require an entirely new philosophy of politics, one that may be different from the philosophy embraced by the State House at this time.

The problems facing Hawaii today are much more complex than the problems of the mid-1950's. The public, Mr. Speaker, is also better educated and more vocal today than

it was twenty-two years ago, when you were first elected. The public expects more of its legislators and perceives a larger number of possible solutions to the problems facing us. Even beyond being aware of these possible solutions, Mr. Speaker, the public wants to see open discussion of these possible solutions by the Legislature.

Mr. Speaker, since I first took my oath of office in 1977 over one-half of the membership of this House has changed. The present composition of this body represents a wide range of constituencies. The diversity in this House is more than a simple reflection of the public's desire for change; it reflects the public's demand that we, elected representatives of the people, re-evaluate the traditional ways that State government looks at the future.

Although you and I will be leaving this body, Mr. Speaker, I think the differing conditions we leave under are indicative of the transition that is taking place in today's political arena. You are leaving with a measure of certainty regarding your future as a judge. I am leaving to seek greater independence in representing my constituency.

I recognize that a certain amount of uncertainty accompanies my search for greater independence. However, Mr. Speaker, these are uncertain times and I think we must all be flexible enough to search for new solutions to new problems.

Mr. Speaker, I hope that at this time next year, you will be able to observe the accomplishments of the 1981 Legislature with a feeling of pride. You have had six years, as Speaker of this House, in which to teach us how to respond to the needs of Hawaii's people. Our success or failure will, in part, be due to the lessons we have learned from you.

In closing, I can only hope, Mr. Speaker, that I can be as successful, in reaching my goals in life, as you have been in reaching yours. Thank you for allowing me to express these comments, on the close of both of our lives in the State House."

Representative Kamalii then requested that her closing remarks be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Kamalii's remarks

are as follows:

"Mr. Speaker, it is with a heartfelt, 'Thank God it's almost over' that I rise to offer my closing remarks. . .

Mr. Speaker, last week, I was completely frustrated by this session. I thought that we had raised the 'politics of postponement' to a fine art: tax reform was postponed awaiting the naming of a review commission, State General Planning is in chaos awaiting a genuine refinement and presentation of functional plans; and transportation options were left at a deadend.

And then this weekend -- after conference break-throughs on, at least, the funding of the Office of Hawaiian Affairs and the pensioners much-deserved bonuses, and realizing how close presidential incompetence and impatience had brought us to war -- I realized we may have inadvertently fulfilled a very important role and function in the lives of Hawaii's citizens.

In a difficult time, the ability to laugh and to provoke laughter keeps us sane. So, with some perspective, please know that if nothing else this session often gave everyone a good laugh.

Let me give you a few examples, Mr. Speaker, and you be the judge.

A few days ago, when I was driving back to the Capitol after lunch, I saw a number of people holding banners protesting the 'Filipino Dictator.' My first thought was that a group of well-informed and concerned citizens were attempting to apply pressure to one of our Senators -- then I realized they meant President Marcos.

Now, quite a few people have thought that Senator's actions were the beginning of his efforts to become President. For myself, given the hell the Senate has caused this year, I would find it irresistible to select Mr. Carpenter -- then the opposite chamber could be known as 'Dante's Inferno.'

Finding new names for institutions, though, shouldn't be confined to the Legislature.

Think about the years we have worried over and debated the causes of the decline in public education. This year, we discovered that our students don't have textbooks. Nobody has to read between the lines to know that the lack of minimal competency may be in the administration of our schools, so I'm

suggesting that the Department of Education be called the Department of Public Educational Systems: DOPES, for short.

Then I thought, no, I graduated from Punahou and I still have trouble reading and understanding the language of some of our bills -- maybe dopes aren't totally to blame.

Consider the changes we made in the collective bargaining law to clarify what constitutes an 'essential worker.' Essential workers are now defined as essential positions.

I've always thought that only those at the bargaining table were in an essential position during a strike, but I guess I missed something.

I had similar problems with the definition of function now ascribed to the State Crime Commission. Their primary function is 'research and incident investigation.' Taking into consideration the criticism which I have heard for the last couple of years -- the reaction to their report on syndicate crime and the Cassius Project -- my first interpretation of 'incident investigation' was that they were to confine themselves to isolated criminal acts, to unorganized crime.

Which made me wonder if organized crime isn't a form of unionism, and whether the Governor's proposed 'strike force' isn't a way of asserting the essential positions of the local syndicate. . .

Another issue which captured public attention was the lifting of the 12 percent usury limit on home mortgages. Well, for those who will never qualify for these loans and own the roof over their heads, there is now the comfort that banks, at least, have a new ceiling.

We didn't really harm anyone this session -- we just didn't help as much as we could have. Only cynics will think that we over-extended ourselves, or feel that if the Governor didn't live across the street, he wouldn't have bothered to give stays of execution.

Informed commentators have noted that the main agenda of this House was really a fight over position in the sweepstakes for Speaker.

I even indulged in a fantasy of returning next year with a Republican pivot bloc of votes and joining in myself. But then I realized how I would be addressed, and being the Madame of the House might be too accurate.

So, I'm glad we're leaving this House.

We need to go home, and rediscover that we're not the center of the universe. The people will want to see and talk to us, too. I know what I'll tell them. . . I hope you can come up with an excuse.

Thank you."

SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 752) informing the House that the Senate has this day (April 28, 1980) completed its business and is ready to adjourn sine die, was read by the Clerk and placed on file.

ADJOURNMENT

Representative K. Yamada moved that the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, adjourn Sine Die, in dedication of the session to the Honorable James H. Wakatsuki, seconded by Representative Evans and carried.

At 12:00 o'clock noon, the Speaker rapped his gavel and declared the House of Representatives of the Tenth Legislature of the State of Hawaii, Regular Session of 1980, adjourned Sine Die.

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

Gov. Msg. No. 131 informing the House that on May 17, 1980, he signed the following bills into law:

Senate Bill No. 1835-80 as Act 55, entitled: "RELATING TO TERMINATION OF PARENTAL RIGHTS";

Senate Bill No. 1836-80 as Act 56, entitled: "RELATING TO ADOPTION";

Senate Bill No. 1951-80 as Act 57, entitled: "RELATING TO INTOXICATING LIQUOR";

House Bill No. 366 as Act 58, entitled: "RELATING TO INITIAL APPOINTMENTS";

House Bill No. 584 as Act 59, entitled: "RELATING TO MENTAL HEALTH SERVICES FOR CHILDREN AND YOUTH";

House Bill No. 1422 as Act 60, entitled: "RELATING TO QUORUM OF REAL ESTATE COMMISSION";

House Bill No. 1607 as Act 61, entitled: "RELATING TO PUBLIC EMPLOYEES' HEALTH FUND";

House Bill No. 1880-80 as Act 62, entitled: "RELATING TO MOTOR VEHICLES";

House Bill No. 1961-80 as Act 63, entitled: "RELATING TO VACATION OF PUBLIC OFFICERS AND EMPLOYEES";

House Bill No. 2472-80 as Act 64, entitled: "RELATING TO THE BUDGET";

House Bill No. 2535-80 as Act 65, entitled: "RELATING TO DISCLOSURE BY FUEL IMPORTERS, MANUFACTURERS, DISTRIBUTORS, AND EXPORTERS";

House Bill No. 2537-80 as Act 66, entitled: "RELATING TO EVICTION";

House Bill No. 2590-80 as Act 67, entitled: "RELATING TO THE ADMINISTRATIVE PROCEDURE ACT";

House Bill No. 2661-80 as Act 68, entitled: "RELATING TO THE HAWAII HOUSING AUTHORITY";

House Bill No. 2668-80 as Act 69, entitled: "RELATING TO TRADE REGULATION";

House Bill No. 2674-80 as Act 70, entitled: "RELATING TO CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS, LIMITATION OF ACTION";

House Bill No. 2698-80 as Act 71, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 2703-80 as Act 72, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 2789-80 as Act 73, entitled: "RELATING TO NO-FAULT INSURANCE";

House Bill No. 2842-80 as Act 74, entitled: "RELATING TO FISH AND GAME";

House Bill No. 3048-80 as Act 75, entitled: "RELATING TO HEALTH PLANNING".

Gov. Msg. No. 132 informing the House that on May 21, 1980, he signed the following bills into law:

Senate Bill No. 1346 as Act 76, entitled: "RELATING TO THE STATEWIDE TRAFFIC CODE";

Senate Bill No. 1897-80 as Act 77, entitled: "RELATING TO PUBLIC UTILITIES";

Senate Bill No. 1899-80 as Act 78, entitled: "RELATING TO THE TAXATION OF NON-FOSSIL FUEL GENERATED ELECTRICITY";

Senate Bill No. 1991-80 as Act 79, entitled: "RELATING TO UNIFORM SECURITIES ACT (MODIFIED)";

Senate Bill No. 2000-80 as Act 80, entitled: "RELATING TO CORRECTIONS";

Senate Bill No. 2002-80 as Act 81, entitled: "RELATING TO LOST AND FOUND MONEY OR PROPERTY AT AIRPORTS";

Senate Bill No. 2005-80 as Act 82, entitled: "RELATING TO THE JUNKYARD CONTROL ACT";

Senate Bill No. 2111-80 as Act 83, entitled: "RELATING TO PUBLIC EMPLOYMENT";

Senate Bill No. 2191-80 as Act 84,

entitled: "RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT";

Senate Bill No. 2197-80 as Act 85, entitled: "RELATING TO CORRECTIONAL INDUSTRIES";

Senate Bill No. 2214-80 as Act 86, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2280-80 as Act 87, entitled: "RELATING TO THE STATE CODE OF ETHICS";

Senate Bill No. 3003-80 as Act 88, entitled: "RELATING TO MEDICAL TORTS";

House Bill No. 1979-80 as Act 89, entitled: "RELATING TO SCHOOL ENTRY EXAMINATION";

House Bill No. 1981-80 as Act 90, entitled: "RELATING TO RECORDING FEES IN THE STATE BUREAU OF CONVEYANCES";

House Bill No. 1989-80 as Act 91, entitled: "RELATING TO PRACTICING PSYCHOLOGISTS";

House Bill No. 1992-80 as Act 92, entitled: "RELATING TO DEPARTMENT OF REGULATORY AGENCIES";

House Bill No. 2061-80 as Act 93, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2063-80 as Act 94, entitled: "RELATING TO THE JUDICIARY".

Gov. Msg. No. 133 informing the House that on May 22, 1980, he signed the following bills into law:

Senate Bill No. 2225-80 as Act 95, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 2278-80 as Act 96, entitled: "RELATING TO THE JUDICIARY";

Senate Bill No. 2286-80 as Act 97, entitled: "RELATING TO EMPLOYMENT PROGRAMS";

Senate Bill No. 2357-80 as Act 98, entitled: "RELATING TO STATE INSURANCE ADMINISTRATION";

Senate Bill No. 2359-80 as Act 99, entitled: "RELATING TO DISASTER RELIEF";

Senate Bill No. 2439-80 as Act 100, entitled: "RELATING TO WORKERS' COMPENSATION";

Senate Bill No. 2473-80 as Act 101, entitled: "RELATING TO THE EXECUTIVE BUDGET ACT";

Senate Bill No. 2514-80 as Act 102, entitled: "RELATING TO CONTRACTORS";

Senate Bill No. 2676-80 as Act 103, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

Senate Bill No. 2770-80 as Act 104, entitled: "RELATING TO TOURISM";

Senate Bill No. 2870-80 as Act 105, entitled: "RELATING TO ARRESTS BY POLICE OFFICERS WITHOUT WARRANT";

Senate Bill No. 2881-80 as Act 106, entitled: "RELATING TO SPOUSE ABUSE";

Senate Bill No. 3098-80 as Act 107, entitled: "RELATING TO RESIDENTIAL LEASEHOLD CONVERSION";

House Bill No. 713 as Act 108, entitled: "RELATING TO BANKS";

House Bill No. 714 as Act 109, entitled: "RELATING TO SAVINGS AND LOAN ASSOCIATIONS";

House Bill No. 2086-80 as Act 110, entitled: "RELATING TO PILOTAGE";

House Bill No. 2372-80 as Act 111, entitled: "RELATING TO SELECTIVE EMPLOYMENT AND THE CIVIL SERVICE";

House Bill No. 2388-80 as Act 112, entitled: "RELATING TO DISTRICT SCHOOL ADVISORY COUNCILS";

House Bill No. 2454-80 as Act 113, entitled: "RELATING TO POLITICAL SUBDIVISION POLLUTION CONTROL BONDS".

Gov. Msg. No. 134 informing the House that on May 24, 1980, he signed the following bills into law:

Senate Bill No. 1441 as Act 114, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";

House Bill No. 2062-80 as Act 115, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2073-80 as Act 116, entitled: "RELATING TO VOCATIONAL REHABILITATION";

House Bill No. 2181-80 as Act 117,
entitled: "RELATING TO EMPLOY-
MENT SECURITY";

House Bill No. 2318-80 as Act 118,
entitled: "RELATING TO DENTAL
HYGIENISTS";

House Bill No. 2319-80 as Act 119,
entitled: "RELATING TO THE
BOARD OF VETERINARY EXAMINERS";

House Bill No. 2361-80 as Act 120,
entitled: "RELATING TO PUBLIC
ASSISTANCE";

House Bill No. 2362-80 as Act 121,
entitled: "RELATING TO DOMICILIARY
CARE";

House Bill No. 2448-80 as Act 122,
entitled: "RELATING TO SEXUAL
ABUSE";

House Bill No. 2458-80 as Act 123,
entitled: "RELATING TO PROCEDURE
WHEN TITLE OF VEHICLE TRANS-
FERRED; DELIVERY OF CERTIFICATE
MANDATORY";

House Bill No. 2555-80 as Act 124,
entitled: "RELATING TO DEALERS
OF SOLAR ENERGY DEVICES";

House Bill No. 2572-80 as Act 125,
entitled: "RELATING TO THE PEST
CONTROL OPERATORS LAW";

House Bill No. 2897-80 as Act 126,
entitled: "RELATING TO SPECIAL
FACILITY REVENUE BONDS".

Gov. Msg. No. 135 informing the
House that on May 27, 1980, he
signed the following bills into law:

Senate Bill No. 871 as Act 127,
entitled: "RELATING TO LAND
TRANSPORTATION";

Senate Bill No. 2202-80 as Act 128,
entitled: "RELATING TO THE
LICENSING OF RADIATION
THERAPY TECHNOLOGISTS";

Senate Bill No. 3012-80 as Act 129,
entitled: "RELATING TO REGIS-
TRATION OF LOBBYISTS";

House Bill No. 1976-80 as Act 130,
entitled: "RELATING TO THE
HAWAII ADMINISTRATIVE PROCEDURE
ACT";

House Bill No. 2066-80 as Act 131,
entitled: "RELATING TO THE WATER
CARRIER LAW";

House Bill No. 2328-80 as Act 132,

entitled: "RELATING TO HARBORS";

House Bill No. 2334-80 as Act 133,
entitled: "RELATING TO MOTOR
VEHICLES";

House Bill No. 2633-80 as Act 134,
entitled: "RELATING TO THE JOB
SHARING PILOT PROJECT IN THE
DEPARTMENT OF EDUCATION";

House Bill No. 2666-80 as Act 135,
entitled: "RELATING TO RETAIL
INSTALLMENT SALES";

House Bill No. 2809-80 as Act 136,
entitled: "RELATING TO CONDUCT
OF ELECTIONS";

House Bill No. 2810-80 as Act 137,
entitled: "RELATING TO ELECTION
REGISTRATION";

House Bill No. 2816-80 as Act 138,
entitled: "RELATING TO ELECTIONS";

House Bill No. 2845-80 as Act 139,
entitled: "RELATING TO PRIMARY
ELECTIONS";

House Bill No. 2850-80 as Act 140,
entitled: "RELATING TO THE UNIFORM
CONTROLLED SUBSTANCES ACT";

House Bill No. 3046-80 as Act 141,
entitled: "RELATING TO CERTIFICATE
OF REGISTRATION; CERTIFICATE OF
OWNERSHIP; CONTAINERS".

Gov. Msg. No. 136 informing the
House that on May 28, 1980, he
signed the following bills into law:

Senate Bill No. 118 as Act 142,
entitled: "RELATING TO PROFESSIONAL
AND OCCUPATIONAL BOARDS AND
COMMISSIONS";

Senate Bill No. 209 as Act 143,
entitled: "RELATING TO NO-FAULT
INSURANCE";

Senate Bill No. 1370 as Act 144,
entitled: "RELATING TO THE
COMPENSATION LAW";

Senate Bill No. 1838-80 as Act 145,
entitled: "RELATING TO THE HAWAII
CRIME COMMISSION";

Senate Bill No. 2006-80 as Act 146,
entitled: "RELATING TO STATE
HIGHWAYS";

Senate Bill No. 2157-80 as Act 147,
entitled: "RELATING TO THE UNIFORM
CONTROLLED SUBSTANCES ACT";

Senate Bill No. 2457-80 as Act 148,

- entitled: "RELATING TO DOGS; LICENSES AND REGULATIONS; LICENSE FEE CONTROLLED BY ORDINANCE";
- Senate Bill No. 2512-80 as Act 149, entitled: "RELATING TO PUBLIC PURCHASING AND CONTRACTING";
- Senate Bill No. 2862-80 as Act 150, entitled: "RELATING TO OBSTRUCTING PUBLIC ADMINISTRATION";
- House Bill No. 1993-80 as Act 151, entitled: "RELATING TO THE COLLECTION AGENCY LAW";
- House Bill No. 2137-80 as Act 152, entitled: "RELATING TO TAXATION";
- House Bill No. 2175-80 as Act 153, entitled: "RELATING TO NAMES";
- House Bill No. 2185-80 as Act 154, entitled: "RELATING TO RECORDING FEES IN THE OFFICE OF THE ASSISTANT REGISTRAR OF THE LAND COURT OF THE STATE BUREAU OF CONVEYANCES";
- House Bill No. 2195-80 as Act 155, entitled: "RELATING TO AERONAUTICS";
- House Bill No. 2258-80 as Act 156, entitled: "RELATING TO SUSPENSION OF SENTENCE AND PROBATION";
- House Bill No. 2292-80 as Act 157, entitled: "RELATING TO SCHOOL ATTENDANCE";
- House Bill No. 2322-80 as Act 158, entitled: "RELATING TO THE BOARD OF PRIVATE DETECTIVES AND GUARDS";
- House Bill No. 2540-80 as Act 159, entitled: "RELATING TO TAXATION";
- House Bill No. 2733-80 as Act 160, entitled: "RELATING TO COUNTY LICENSES";
- House Bill No. 2853-80 as Act 161, entitled: "RELATING TO HARBORS";
- House Bill No. 3045-80 as Act 162, entitled: "RELATING TO PROCEDURE WHEN TITLE OF VEHICLE TRANSFERRED; DELIVERY OF CERTIFICATE MANDATORY";
- Gov. Msg. No. 137 informing the House that on May 29, 1980, he signed the following bills into law:
- Senate Bill No. 43 as Act 163, entitled: "RELATING TO STATE BOUNDARIES (CONSTITUTIONAL AMENDMENTS OF ARTICLE XV, SECTION 1)";
- Senate Bill No. 1827-80 as Act 164, entitled: "RELATING TO THE HAWAII RULES OF EVIDENCE";
- Senate Bill No. 1831-80 as Act 165, entitled: "RELATING TO CRIMES";
- Senate Bill No. 1832-80 as Act 166, entitled: "RELATING TO CAREER CRIMINALS";
- Senate Bill No. 1944-80 as Act 167, entitled: "RELATING TO THE JUDICIARY";
- Senate Bill No. 1988-80 as Act 168, entitled: "RELATING TO THE USE OF SICK LEAVE CREDITS WITH WORKERS' COMPENSATION BENEFITS";
- Senate Bill No. 2071-80 as Act 169, entitled: "RELATING TO THE SMALL CLAIMS COURT";
- Senate Bill No. 2120-80 as Act 170, entitled: "RELATING TO MINORS";
- Senate Bill No. 2581-80 as Act 171, entitled: "RELATING TO LEASED OR RENTED PERSONAL PROPERTY";
- Senate Bill No. 2784-80 as Act 172, entitled: "RELATING TO MOTOR AND OTHER VEHICLES";
- Senate Bill No. 3145-80 as Act 173, entitled: "RELATING TO TRADE REGULATION";
- House Bill No. 422 as Act 174, entitled: "RELATING TO THE HAWAII PENAL CODE";
- House Bill No. 1762-80 as Act 175, entitled: "RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR";
- House Bill No. 1829-80 as Act 176, entitled: "RELATING TO THE BANK EXAMINER";
- House Bill No. 1945-80 as Act 177, entitled: "RELATING TO SOLAR ENERGY DEVICES";
- House Bill No. 1975-80 as Act 178, entitled: "RELATING TO THE HAWAII MEAT INSPECTION ACT";
- House Bill No. 1977-80 as Act 179, entitled: "RELATING TO ENVIRON-

- MENTAL QUALITY";
- House Bill No. 2183-80 as Act 180, entitled: "RELATING TO FOREST AND WATER RESERVE ZONES";
- House Bill No. 2191-80 as Act 181, entitled: "RELATING TO OWNERSHIP AND POSSESSION OF FIRE-ARMS";
- House Bill No. 2263-80 as Act 182, entitled: "RELATING TO LIMITED PARTNERSHIPS";
- House Bill No. 2795-80 as Act 183, entitled: "RELATING TO NURSING HOME ADMINISTRATORS";
- House Bill No. 2822-80 as Act 184, entitled: "ESTABLISHING A UNIVERSITY OF HAWAII SYSTEM-WIDE STUDENT ACTIVITIES REVOLVING FUND";
- House Bill No. 2892-80 as Act 185, entitled: "RELATING TO THE HAWAII BANK ACT OF 1931".
- Gov. Msg. No. 138 informing the House that on May 30, 1980, he signed the following bills into law:
- Senate Bill No. 1516 as Act 186, entitled: "RELATING TO TIME SHARING";
- Senate Bill No. 2134-80 as Act 187, entitled: "RELATING TO FOOD, DRUGS, AND COSMETICS";
- House Bill No. 1782-80 as Act 188, entitled: "RELATING TO INTEREST AND USURY";
- House Bill No. 1784-80 as Act 189, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";
- House Bill No. 2629-80 as Act 190, entitled: "RELATING TO HOUSING";
- House Bill No. 2889-80 as Act 191, entitled: "RELATING TO AUTHORIZING COMPENSATION OF WITNESSES BY THE DIRECTOR OF THE OFFICE OF CONSUMER PROTECTION".
- Gov. Msg. No. 139 informing the House that on May 31, 1980, he signed the following bills into law:
- House Bill No. 1060 as Act 192, entitled: "RELATING TO TUITION WAIVERS";
- House Bill No. 1801-80 as Act 193, entitled: "RELATING TO POLICE";
- House Bill No. 1806-80 as Act 194, entitled: "RELATING TO THE HAWAII INSURANCE LAW";
- House Bill No. 1821-80 as Act 195, entitled: "RELATING TO BAIL BONDS";
- House Bill No. 1871-80 as Act 196, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";
- House Bill No. 1925-80 as Act 197, entitled: "RELATING TO INDUSTRIAL LOAN COMPANIES";
- House Bill No. 2265-80 as Act 198, entitled: "RELATING TO STRIKING NAMES OF DISQUALIFIED VOTERS FROM THE REGISTER";
- House Bill No. 2367-80 as Act 199, entitled: "RELATING TO THE IMPORTATION, PURCHASE AND SALE OF INTOXICATING LIQUOR".
- Gov. Msg. No. 140 informing the House that on June 5, 1980, he signed the following bills into law:
- House Bill No. 2443-80 as Act 200, entitled: "RELATING TO STATE CHARTERED CREDIT UNIONS";
- House Bill No. 2646-80 as Act 201, entitled: "RELATING TO LAW ENFORCEMENT".
- Gov. Msg. No. 141 informing the House that on June 6, 1980, he signed the following bills into law:
- Senate Bill No. 870 as Act 202, entitled: "RELATING TO INTER-ISLAND TRANSPORTATION SYSTEM";
- Senate Bill No. 1003 as Act 203, entitled: "RELATING TO COUNTY ZONING";
- Senate Bill No. 2155-80 as Act 204, entitled: "RELATING TO INTAKE SERVICE CENTERS";
- House Bill No. 1606 as Act 205, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";
- House Bill No. 1684 as Act 206, entitled: "RELATING TO PUBLIC ASSISTANCE";
- House Bill No. 1873-80 as Act 207, entitled: "RELATING TO JUVENILES";
- House Bill No. 1991-80 as Act 208, entitled: "RELATING TO MASSAGE";
- House Bill No. 2059-80 as Act 209, entitled: "RELATING TO GRAND JURY";

House Bill No. 2064-80 as Act 210,
entitled: "RELATING TO THE
DEPARTMENT OF SOCIAL SERVICES
AND HOUSING";

House Bill No. 2074-80 as Act 211,
entitled: "RELATING TO SIGNING
AND FILING OF RETURNS FOR
TAXATION PURPOSES";

House Bill No. 2135-80 as Act 212,
entitled: "RELATING TO COPIES
OF TAX RETURNS";

House Bill No. 2577-80 as Act 213,
entitled: "RELATING TO TAXATION";

House Bill No. 2669-80 as Act 214,
entitled: "RELATING TO EDUCATION";

House Bill No. 2720-80 as Act 215,
entitled: "MAKING AN APPROPRIA-
TION FOR PAYMENT OF SETTLEMENT
BETWEEN THE STATE OF HAWAII
AND MARK CONSTRUCTION, INC.".

Gov. Msg. No. 142 informing the
House that on June 7, 1980, he
signed the following bills into law:

Senate Bill No. 2156-80 as Act 216,
entitled: "RELATING TO THE
UNIFORM CONTROLLED SUBSTANCES
ACT";

Senate Bill No. 2302-80 as Act 217,
entitled: "RELATING TO WORKERS'
COMPENSATION PROGRAM
COMMISSION";

Senate Bill No. 2501-80 as Act 218,
entitled: "RELATING TO ABSOLUTE
LIABILITY OF ANIMAL OWNERS:
PENALTIES FOR VIOLATIONS";

Senate Bill No. 2520-80 as Act 219,
entitled: "RELATING TO INDUS-
TRIAL LOAN COMPANIES";

Senate Bill No. 2634-80 as Act 220,
entitled: "RELATING TO ENERGY
SAVING TRANSPORTATION MODES";

Senate Bill No. 2665-80 as Act 221,
entitled: "RELATING TO MENTAL
HEALTH";

Senate Bill No. 2744-80 as Act 222,
entitled: "RELATING TO THE
INSANITY DEFENSE";

Senate Bill No. 2877-80 as Act 223,
entitled: "RELATING TO SEXUAL
OFFENSES";

Senate Bill No. 2914-80 as Act 224,
entitled: "RELATING TO WORKERS'
COMPENSATION";

House Bill No. 55 as Act 225,

entitled: "RELATING TO THE HAWAII
STATE PLANNING ACT";

House Bill No. 501 as Act 226,
entitled: "RELATING TO PERSONAL
RECORDS";

House Bill No. 1313 as Act 227,
entitled: "RELATING TO ADULT
FAMILY BOARDING HOMES";

House Bill No. 1361 as Act 228,
entitled: "RELATING TO EXCISE
TAX CREDITS";

House Bill No. 1429 as Act 229,
entitled: "RELATING TO DEPOSITS
OF PUBLIC FUNDS";

House Bill No. 1772-80 as Act 230,
entitled: "RELATING TO THE STATE
PROGRAM FOR THE UNEMPLOYED";

House Bill No. 1864-80 as Act 231,
entitled: "RELATING TO THE RELIEF
OF CERTAIN PERSONS' CLAIMS
AGAINST THE STATE AND PROVIDING
APPROPRIATIONS THEREFOR";

House Bill No. 1911-80 as Act 232,
entitled: "RELATING TO STATUTORY
REVISION; AMENDING VARIOUS
PROVISIONS OF THE HAWAII REVISED
STATUTES FOR THE PURPOSE OF
CORRECTING ERRORS, CLARIFYING
LANGUAGE, AND CORRECTING
REFERENCES";

House Bill No. 1915-80 as Act 233,
entitled: "RELATING TO FIREARMS
AND AMMUNITION";

House Bill No. 1986-80 as Act 234,
entitled: "RELATING TO THE HAWAII
MOTOR VEHICLE ACCIDENT REPARA-
TIONS ACT";

House Bill No. 2131-80 as Act 235,
entitled: "RELATING TO TAXATION";

House Bill No. 2133-80 as Act 236,
entitled: "RELATING TO TAXATION";

House Bill No. 2134-80 as Act 237,
entitled: "RELATING TO TAXATION";

House Bill No. 2219-80 as Act 238,
entitled: "RELATING TO TAXATION";

House Bill No. 2286-80 as Act 239,
entitled: "RELATING TO DEVELOP-
MENTAL DISABILITIES";

House Bill No. 2532-80 as Act 240,
entitled: "AUTHORIZING THE
PLACEMENT OF THE SCULPTURE
"THE SPIRIT OF LILIUOKALANI"
AT THE STATE CAPITOL COMPLEX";

House Bill No. 2552-80 as Act 241,

entitled: "RELATING TO EXEMPTIONS";

House Bill No. 2558-80 as Act 242, entitled: "RELATING TO BAIL";

House Bill No. 2660-80 as Act 243, entitled: "RELATING TO HOUSING";

House Bill No. 2752-80 as Act 244, entitled: "RELATING TO THE INITIAL APPOINTMENT OF CIVIL SERVICE EMPLOYEES";

House Bill No. 2773-80 as Act 245, entitled: "RELATING TO BONDS".

Gov. Msg. No. 143 informing the House that on June 10, 1980, he signed the following bills into law:

Senate Bill No. 3146-80 as Act 246, entitled: "RELATING TO CAMPAIGN SPENDING";

House Bill No. 2161-80 as Act 247, entitled: "RELATING TO ELECTIONS";

House Bill No. 2162-80 as Act 248, entitled: "RELATING TO ABSENTEE VOTING".

Gov. Msg. No. 144 informing the House that on June 13, 1980, he signed the following bills into law:

House Bill No. 159 as Act 249, entitled: "RELATING TO DENTISTRY";

House Bill No. 1494 as Act 250, entitled: "RELATING TO PUBLIC EMPLOYMENT";

House Bill No. 1655 as Act 251, entitled: "RELATING TO DENTISTRY";

House Bill No. 2168-80 as Act 252, entitled: "RELATING TO COLLECTIVE BARGAINING";

House Bill No. 2634-80 as Act 253, entitled: "RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES";

Senate Bill No. 2977-80 as Act 254, entitled: "RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES COVERED BY CHAPTER 77, HAWAII REVISED STATUTES";

House Bill No. 25 as Act 255, entitled: "RELATING TO HEALTH CARE";

House Bill No. 687 as Act 256, entitled: "RELATING TO INTOXICATING LIQUOR";

House Bill No. 1610 as Act 257, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

House Bill No. 1964-80 as Act 258, entitled: "RELATING TO THE PUBLIC EMPLOYEE COMPENSATION LAW";

House Bill No. 1985-80 as Act 259, entitled: "RELATING TO CORPORATIONS";

House Bill No. 2058-80 as Act 260, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2071-80 as Act 261, entitled: "RELATING TO LICENSURE OF INDEPENDENT GROUP RESIDENCES FOR ELDERLY, HANDICAPPED OR DISABLED PERSONS";

House Bill No. 2091-80 as Act 262, entitled: "RELATING TO FAMILY COURT PROCEEDINGS";

House Bill No. 2166-80 as Act 263, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2167-80 as Act 264, entitled: "RELATING TO ELECTIONS";

House Bill No. 2172-80 as Act 265, entitled: "RELATING TO PLANT AND NONDOMESTIC ANIMAL QUARANTINE";

House Bill No. 2241-80 as Act 266, entitled: "RELATING TO SPOUSE ABUSE";

House Bill No. 2259-80 as Act 267, entitled: "RELATING TO CRIMES";

House Bill No. 2324-80 as Act 268, entitled: "RELATING TO RESTRAINING ORDERS";

House Bill No. 2357-80 as Act 269, entitled: "RELATING TO CRIMINAL HISTORY RECORD INFORMATION";

House Bill No. 2359-80 as Act 270, entitled: "RELATING TO PARTNERSHIPS".

Gov. Msg. No. 145 informing the House that on June 16, 1980, he signed the following bills into law:

Senate Bill No. 1960-80 as Act 271, entitled: "RELATING TO NO-FAULT INSURANCE";

Senate Bill No. 2927-80 as Act 272, entitled: "RELATING TO MENTAL HEALTH";

House Bill No. 1853-80 as Act 273, entitled: "RELATING TO THE OFFICE

- OF HAWAIIAN AFFAIRS";
- Senate Bill No. 1906-80 as Act 274, entitled: "RELATING TO GASOHOL";
- Senate Bill No. 2531-80 as Act 275, entitled: "RELATING TO THE STATE BUDGET";
- Senate Bill No. 2536-80 as Act 276, entitled: "RELATING TO SOCIAL SERVICES";
- Senate Bill No. 2795-80 as Act 277, entitled: "RELATING TO THE BUDGETARY PROCESS";
- House Bill No. 18 as Act 278, entitled: "RELATING TO A COUNCIL ON REVENUES";
- House Bill No. 2193-80 as Act 279, entitled: "RELATING TO THE TRANSFER OF ALL FUNCTIONS, POWERS AND DUTIES INVOLVING THE TAXATION OF REAL PROPERTY TO THE COUNTIES";
- House Bill No. 2368-80 as Act 280, entitled: "RELATING TO DISCRIMINATORY PRICING IN SUPPLYING LIQUOR";
- House Bill No. 2647-80 as Act 281, entitled: "RELATING TO MOTOR VEHICLES";
- House Bill No. 2729-80 as Act 282, entitled: "RELATING TO THE ESTABLISHMENT OF THE HAWAII FISHERIES COORDINATING COUNCIL";
- House Bill No. 2826-80 as Act 283, entitled: "RELATING TO LIABILITY OF DOG OWNERS";
- House Bill No. 2929-80 as Act 284, entitled: "RELATING TO DISPOSITION OF DEFENDANTS";
- House Bill No. 2944-80 as Act 285, entitled: "RELATING TO EMERGENCY MEDICAL SERVICES".
- Gov. Msg. No. 146 informing the House that on June 17, 1980, he signed the following bills into law:
- Senate Bill No. 1161 as Act 286, entitled: "RELATING TO ATTORNEYS' FEES AND COSTS EXPENSES OF LITIGATION";
- House Bill No. 2026-80 as Act 287, entitled: "RELATING TO EMPLOYMENT AGENCIES FEES";
- House Bill No. 2029-80 as Act 288, entitled: "RELATING TO THE HAWAII HOUSING AUTHORITY";
- House Bill No. 2151-80 as Act 289, entitled: "RELATING TO CONTRACTORS";
- House Bill No. 2321-80 as Act 290, entitled: "RELATING TO TRAVEL AGENCIES";
- House Bill No. 2723-80 as Act 291, entitled: "RELATING TO THE HAWAII HOUSING AUTHORITY";
- Senate Bill No. 2329-80 as Act 292, entitled: "RELATING TO DEFERRED ACCEPTANCE OF GUILTY PLEA";
- Senate Bill No. 2693-80 as Act 293, entitled: "RELATING TO HISTORICAL OBJECTS AND SITES; CULTURE AND ARTS; AND HISTORY AND THE HUMANITIES";
- House Bill No. 1918-80 as Act 294, entitled: "RELATING TO THE PENAL CODE";
- House Bill No. 1919-80 as Act 295, entitled: "RELATING TO YOUNG ADULT DEFENDANTS";
- House Bill No. 2815-80 as Act 296, entitled: "RELATING TO ENVIRONMENTAL QUALITY";
- House Bill No. 3006-80 as Act 297, entitled: "RELATING TO THE OFFICE OF CHILDREN AND YOUTH".
- Gov. Msg. No. 147 returning House Bill No. 2496-80 without his approval, together with his statement of objections relating to the measure which reads as follows:
- "STATE OF HAWAII
EXECUTIVE CHAMBERS

June 17, 1980

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2496-80

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith House Bill No. 2496-80, entitled, 'A Bill for an Act Relating to Agricultural Parks.'
- This bill requires the Board of Land and Natural Resources to secure the approval of the legislature before any designation of agricultural parks may become final and before any development

in these parks may become final and before any development in these parks can commence. It also requires the board to submit to the legislature for review information regarding all proposed designations and development of agricultural parks. Initial designations or proposals for development made after June 30, 1980 are affected by this bill.

It appears that the underlying purpose for this bill is to provide the legislature with a means to review and approve all proposed agricultural park projects at certain points in the preliminary planning stage, as well as before the development stage begins. Unfortunately, the phrases 'proposed designation and development of agricultural parks' and 'first designated or proposed for development' as used in the bill are vague and do not define what specific stages and types of activities constitute such designations or proposed development. Thus, it is unclear when the board is required to present its plans to the legislature for its review and approval.

This administration is in accord with the legislature's goals to establish a good diversified agriculture program and to preserve agriculturally suitable lands in this state. Furthermore, this administration concurs in the belief that the development of agricultural parks is an important step in the pursuit of these goals. However, the procedures required by this bill are a duplication of presently available appropriations procedures and the enactment of this bill would be counterproductive to the agricultural park goals.

At present, the appropriations procedure provides the legislature with the opportunity to receive information on all agricultural park projects and to evidence its approval or disapproval of the projects by granting, denying, or reducing the funding request. Inasmuch as the legislative review function can be accomplished through the appropriations procedure, this bill becomes a duplication and is therefore unnecessary.

Moreover, as costs are escalating at a very great rate, time is of the essence and this administration is of the opinion that to require the board to resubmit each project for legislative approval at various stages, in addition to the appropriations procedures, would

be detrimental to our mutual agricultural park goals.

Hence, I am returning House Bill No. 2496-80 without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2496-80, entitled: 'A Bill for an Act Relating to Agricultural Parks' passed by the Legislature was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2496-80 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2496-80 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at State Capitol,
Honolulu, State of Hawaii,
this 17th day of June, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii".

Gov. Msg. No. 148 transmitting his statement of objections to Senate Bill No. 2861-80 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 17, 1980

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2861-80

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 2861-80, entitled, 'A Bill for an Act Relating to Special License Plates for Representatives of Foreign Governments or Territories.'

The purpose of this bill is to authorize the issuance of special license plates to an official representative of a United States affiliated territory based on a letter, evidencing such representation, signed by the chief executive thereof, as an alternative to the issuance of an exequator by the United States Department of State.

However, there is an ambiguity regarding the term 'United States affiliated territory.' Neither the bill nor the committee reports contain any information explaining the term. Further, other research has failed to disclose any definition of a 'United States affiliated territory.' Accordingly, there is concern as to the applicability of that provision in the issuance of special license plates.

Moreover, the issuance of special license plates to representatives of foreign governments and territories of the United States is a courtesy extended at no cost to such representatives. The only requirement is that such representatives be 'duly licensed and holding an exequator issued by the Department of State of the United States of America.' It would appear that this present procedure for the issuance of special license plates to representatives of foreign governments and territories of the United States is fully adequate and no change in such procedure is necessary.

Accordingly, I am returning Senate Bill No. 2861-80 without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2861-80, entitled, 'A Bill for an Act Relating to Special License Plates for Representatives of Foreign Governments or Territories' passed by the Legislature was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2861-80 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2861-80 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at State Capitol,
Honolulu, State of Hawaii,
this 17th day of June, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 149 informing the House that on June 18, 1980, he signed the following bills into law:

House Bill No. 850 as Act 298,
entitled: "RELATING TO WORKERS'
COMPENSATION";

House Bill No. 2035-80 as Act 299,
entitled: "RELATING TO PENSIONERS
BONUS";

House Bill No. 1912-80 as Act 300,
entitled: "MAKING APPROPRIATIONS
FOR THE FISCAL BIENNIIUM JULY 1,
1979 TO JUNE 30, 1981";

House Bill No. 1865-80 as Act 301,
entitled: "RELATING TO THE
JUDICIARY BUDGET";

House Bill No. 1758 as Act 302,
entitled: "RELATING TO THE TRANSFER
OF PROGRAMS AND ORGANIZATIONAL
SEGMENTS IN THE STATE GOVERN-

MENT";

Senate Bill No. 1851-80 as Act 303,
entitled: "RELATING TO THE
JUVENILE JUSTICE SYSTEM";

House Bill No. 2589-80 as Act 304,
entitled: "RELATING TO INTOXI-
CATING LIQUOR";

House Bill No. 2093-80 as Act 305,
entitled: "RELATING TO WITNESS
FEES";

Senate Bill No. 2869-80 as Act 306,
entitled: "RELATING TO COURT
EXPENSES";

Senate Bill No. 2883-80 as Act 307,
entitled: "RELATING TO WITNESSES".

Gov. Msg. No. 150 returning House
Bill No. 2680-80 without his approval,
together with his statement of objec-
tions relating to the measure which
reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 18, 1980

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2680-80

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16, Article III
of the Constitution of the State of
Hawaii, I am returning herewith,
without my approval, House Bill
No. 2680-80, entitled, 'A Bill for
an Act Relating to Public Records.'

The purpose of this bill is to permit
reasonable access to motor vehicle
registration records contained in the
statewide traffic records system while
establishing safeguards to ensure that
any information obtained will not be
used to invade the privacy of
individuals.

Under present law, access to
information in the statewide traffic
records system is afforded to
governmental agencies and a limited
number of private individuals. This
bill attempts to increase the access to
private individuals but restricts
such access to only motor vehicle
registration information. This
restriction, however, will equally
apply to governmental agencies and
preclude the release of other informa-
tion contained in the statewide traffic
records system. Such restriction

will seriously hamper the operation
of various governmental agencies
that depend upon information from
the statewide traffic records system
in executing their duties and
functions.

For the foregoing reasons, I am
returning House Bill No. 2680-80
without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article
III of the Constitution of the State of
Hawaii, the Governor is required to
give notice, by a proclamation, of his
plan to return with his objections any
bill presented to him less than ten
days before adjournment sine die or
presented to him after adjournment sine
die of the Legislature; and

WHEREAS, House Bill No. 2680-80,
entitled, 'A Bill for an Act Relating to
Public Records' passed by the Legislature
was presented to the Governor within the
aforementioned period; and

WHEREAS, House Bill No. 2680-80 is
unacceptable to the Governor of the
State of Hawaii;

NOW, THEREFORE, I, GEORGE R.
ARIYOSHI, Governor of the State of
Hawaii, hereby issue this proclamation
pursuant to the provisions of Section
16 of Article III of the Constitution of the
State of Hawaii, giving notice of my
plan to return House Bill No. 2680-80
with my objections thereon to the
Legislature as provided by said
Section 16 of Article III of the
Constitution.

DONE at State Capitol,
Honolulu, State of Hawaii,
this 18th day of June, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 151 returning House
Bill No. 2745-80 without his approval,
together with his statement of objections
relating to the measure which reads as
follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 18, 1980

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2745-80

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2745-80, entitled, 'A Bill for an Act Relating to Milk Control.'

The purpose of this bill is to amend Chapter 157, Hawaii Revised Statutes, to authorize the Board of Agriculture to adopt an economic formula as an alternate method to determine changes in the minimum prices for milk to be paid to producers and producer-distributors. Presently, a public hearing held pursuant to Chapter 91, Hawaii Revised Statutes, is required before the minimum prices for milk are changed. If the alternate method is used, however, the bill requires only a public hearing for the adoption of the economic formula and does not require a public hearing for the subsequent application of the economic formula to determine changes in the minimum prices for milk. Although the adopted economic formula impliedly will be applied to the Board of Agriculture in an open meeting, such a meeting will require only a seventy-two-hour-notice pursuant to Section 92-7, Hawaii Revised Statutes, rather than the twenty days' notice required for public hearings by Section 91-3, Hawaii Revised Statutes.

As a matter of policy, I believe that the minimum prices for milk should be changed only after a public hearing is held to determine the costs of the milk producers and producer-distributors and to determine the concerns of the consumers in accordance with the standards specified in Section 157-32, Hawaii Revised Statutes. The longer notice period required for public hearings will allow increased participation by members of the consuming public and will enable a more thorough review of the particular circumstances. I believe that the public interest will best be served by a thorough 'case-by-case' review of the particular circumstances rather than by seemingly 'automatic' price changes made in accordance with a fixed economic formula and at previously

specified intervals.

Furthermore, although this bill has been characterized as 'desirable' because it will allow the Board of Agriculture to adjust prices at more frequent intervals during these times of inflation and 'production cost volatility,' it is my understanding that Chapter 157, Hawaii Revised Statutes, does not now specify any minimum interval between price changes. I, therefore, believe that enactment of the bill is not required to allow the Board of Agriculture to adjust prices at more frequent intervals.

For the foregoing reasons, I find House Bill No. 2745-80 to be objectionable and I am herewith returning the bill without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, Section 16 of Article III of the Constitution of the State of Hawaii requires the Governor to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature;

WHEREAS, House Bill No. 2745-80, entitled, 'A Bill for an Act Relating to Milk Control,' considered by the Legislature during the 1980 Regular Session, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2745-80 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2745-80 with my objections.

DONE at State Capitol,
Honolulu, State of Hawaii,
this 18th day of June, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 152 returning

House Bill No. 2930-80 without his approval, together with his statement of objections relating to the measure which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 18, 1980

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2930-80

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith House Bill No. 2930-80, entitled, 'A Bill for an Act Relating to Family Courts.'

The purpose of this bill is to provide for automatic waiver of family court jurisdiction over a juvenile sixteen years of age and older in three situations: the juvenile (1) has had a Class A felony adjudication involving force or violence; (2) has had two or more felony adjudications within the last five years; or (3) has had one or more felony and two or more misdemeanor (theft II or place to keep firearms) adjudications within the last three years.

This Administration is in accord with the Legislature's goals to treat juveniles who are serious repeat offenders as adults and to eliminate undue delays which result from the waiver process. However, the mandatory waiver of family court jurisdiction required by this bill in specific circumstances eliminates the juvenile's due process right to a waiver hearing, a proceeding which has been called 'critically important' by our Supreme Court, and his concomitant rights to effective assistance of counsel and a statement of the court's reasons supporting the waiver decision; it eliminates as well the due process requirement of presentation of substantial evidence to overcome the presumption that the juvenile is entitled to treatment as a juvenile rather than as an adult.

Moreover, the language of the bill, which mandates automatic waiver if the juvenile has had previous 'adjudications' of various kinds, is ambiguous, since the term 'adjudication' means 'the judicial

determination of an issue' and does not connote a finding of guilt. This bill would thus subject to automatic waiver those juveniles who have been adjudicated even though their petitions were not sustained -- that is, they were 'acquitted.'

Because of the constitutional objections, I am returning House Bill No. 2930-80 without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully submitted,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2930-80, entitled, 'A Bill for an Act Relating to Family Courts' passed by the Legislature was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2930-80 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2930-80 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 18th day of June, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 153 transmitting his statement of objections to Senate Bill No. 2741-80 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 18, 1980

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2741-80

Honorable Members
Tenth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith Senate Bill No. 2741-80, entitled, 'A Bill for an Act Relating to Fitness to Proceed.'

The purpose of this bill is to provide for detention of a defendant found unfit to proceed to trial due to physical or mental disease, disorder or defect for a period up to the maximum possible sentence for the most serious offense with which the defendant is charged.

The Administration is in accord with the Legislature's goal to provide maximum protection for the public and insure the safety of our populace. However, the procedures required by this bill violate standards set by the United States Supreme Court to safeguard the equal protection and due process rights of a defendant charged with a crime who is found unfit to proceed to trial.

According to these standards, the filing of criminal charges against a defendant does not justify less procedural and substantive protection against indefinite commitment than that available to all others under customary civil commitment standards. Under the provisions of this bill, a defendant unfit to proceed shall be detained in the custody of the director of health for a minimum of six months, with recommitments of six months. In contrast, a person committed civilly may be held not more than ninety days, with a recommitment period of ninety days. In addition, the standards for commitment under this bill differ substantially from those set forth in our involuntary civil commitment statute (H.R.S. Section 334-60). This bill requires only that the defendant whose commitment is sought be 'unfit to proceed' to trial, whereas our civil commitment statute requires among other things that a person be 'dangerous to himself or others or to property.'

The standards set by the United States Supreme Court also require that a defendant found unfit to proceed be accorded due process, because of the injustice that arises when an unconvicted person is kept in custody to await trial, although it is evident that his physical or mental condition will not permit trial within a reasonable period of time. Thus, it is required that a defendant be held only a reasonable period of time necessary to determine whether or not he will attain the capacity to proceed to trial in the foreseeable future, and then be either civilly committed or released. In contrast, this bill would allow the defendant to be committed for a period potentially equivalent to that he would serve in trial, without his having been either found guilty by a jury or committed pursuant to an involuntary civil commitment hearing after a finding of dangerousness.

We would suggest that the Legislature consider setting standards for commitment of criminal defendants found unfit to proceed which are substantially similar to those set by our involuntary civil commitment statute, H.R.S., Section 334-6.

Because of the constitutional objections, I am returning Senate Bill No. 2741-80 without my approval as provided by Section 16 of Article III of the State Constitution.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2741-80, entitled, "A Bill for an Act Relating to Fitness to Proceed" passed by the Legislature was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2741-80 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R.

ARIYOSHI, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2741-80 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,
Honolulu, State of Hawaii,
this 18th day of June, 1980.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 154 informing the House that pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, and after due consideration and review of the arguments, pro and con, the following bills became law without his signature on July 2, 1980:

Senate Bill No. 866 as Act 308,
entitled: "RELATING TO AIR
TRANSPORTATION";

House Bill No. 2672-80 as Act 309,
entitled: "RELATING TO THE
STUDENT TRANSPORTATION
PROGRAM".

DEPARTMENTAL COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Dept. Com. No. 20 from Wayne Minami, Attorney General, acknowledging receipt of a copy of House Resolution No. 22.

Dept. Com. No. 21 from Wayne Minami, Attorney General, acknowledging receipt of a copy of House Resolution No. 98.

Dept. Com. No. 22 from Wayne Minami, Attorney General, acknowledging receipt of a copy of House Resolution No. 607.

Dept. Com. No. 23 from Wayne Minami, Attorney General, acknowledging receipt of a copy of House Resolution No. 39.

Dept. Com. No. 24 from Durward Long, Chancellor, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 385, requesting a status report and study of alumni affairs at the University of Hawaii.

Dept. Com. No. 25 from Larry L. Zenker, Acting Attorney General, acknowledging

receipt of a copy of House Resolution No. 221.

Dept. Com. No. 26 from the Honorable Jean King, Lieutenant Governor, transmitting a letter she received from George Strake, Secretary of the State of Texas, regarding the House Concurrent Resolution honoring the late General Douglas MacArthur.

Dept. Com. No. 27 from Durward Long, Chancellor, University of Hawaii at Manoa, acknowledging receipt of House Resolution No. 53, requesting the University of Hawaii to submit a description of the duties and responsibilities of the Director of Athletics and the Director of Women's Athletics.

Dept. Com. No. 28 from the Honorable Jean King, Lieutenant Governor, acknowledging receipt of a copy of House Resolution No. 221.

Dept. Com. No. 29 from Larry L. Zenker, Acting Attorney General, acknowledging receipt of a copy of House Resolution No. 627.

MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Misc. Com. No. 37 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 250.

Misc. Com. No. 38 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 216, urging Hawaii's delegation to the U.S. Congress to sponsor and actively support legislation relating to edible fresh ginger-spice roots.

Misc. Com. No. 39 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 216, urging the Secretary of Agriculture and the Soil Conservation Service Administrator to permit the continuance of the Plant Materials Program in Hawaii.

Misc. Com. No. 40 from M.C. Beard, Director of Airworthiness, Department of Transportation, Federal Aviation Administration, responding to House Resolution No. 271, relating to aircraft identification marks and provisions for the public to report aircraft flight violations.

Misc. Com. No. 41 from Philip B. Heymann, Assistant Attorney General, Criminal Division, U.S. Department of Justice, acknowledging receipt of House Resolution No. 429, concerning the need to bring Nazi war criminals in the United States to justice.

Misc. Com. No. 42 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 278, concerning a request that the Federal Aviation Administration require a conspicuous marking on the underside of aircraft so that they may be identified by residents on the ground if they fly too low.

Misc. Com. No. 43 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Concurrent Resolution No. 134.

Misc. Com. No. 44 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Concurrent Resolution No. 42, urging support for Molokai Electric Company's application for

a small community solar thermal power experiment.

Misc. Com. No. 45 from C.J. Perez, Official Secretary, Office for Tokelau Affairs, acknowledging receipt of House Resolution No. 40.

Misc. Com. No. 46 from Livingston L. Biddle, Jr., Chairman, National Endowment for the Arts, acknowledging receipt of a copy of House Resolution No. 120, honoring Toshiko Takaezu, an artist and craftswoman of great distinction.

Misc. Com. No. 47 from the Honorable Daniel K. Inouye, United States Senator, transmitting a response to House Resolution No. 250 from the Corps of Engineers.

Misc. Com. No. 48 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Concurrent Resolution No. 69 and House Resolutions Nos. 523 and 284.

Misc. Com. No. 49 from Daniel M. Chew, Director of Presidential Correspondence, The White House, acknowledging receipt of House Concurrent Resolution No. 134.

Misc. Com. No. 50 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 284.

Misc. Com. No. 51 from Jessica K. Kirk, President, Hawaii Federation of Teachers, acknowledging receipt of a copy of House Resolution No. 437.

Misc. Com. No. 52 from Carl D. Perkins, Member of Congress, acknowledging receipt of a copy of House Resolution No. 284 dealing with the Native Hawaiian Education Act.

Misc. Com. No. 53 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution No. 523, extending aloha in welcoming Livingston Biddle, Jr., to Hawaii.

Misc. Com. No. 54 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Concurrent Resolutions Nos. 408 and 116.

Misc. Com. No. 55 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging

receipt of House Concurrent Resolutions Nos. 147 and 529.

Misc. Com. No. 56 from the Honorable Daniel K. Inouye, United States Senator, responding to his support for H.R. 5741, the Mortgage Subsidy Bond Tax Act, and his opposition to S.Res. 435, a resolution introduced by Senator Long to change the transitional rules governing the use of tax-exempt state and municipal bonds, i.e. mortgage bonds.

Misc. Com. No. 57 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of copies of House Resolution No. 529 and House Concurrent Resolution No. 147, commending Mr. Jerome Waldie, Mr. Donald Botelho and Mr. Edward Nakano for their recent actions on behalf of the State of Hawaii.

Misc. Com. No. 58 from Yehuda Avner, Adviser to Prime Minister Begin, acknowledging receipt of a copy of House Resolution No. 429.

Misc. Com. No. 59 from W. Beverly Carter, Department of State, responding to House Resolution No. 40 relating to the possibility of temporary spent fuel storage in the Pacific area.

Misc. Com. No. 60 from Leslie S. Levine, Acting Director, Office of Solar Applications for Industry Conservation and Solar Energy, responding to a resolution concerning the Program Research and Development Announcement (PRDA) No. DE-RA04-80ET21063, entitled "Small Communities Solar Thermal Power Experiments - Site Participation."

Misc. Com. No. 61 from Patrick H. De Leon, Executive Assistant to Senator Daniel Inouye, acknowledging receipt of a copy of House Resolution No. 148.

Misc. Com. No. 62 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of copies of House Resolution No. 408 and House Concurrent Resolution No. 116, requesting the U.S. Senate to defeat H.R. 5741, the Mortgage Subsidy Bond Tax Act of 1979.

Misc. Com. No. 63 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution Nos. 148, 481, 117 and 422.

Misc. Com. No. 64 from the Honorable

Daniel Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 481, recognizing the week of May 7 through May 14 as Asian Pacific American Heritage Week.

Misc. Com. No. 65 from Orlando Garcia Valverde, Republica De Costa Rica, acknowledging receipt of a copy of House Resolution No. 40.

Misc. Com. No. 66 from the Honorable Daniel Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 422, endorsing the State Administration's application for federal funds for the Waimea-Kekaha Bikeway project.

Misc. Com. No. 67 from Toshio Ishikawa, Planning Director, County of Maui, acknowledging receipt of House Resolution No. 495 relating to State Functional Plans.

Misc. Com. No. 68 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 69, urging continuance of the Plant Materials Program in Hawaii.

Misc. Com. No. 69 from Joseph Martorana, Deputy Clerk of the Assembly, State of New York, requesting a copy of Hawaii's Freedom of Information Law or regulation governing records to be made available to the public.

Misc. Com. No. 70 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 368 commending Project Ho'ona'auao.

Misc. Com. No. 71 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution No. 260.

Misc. Com. No. 72 from the Honorable Daniel Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 596, honoring the memory of the late Jack Teehan.

Misc. Com. No. 73 from John J. Scanlan, Bishop of Honolulu, Roman Catholic Diocese of Honolulu, acknowledging receipt of a copy of House Resolution No. 630.

Misc. Com. No. 74 from Norman J. Anderson, Major General, USMC (Ret.), Executive Director/Secretary, MacArthur Memorial Foundation, acknowledging receipt of and expressing appreciation for the resolution commemorating the 100th anniversary of the birth of her late husband, General of the Army

Douglas MacArthur.

Misc. Com. No. 75 from the Honorable Daniel Inouye, United States Senator, acknowledging receipt of a resolution in support of establishing duty-free money center cities in the United States.

Misc. Com. No. 76 from Ian McCay, Principal Private Secretary, Office of the Prime Minister, Canberra, acknowledging receipt of a resolution regarding the storage and disposal of nuclear materials in the Pacific basin.

Misc. Com. No. 77 from Robert D. O'Connor, Acting Director, Bureau of Program Policy, acknowledging receipt of a copy of House Resolution No. 148.

Misc. Com. No. 78 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 529, honoring the visit of Mr. Jerome Waldie, Executive Director of the 1981 White House Conference on Aging.

Misc. Com. No. 79 from Trinidad Q. Alconcel, Philippine Consulate General, acknowledging receipt of a copy of House Resolution No. 585 extending recognition for the accomplishments of Mr. and Mrs. Orlando and Pat Valentin of the Pearl of the Orient Dance Company.

Misc. Com. No. 80 from Trinidad Q. Alconcel, Philippine Consulate General, acknowledging receipt of House Resolution No. 554 recognizing and commending Mr. Floro Villabrille for his outstanding accomplishments in the art of Eskrima.

Misc. Com. No. 81 from the Honorable Cec Heftel, Member of Congress, transmitting a review of the Synthetic Fuels Bill which is scheduled for final House passage. Most of the

provisions of this legislation have a direct bearing on the energy future of Hawaii, particularly the provisions dealing with solar, geothermal, biomass and alcohol fuels.

Misc. Com. No. 82 from the Honorable Daniel Inouye, United States Senator, transmitting a response from Mr. Morris C. Reinhardt, Director of the Office of Engineering, Federal Highway Administration, U.S. Department of Transportation, concerning the State's request for assistance in obtaining funding for the Waimea-Kekaha Bikeway project.

Misc. Com. No. 83 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 148, requesting the United States government to assume a greater share of the cost of long-term care provided in skilled nursing care facilities and intermediate care facilities.

Misc. Com. No. 84 from Channing E. Phillips, Congressional Liaison Officer, National Endowment for the Humanities, acknowledging receipt of House Resolution Nos. 520 and 521.

Misc. Com. No. 85 from the Honorable Spark Matsunaga, United States Senator, acknowledging receipt of a copy of House Resolution No. 260, resolving that Congress should consider amending federal banking laws to allow certain cities to be designated as duty-free money center cities.

Misc. Com. No. 86 from Grace Guslander, Vice President and General Manager, Coco Palms Hotel, acknowledging receipt of and expressing appreciation for House Resolution No. 458.

Misc. Com. No. 87 from the Honorable James H. Wakatsuki, Speaker, House of Representatives, submitting his resignation from the office of House of Representatives, State of Hawaii, to become effective at midnight, September 1, 1980.