

SIXTIETH DAY

Friday, April 23, 1982

The House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Father Edward McMonagle representing Star of the Sea Church, after which the Roll was called showing all members present.

By unanimous consent, reading of the Journal was deferred.

At 11:45 o'clock a.m., at the request of Representative Stanley, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:46 o'clock a.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 660 to 668) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 660) returning House Concurrent Resolution No. 173, which was adopted by the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 661) returning House Concurrent Resolution No. 177, which was adopted by the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 662) returning House Bill No. 1558, HD 2, which was adopted by the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 663) transmitting Senate Concurrent Resolution No. 16, SD 1, requesting financial and management audits of the Oahu Community Correctional Center, which was adopted by the Senate on April 23, 1982, was placed on file.

By unanimous consent, action

on S.C.R. No. 16, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 664) transmitting Senate Concurrent Resolution No. 17, SD 1, requesting the establishment of an orthopedic unit to serve orthopedically handicapped and other health-impaired children in the Central Oahu area, which was adopted by the Senate on April 23, 1982, was placed on file.

By unanimous consent, action on S.C.R. No. 17, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 665) transmitting Senate Concurrent Resolution No. 30, SD 1, urging the Hawaii Supreme Court to allow the broadcasting of court proceedings for criminal cases, which was adopted by the Senate on April 23, 1982, was placed on file.

By unanimous consent, action on S.C.R. No. 30, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 666) transmitting Senate Concurrent Resolution No. 48, urging the United States Congress to grant restitution for Americans of Japanese ancestry, which was adopted by the Senate on April 23, 1982, was placed on file.

By unanimous consent, action on S.C.R. No. 48 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 667) transmitting Senate Concurrent Resolution No. 54, SD 1, requesting the Senate and House to consider the televising of important committee public hearings on cable television statewide, which was adopted by the Senate on April 23, 1982, was placed on file.

By unanimous consent, action on S.C.R. No. 54, SD 1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 668) transmitting Senate Concurrent Resolution No. 86, SD 1, requesting the Judicial Selection Commission to encourage

public input to the selection of judges, which was adopted by the Senate on April 23, 1982, was placed on file.

By unanimous consent, action of S.C.R. No. 86, SD1, was deferred until later in the calendar.

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

Representative Toguchi introduced 5 students from the Centers of Learning School, who were accompanied by their teacher, Rachel Peterson.

Representative Takitani introduced two good friends from Breckinridge, Texas: Mr. and Mrs. Ed Garbin.

Representative Chun introduced the following members of the United Group of Home Operators who were here to watch the progress of H.B. No. 3119-82: Eleanor Florendo, Mila Medallon, Ruferia B. Palibu, Leticia Fernando, Trina Pascua, Susie Gilacio, Encarnacion Carlos, Rosario Pedro, Gloria Rapec, Bonnie Salis, Martina Padron, Mr. and Mrs. Leon Valbuena, Lolita Broseros, Johnny Atmospera, Mrs. Gaudincia Ganigan, Erlinda Gonzales, Gloria Abad, Acela Garcia, Corazon Cabacugan, Caridad Butsc, Hipolita Catbugan, Nicolara Atmospera and Juliana Hermando.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions were deferred as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
16	Committee on Corrections and Rehabilitation, then to the Committee on Finance
17	Committee on Health, then to the Committee on Finance
30	Committee on Judiciary
41	Jointly to the Committees on Health and Education
43	Committee on Agriculture, then to the Committee on Finance
45	Committee on Water, Land Use, Development and Hawaiian Affairs

48	Committee on Judiciary
53	Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
54	Committee on Judiciary, then to the Committee on Finance
62	Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
63	Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
66	Committee on Water, Land Use, Development and Hawaiian Affairs
69	Committee on Ocean and Marine Resources
71	Committee on Consumer Protection and Commerce, then to the Committee on Finance
72	Committee on Consumer Protection and Commerce
74	Committee on Consumer Protection and Commerce, then to the Committee on Finance
77	Committee on Water, Land Use, Development and Hawaiian Affairs
80	Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Public Employment and Government Operations, then to the Committee on Finance
82	Committee on Water, Land Use, Development and Hawaiian Affairs
84	Committee on Transportation, then to the Committee on Finance
86	Committee on Judiciary, then to the Committee on Finance
90	Committee on Consumer Protection and Commerce, then to the Committee on Finance
2	Committee on Agriculture, then to the Committee on Finance
19	Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee

on Finance

- 25 Committee on Agriculture
- 26 Jointly to the Committees on Youth and Elderly Affairs and Public Assistance and Human Services
- 27 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, then to the Committee on Finance
- 28 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, then to the Committee on Finance
- 60 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 64 Committee on Higher Education
- 65 Committee on Housing

H.R. Nos.

- 18 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, then to the Committee on Legislative Management
- 345 Committee on Water, Land Use, Development and Hawaiian Affairs
- 360 Committee on Water, Land Use, Development and Hawaiian Affairs

H.C.R. No.

- 158 Committee on Water, Land Use, Development and Hawaiian Affairs

SUSPENSION OF RULES

On motion by Representative Stanley, seconded by Representative Rohlfing and carried, the rules were suspended for the purpose of considering bills on Third and Final Reading on the basis of a modified consent calendar and to take Conference Committee Report No. 65-82 out of order.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 65-82 on H.B. No. 3078-82, HD1, SD1, CD1

on Final Reading:

On motion by Representative Blair, seconded by Representative Baker and carried, and notwithstanding the recommendation of the Committee, H.B. No. 3078-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", was recommitted to the Committee on Consumer Protection and Commerce.

Stand. Com. Rep. No. 878-82 on S.B. No. 2173-82:

By unanimous consent, action on Stand. Com. Rep. No. 878-82 on S.B. No. 2173-82 was deferred.

Stand. Com. Rep. No. 879-82 on S.B. No. 2607-82, SD2:

By unanimous consent, action on Stand. Com. Rep. No. 879-82 on S.B. No. 2607-82, SD2 was deferred.

S.B. No. 2271-82 on Third Reading:

On motion by Representative Nakamura, seconded by Representative Taniguchi and carried, S.B. No. 2271-82 entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 998-82 on S.B. No. 2903-82, SD1 on Third Reading:

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and S.B. No. 2903-82, SD1 entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2903-82 had passed Third Reading at 11:48 o'clock a.m.

Stand. Com. Rep. No. 1029-82 on H.R. No. 279, HD1:

Representatives Segawa and Takamine, for the Committees on Health and Agriculture, presented a joint report (Stand. Com. Rep. No. 1029-82) recommending that H.B. No. 279, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Segawa, seconded by Representative Takamine and carried, the joint report of the Committees was adopted and H.R. No. 279, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGRICULTURE TO COMPREHENSIVELY STUDY THE PROBLEM OF HEPTACHLOR IN HAWAII'S MILK SUPPLY", was referred to the Committee on Finance.

INTRODUCTION OF RESOLUTIONS

On motion by Representative Stanley, seconded by Representative Rohlfing and carried, the following resolutions (H.R. Nos. 428 to 431) were adopted:

A resolution (H.R. No. 428) congratulating Fred E. Trotter, Jr. for being selected Hawaiian Businessman of the Year for 1982 was jointly offered by Representatives Tungpalan, Matsuura, Aki, Albano, Anderson, Andrews, Baker, Blair, Chun, de Heer, Dods, Fukunaga, D. Hagino, G. Hagino, Hashimoto, Hirono, Honda, Ige, Ikeda, Isbell, Kamali'i, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Levin, Liu, Marumoto, Medeiros, Monahan, Morioka, Nakamura, Nakasato, Narvaes, Okamura, Rohlfing, Sakamoto, Say, Segawa, Shito, Stanley, Takamine, Takitani, Taniguchi, Toguchi, Waihee, Wong, Yamada and Peters.

A resolution (H.R. No. 429) congratulating Miss Kanani Oda on capturing individual first place honors in the Miss Aloha Hula competition held during the Nineteenth Annual Merrie Monarch Festival was jointly offered by Representatives Matsuura, Segawa, Aki, Albano, Anderson, Baker, Blair, Chun, de Heer, Dods, Fukunaga, D. Hagino, G. Hagino, Hashimoto, Hirono, Honda, Ige, Isbell, Kawakami, Kihano, Kiyabu, Levin, Liu, Marumoto, Monahan, Morioka, Narvaes, Okamura, Rohlfing, Sakamoto, Say, Shito, Stanley, Takamine, Taniguchi, Toguchi, Tungpalan, Waihee, Wong, Yamada and Peters.

A resolution (H.R. No. 430) congratulating the Hilo Lions Club on the occasion of its golden anniversary and extending appreciation for their contributions was jointly

offered by Representatives Matsuura, Segawa, Aki, Albano, Anderson, Baker, Blair, Chun, de Heer, Dods, Fukunaga, D. Hagino, G. Hagino, Hirono, Ige, Isbell, Kawakami, Kihano, Levin, Liu, Narvaes, Rohlfing, Sakamoto, Shito, Takamine, Taniguchi, Toguchi, Waihee, Yamada and Peters.

A resolution (H.R. No. 431) expressing deepest regrets and condolences to the family of the late Lawrence Shinichi Uyehara was jointly offered by Representatives Waihee, Albano, Anderson, Andrews, Baker, Blair, Chun, de Heer, Fukunaga, D. Hagino, G. Hagino, Hashimoto, Hirono, Ige, Ikeda, Isbell, Kawakami, Kihano, Lacy, Levin, Liu, Marumoto, Matsuura, Morioka, Nakamura, Nakasato, Narvaes, Okamura, Say, Segawa, Shito, Takamine, Takitani and Tungpalan.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1-82 on H.B. No. 2215-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 2215-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2215-82 had passed Final Reading at 11:50 o'clock a.m.

Conf. Com. Rep. No. 2-82 on H.B. No. 2817-82, HD2, SD1, CD1 on Final Reading:

On motion by Representative Dods, seconded by Representative Taniguchi and carried, the report of the Committee was adopted and H.B. No. 2817-82, HD2, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO OFF-ROAD VEHICLES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 3-82 on H.B. No. 2815-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Dods, seconded by Representative Taniguchi and carried, the report of the Committee was adopted, and H.B. No. 2815-82,

HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO THE REGISTRATION OF VEHICLES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ikeda voting no.

Conf. Com. Rep. No. 4-82 on H.B. No. 2585-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 2585-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2817-82, 2815-82 and 2582-82 had passed Final Reading at 11:51 o'clock a.m.

Conf. Com. Rep. No. 5-82 on S.B. No. 2642-82, HD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Taniguchi and carried, the report of the Committee was adopted and S.B. No. 2642-82, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO THE JUVENILE JUSTICE INTERAGENCY BOARD", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Ikeda voting no.

Conf. Com. Rep. No. 6-82 on S.B. No. 2379-82, HD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Taniguchi and carried, the report of the Committee was adopted and S.B. No. 2379-82, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO SENTENCING", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2642-82 and 2379-82 had passed Final Reading at 11:52 o'clock a.m.

Conf. Com. Rep. No. 7-82 on S.B. No. 2467-82, SD1, HD1, CD1 on Final Reading:

Representative Nakamura moved that H.B. No. 2467-82, HD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Chun.

Representative de Heer rose to speak in favor of the bill, stating:

"Mr. Speaker, briefly, I am very, very pleased that the conference committee has recognized that the KTW bullets are extremely lethal munition, and I think that it's about time that we recognize it and we've done something when the technology was just recently developed.

There is no need for the KTW bullet. Its only purpose is to kill and maim and it serves absolutely no purpose and has no business. . . and hopefully in years to come, we will be able to ban these kinds of munitions totally from our state.

Thank you very much, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 2467-82, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 8-82 on S.B. No. 2550-82, SD1, HD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Chun and carried, the report of the Committee was adopted and S.B. No. 2550-82, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO FIREARMS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2467-82 and 2550-82 had passed Final Reading at 11:53 o'clock a.m.

Conf. Com. Rep. No. 9-82 on H.B. No. 2359-82, HD1, SD2, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2359-82, HD1, SD2, CD1 entitled: "A BILL FOR AN ACT RELATING TO WITNESS SECURITY AND PROTECTION", having been read throughout, passed Final

Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2359-82 had passed Final Reading at 11:54 o'clock a.m.

Conf. Com. Rep. No. 10-82 on H.B. No. 2559-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2559-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT BETWEEN THE STATE OF HAWAII AND DILLINGHAM CORPORATION DBA HAWAIIAN DREDGING AND CONSTRUCTION COMPANY", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Ikeda and Dods voting no.

The Chair directed the Clerk to note that H.B. No. 2559-82 had passed Final Reading at 11:55 o'clock a.m.

Conf. Com. Rep. No. 11-82 on H.B. No. 1988-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Shito, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.B. No. 1988-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1988-82 had passed Final Reading at 11:57 o'clock a.m.

Conf. Com. Rep. No. 12-82 on H.B. No. 2836-82, HD1, SD1, CD1 on Final Reading:

Representative Tungpalan moved that H.B. No. 2836-82, HD1, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Honda.

Representative Tungpalan rose to speak in favor of the bill stating:

"Mr. Speaker, I rise to speak in favor of House Bill No. 2836-82, HD1, SD1, CD1, which provides a means of regulating the activities of mortgage and collection servicing

agencies and assures the financial integrity of such agents in order to fully protect the interest of their clients. I have been following the development of this very closely because of the financial predicament of Real Estate Finance Corporation involving roughly 1,800 Oahu homeowners, many of whom reside in the 19th District, which I represent.

"Mr. Speaker, until recently, mortgage servicing agencies have operated in conjunction with established banks, savings and loan associations, and reputable mortgage companies with little public attention and few problems. The problems of Real Estate Finance Corporation thus came as a shock to the hundreds of Oahu homeowners who entrusted what is typically their largest financial responsibility and investment to Real Estate Finance Corporation, only to become the innocent victims of the Corporation's financial problems.

"Currently, the activities of mortgage and collection servicing agencies are not subject to the State's regulatory system which seeks to protect consumers from adverse predicaments, such as those experienced by Real Estate Finance Corporation clients. In view of the many homeowners who depend on these agencies to ensure the proper and timely payment of their mortgage and other home-related obligations, I believe that safeguards must be enacted to protect the people of Hawaii from future incidents like the one involving Real Estate Finance.

"Mr. Speaker, I believe that House Bill No. 2836-82, HD1, SD1, CD1, will provide much needed safeguards for Hawaii's homeowners. Among its provisions, the bill requires each mortgage and collection servicing agency to post a \$25,000 bond until July 1, 1983, and after July 1, 1983, the amount shall be \$50,000 for the protection of its customers. The bill also sets forth financial penalties for false record keeping, improper use of customer funds, and other prohibited business practices.

"Mr. Speaker, I am hopeful that the House will pass this important bill today in order to speed its enactment by the full Legislature. The homeowners of this State deserve to be protected from any future irregularities or breaches of fiduciary duty by mortgage or collection servicing agencies. I, therefore, urge my colleagues to join with me in passing H.B. No. 2836-82, HD1, SD1, CD1.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 2836-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE SERVICING", passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2836-82 had passed Final Reading at 12:00 o'clock noon.

Conf. Com. Rep. No. 13-82 on H.B. No. 2606-82, HD2, SD1, CD1 on Final Reading:

On motion by Representative Honda, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2606-82, HD2, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO COMMITTED PERSONS, FURLOUGH, EMPLOYMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2206-82 had passed Final Reading at 12:01 o'clock p.m.

Conf. Com. Rep. No. 14-82 on H.B. No. 1553, HD1, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 1553, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO MERGERS OR CONSOLIDATIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 15-82 on H.B. No. 2183-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Matsuura, seconded by Representative G. Hagino and carried, the report of the Committee was adopted and H.B. No. 2183-82, HD1, SD1, CD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk

to note that H.B. Nos. 1553 and 2184-82 had passed Final Reading at 12:02 o'clock p.m.

Conf. Com. Rep. No. 16-82 on H.B. No. 2377-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Takamine, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2377-82, HD1, SD1, CD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 17-82 on H.B. No. 2679-82, SD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2679-82, SD1, CD1 entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COUNSEL AND OTHER SERVICES FOR INDIGENT DEFENDANTS IN CRIMINAL AND RELATED CASES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2377-82 and 2679-82 had passed Final Reading at 12:03 o'clock p.m.

Conf. Com. Rep. No. 18-82 on H.B. No. 2826-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2826-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO WAIMANO TRAINING SCHOOL AND HOSPITAL", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2826-82 had passed Final Reading at 12:04 o'clock p.m.

Conf. Com. Rep. No. 19-82 on H.B. No. 2313-82, HD2, SD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Nakasato and carried, the report of the Committee was adopted and H.B. No. 2313-82, HD2, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO THE

DRIVER EDUCATION AND TRAINING FUND", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 20-82 on H.B. No. 2870-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Okamura and carried, the report of the Committee was adopted and H.B. No. 2870-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO SENSITIVITY-AWARENESS GROUPS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2313-82 and 2870-82 had passed Final Reading at 12:05 o'clock p.m.

At 12:05 o'clock p.m., at the request of Representative Kihano, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Stanley, seconded by Representative Rohlfing and carried, the rules were suspended for the purpose of reconsidering action taken earlier in the calendar.

RECONSIDERATION OF ACTION TAKEN

Representative Nakamura moved that the House reconsider its action taken on Conference Com. Rep. No. 9-82 on H.B. No. 2359-82, HD1, SD2, CD1, seconded by Representative Kiyabu and carried.

At 12:28 o'clock p.m., at the request of Representative Liu, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:29 o'clock p.m.

By unanimous consent, action on Stand. Com. Rep. No. 9-82 on H.B. No. 2359-82, HD1, SD2, CD1 was deferred.

Representative Nakamura moved that the House reconsider its action taken on Stand. Com. Rep. No. 10-82 on H.B. No. 2559-82, HD1, SD1, CD1, seconded by Representative Kiyabu and carried.

By unanimous consent, action on Stand. Com. Rep. No. 10-82 on H.B. No. 2559-82, HD1, SD1, CD1 was deferred.

Representative Shito moved that the House reconsider its action taken on Stand. Com. Rep. No. 11-82 on H.B. No. 1988-82, HD1, SD1, CD1, seconded by Representative Morioka.

By unanimous consent, action on Stand. Com. Rep. No. 11-82 on H.B. No. 1988-82, HD1, SD1, CD1, was deferred.

Representative Nakamura moved that the House reconsider its action taken on Stand. Com. Rep. No. 17-82 on H.B. No. 2679-82, SD1, CD1, seconded by Representative Kiyabu and carried.

By unanimous consent, action on Stand. Com. Rep. No. 17-82 on H.B. No. 2679-82, SD1, CD1, was deferred.

Representative Nakamura moved that the House reconsider its action taken on Stand. Com. Rep. No. 19-82 on H.B. No. 2313-82, HD2, SD1, CD1, seconded by Representative Nakasato and carried.

By unanimous consent, action on Stand. Com. Rep. No. 19-82 on H.B. No. 2313-82, HD2, SD1, CD1, was deferred.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 21-82 on H.B. No. 2444-82, SD1, CD1 on Final Reading:

On motion by Representative Nakamura, seconded by Representative Baker and carried, the report of the Committee was adopted and H.B. No. 2444-82, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO DEATH", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2444-82 had passed Final Reading at 12:32 o'clock p.m.

Conf. Com. Rep. No. 22-82 on H.B. No. 2813-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Baker, seconded by Representative Okamura and carried, the report of the Committee was adopted and H.B. No. 2813-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Ikeda voting no.

The Chair directed the Clerk to note that H.B. No. 2813-82 had passed Final Reading at 12:33 o'clock p.m.

Conf. Com. Rep. No. 23-82 on S.B. No. 2350-82, HD2, CD1 on Final Reading:

On motion by Representative Toguchi, seconded by Representative Say and carried, the report of the Committee was adopted and S.B. No. 2350-82, HD2, CD1 entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Representative Toguchi requested that his remarks in favor of S.B. No. 2350-82, HD2, CD1, be inserted in the Journal, and the Chair noting there were no objections, so ordered.

The remarks of Representative Toguchi are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 2350-82, House Draft 2, Conference Draft 1, which strengthens our procedures for dealing with students who vandalize our schools.

"Mr. Speaker, student vandals comprise a tiny minority of Hawaii's student population. Nevertheless, this minority is responsible for sapping our school system of an enormous amount of resources, causing nearly a million dollars of damage each year, dollars wasted while many programs and facilities go begging for funds.

"Mr. Speaker, to counter this drain of precious public resources, this bill provides that if vandalism

damages are less than \$3,500, the school principal, the student responsible for those damages and his or her parents, and a designee of the district superintendent may negotiate an agreement for appropriate restitution which, if later violated, may lead to the referral of the matter to the Attorney General. If damages exceed \$3,500, the bill requires that the vandalism incident be referred to the Attorney General for further action.

"Mr. Speaker, the serious problem of school vandalism demands our continuing search for effective measures to reduce this crime against education. This bill represents a significant advance in this area, and I, therefore, ask my colleagues to pass Senate Bill No. 2350-82, House Draft 2, Conference Draft 1."

Conf. Com. Rep. No. 24-82 on S.B. No. 2353-82, SD1, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 24-82 on S.B. No. 2353-82, SD1, HD2, CD1 was deferred.

Conf. Com. Rep. No. 25-82 on S.B. No. 1697, SD1, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 25-82 on S.B. No. 1697, SD1, HD2, CD1 was deferred.

Conf. Com. Rep. No. 26-82 on S.B. No. 2765-82, SD1, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 26-82 on S.B. No. 2765-82, SD1, HD2, CD1 was deferred.

Conf. Com. Rep. No. 27-82 on S.B. No. 2561-82, SD1, HD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2561-82, SD1, HD1, CD1 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 S.B. Nos. 2350-82 and 2561-82 had passed Final Reading at 12:34 o'clock p.m.

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

The House of Representatives reconvened at 12:35 o'clock p.m.

Conf. Com. Rep. No. 28-82 on H.B. No. 2057-82, HD 1, SD 1, CD 1, on Final Reading:

Representative Segawa moved that H.B. No. 2057-82, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Blair.

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

"I'd like to merely make a few remarks about page 4. In the middle of the page, there is a provision in there about the label indicating that the generic drug has been substituted for, and then the requirement that the brand name be listed.

"It is my understanding, based on what occurred in the conference committee, that the Pharmaceutical Manufacturers Association is considering claiming that this infringes on their trade name and there may be a suit against the State. Mr. Speaker, I hope that this will not happen, because if it does, the Pharmaceutical Manufacturers Association will be putting their self interest ahead of the public welfare and particularly the health of the people who are relying on the drug industry for their medical needs.

"As the bill originally came to the committee, we have used the language 'equivalent to' and then the brand name. At that point, they raised their objection and I felt that it was appropriate that we change that from 'equivalent to' to 'substituted for', as did the other conferees.

"But however, Mr. Speaker, it's important that we do have this cross referencing because, in many instances, or at least

in some substantial number of instances, the consumer may have on their person or in their home both the generic equivalent and the brand name drug, and particularly, when you are dealing with the elderly people who are, for whatever reason, not keeping good track of their medicines, there's always the possibility of a double dosage being administered, either by the individual himself or by some other party on his behalf. That is why we have to have this language in here, cross referencing the generic drug with the brand name.

"Mr. Spekaer, I think it is very important for the public health and welfare that this language be included in the bill, and I seriously hope that the Pharmaceutical Manufacturers Association will not proceed, but if they do, I trust that the courts will respond accordingly."

The motion was put by the Chair and carried, and H.B. No. 2057-82, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS", passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2057-82 had passed Final Reading at 12:38 o'clock p.m.

Conf. Com. Rep. No. 29-82 on H.B. No. 791, HD 1, SD 1, CD 1, on Final Reading:

Representative Shito moved that H.B. No. 791, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Honda.

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

"Mr. Speaker, I would like to just say a few words since it took the House three years to convince the other house to remove the discrimination against vacant lot owners from applying for Hula Mae loans.

"And while the changes do have certain restrictions, we can be very happy that the bill, as it is now, would remove this discrimination and vacant lot owners may have accessibility to build their principal residence on this vacant lot through

Hula Mae funds."

The motion was put by the Chair and carried, and H.B. No. 791, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM", passed final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 791 had passed Final Reading at 12: 40 o'clock p.m.

Conf. Com. Rep. No. 30-82 on H.B. No. 2947-82, HD2, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 30-82 on H.B. No. 2947-82, HD2, SD1, CD1 was deferred.

Conf. Com. Rep. No. 31-82 on H.B. No. 2936-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Baker and carried, the report of the Committee was adopted and H.B. No. 2936-82, 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 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2936-82 had passed Final Reading at 12: 41 o'clock p.m.

Conf. Com. Rep. No. 32-82 on H.B. No. 1948-82, HD2, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 32-82 on H.B. No. 1948-82, HD2, SD1, CD1 was deferred.

Conf. Com. Rep. No. 33-82 on H.B. No. 2838-82, HD1, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 33-82 on H.B. No. 2838-82, HD1, SD1, CD1 was deferred.

Conf. Com. Rep. No. 34-82 on H.B. No. 2201-82, HD2, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 34-82 on H.B. No. 2201-82, HD2, SD1, CD1 was deferred.

Conf. Com. Rep. No. 35-82 on H.B. No. 2477-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Baker, seconded by Representative Okamura and carried, the report of the Committee was adopted and H.B. No. 2477-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2477-82 had passed Final Reading at 12: 42 o'clock p.m.

At 12: 42 o'clock p.m., at the request of Representative Takamine, the Chair declared a recess, subject to the call of the Chair.

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

Conf. Com. Rep. No. 32-82 on H.B. No. 1948-82, HD2, SD1, CD1 on Final Reading:

On motion by Representative Takamine, seconded by Representative Hashimoto and carried, the report of the Committee was adopted and H.B. No. 1948-82, HD2, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE", having been read throughout, passed Final Reading by a vote of 51 ayes.

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

The House of Representatives reconvened at 12: 46 o'clock p.m.

Conf. Com. Rep. No. 36-82 on H.B. No. 2408-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Honda and carried, the report of the Committee was adopted and H.B. No. 2408-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO CREDIT UNIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1948-82 and 2408-82 had passed Final Reading at 12:46 o'clock p.m.

Conf. Com. Rep. No. 37-82 on S.B. No. 2399-82, SD2, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 37-82 on S.B. No. 2399-82, SD2, HD2, CD1 was deferred.

Conf. Com. Rep. No. 38-82 on H.B. No. 2767-82, HD3, SD2, CD1 on Final Reading:

By unanimous consent, action on Stand. Com. Rep. No. 38-82 on H.B. No. 2767-82, HD3, SD2, CD1 was deferred.

Conf. Com. Rep. No. 39-82 on H.B. No. 2778-82, HD2, SD1, CD1 on Final Reading:

On motion by Representative Toguchi, seconded by Representative Aki and carried, the report of the Committee was adopted and H.B. No. 2778-82, HD2, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2778-82 had passed Final Reading at 12:47 o'clock p.m.

Conf. Com. Rep. No. 40-82 on H.B. No. 2295-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 2295-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REGULATORY LICENSING REFORM 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. 2295-82 had passed Final Reading at 12:48 o'clock a.m.

Conf. Com. Rep. No. 41-82 on H.B. No. 2511-82, HD2, SD2, CD1 on Final Reading:

Representative Blair requested that action on Conf. Com. Rep. No. 41-82 on H.B. No. 2511-82, HD2, SD2, CD1 be deferred, and the Chair noting there were no objections, so ordered.

Conf. Com. Rep. No. 42-82 on S.B. No. 2513-82, SD1, HD2, CD1 on Final Reading:

Representative Blair requested that the action on Conf. Com. Rep. No. 42-82 on S.B. No. 2513-82, SD1, HD2, CD1 be deferred, and the Chair noting there were no objections, so ordered.

Conf. Com. Rep. No. 43-82 on H.B. No. 2407-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 2407-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2407-82 had passed Final Reading at 12:49 o'clock p.m.

Conf. Com. Rep. No. 44-82 on H.B. No. 2331-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Sakamoto, seconded by Representative G. Hagino and carried, the report of the Committee was adopted and H.B. No. 2331-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Liu, Kamali'i, Monahan and Rohlfing voting no.

Conf. Com. Rep. No. 45-82 on H.B. No. 509, HD1, SD1, CD1 on Final Reading:

Representative Blair moved that H.B. No. 509, HD1, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Hirono.

Representative Ikeda rose and stated that she holds an insurance license and asked the Chair for a ruling on a possible conflict of interest and the Chair ruled:

"No conflict."

The motion was put by the Chair and carried, and H.B. No. 509, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2331-82 and 509 had passed Final Reading at 12: 50 o'clock p.m.

Conf. Com. Rep. No. 46-82 on H.B. No. 2890-82, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Baker and carried, the report of the Committee was adopted and H.B. No. 2890-82, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL LOAN COMPANY GUARANTY ACT", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 47-82 on H.B. No. 1653, HD1, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 1653, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO THE REQUIREMENTS FOR AMENDMENT OF THE DECLARATION AND BYLAWS OF CONDOMINIUM ASSOCIATIONS UNDER THE HORIZONTAL PROPERTY ACT", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 48-82 on H.B. No. 2192-82, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 2192-82, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS",

having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2890-82, 1653, and 2192-82 had passed Final Reading at 12: 51 o'clock p.m.

Conf. Com. Rep. No. 49-82 on H.B. No. 2348-82, HD1, SD2, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2348-82, HD1, SD2, CD1 entitled: "A BILL FOR AN ACT RELATING TO METAL AND GEM DEALERS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2348-82 passed Final Reading at 12: 52 o'clock p.m.

At 12: 52 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

EVENING SESSION

The House of Representatives reconvened at 8: 02 o'clock p.m.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 50-82 on S.B. No. 2638-82, SD1, HD1, CD1 on Final Reading:

On motion by Representative Honda, seconded by Representative Hirono and carried, the report of the Committee was adopted and S.B. No. 2638-82, SD1, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO SALES AND TRANSFER OF REAL PROPERTY SITUATED IN HAZARDOUS AREAS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2638-82 had passed Final Reading at 8: 03 o'clock p.m.

At 8: 03 o'clock p.m., at the request of Representative Hirono, the Chair declared a recess, subject

to the call of the Chair.

The House of Representatives reconvened at 8:04 o'clock p.m.

Conf. Com. Rep. No. 51-82 on S.B. No. 65, SD1, HD1, CD1 on Final Reading:

On motion by Representative Hirono, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 65, SD1, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO LAND TRUSTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 65 had passed Final Reading at 8:04 o'clock p.m.

Conf. Com. Rep. No. 52-82 on H.B. No. 2888-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Hirono, seconded by Representative Dods and carried, the report of the Committee was adopted and H.B. No. 2888-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 53-82 on H.B. No. 2332-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Sakamoto, seconded by Representative Baker and carried, the report of the Committee was adopted and H.B. No. 2332-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LEASES FOR AGRICULTURAL USE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2888-82 and 2332-82 had passed Final Reading at 8:05 o'clock p.m.

Conf. Com. Rep. No. 54-82 on S.B. No. 400, SD1, HD1, CD1 on Final Reading:

On motion by Representative

Blair, seconded by Representative Honda and carried, the report of the Committee was adopted and S.B. No. 400, SD1, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO INTEREST", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 400 had passed Final Reading at 8:06 o'clock p.m.

Conf. Com. Rep. No. 55-82 on S.B. No. 2388-82, SD1, HD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2388-82, SD1, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 56-82 on S.B. No. 2346-82, SD2, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 56-82 on S.B. No. 2346-82 SD2, HD2, CD1 was deferred.

Conf. Com. Rep. No. 57-82 on S.B. No. 2145-82, SD1, HD1, CD1 on Final Reading:

On motion by Representative Dods, seconded by Representative Taniguchi and carried, the report of the Committee was adopted and S.B. No. 2145-82, SD1, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO RIDESHARING", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2388-82 and 2145-82 had passed Final Reading at 8:07 o'clock p.m.

Conf. Com. Rep. No. 58-82 on H.B. No. 3119-82, HD1, SD1, CD1 on Final Reading:

Representative Shito moved that H.B. No. 3119-82, HD1, SD1, CD1 pass Final Reading, seconded by Representative Chun.

Representative Liu rose to speak

against the bill, stating:

"Briefly, Mr. Speaker, my objections to the bill are not toward one particular group which may be helped, which is the care home operators and boarding home operators. I think they are a group of business persons who need this kind of assistance.

"However, this bill has greater implications than what is specifically stated here. It also applies to other individuals, other organizations, who may want to set up homes for more than eight persons -- groups that range very widely.

"In my own district, there are some problems with an organization attempting to build a home that will house somewhere in the neighborhood of fifteen people, against the wishes of the community.

"I think the bill also runs roughshod over the county's jurisdiction in this area. And for those two reasons, I am voting against this bill."

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

"Mr. Speaker, a similar bill was passed last year by both the House and Senate only to end up with a veto by the Governor.

"The purpose of this bill is to allow eight unrelated persons to live in a group home which will allow special need people a chance to live independently in their own community. In order for the bill to survive and prevent another veto, many hours had been spent by many people to address all the objections of the Governor.

"I have in front of me the communication from the Governor about last year's veto on S.B. No. 646, and I worked with several people, including the Attorney General, in order to meet the objections that the Representative from the other district has just mentioned. A conference had been done, several drafts were done, to achieve the finished product that we have before us. It is, therefore, with a thankful heart and gracious recognition of all the members of the Conference Committee that finally produced H.B. No. 3119-82

HD 1, SD 1, CD 1, Proposal 3, that I am saying thank you all very much for your efforts. You deserve all the credit for a job well done.

"Mr. Speaker, I have learned, in my short stay here in this House, not a single person can ever take credit when his or her bill passes. We need the consensus of the whole. Mr. Speaker, tonight, I would like to thank everyone that had a part in perfecting H.B. No. 3119-82 and give credit where credit is due. We can all use it. All the members of this House, by voting yes on this bill, will help not only our housing needs but also the group home operator an economic break to those caring, loving and hard working men and women who work very hard to care for the elderly, those without families, make a family for them in their effort to provide a caring and homelike atmosphere.

"I ask my colleagues to vote yes on this bill."

The motion was put by the Chair and carried, and H.B. No. 3119-82, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL GROUP LIVING", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Liu, Monahan and Rohlfing voting no.

Conf. Com. Rep. No. 59-82 on H.B. No. 2176-82, HD 2, SD 1, CD 1, on Final Reading:

On motion by Representative Sakamoto, seconded by Representative Baker and carried, the report of the Committee was adopted and H.B. No. 2176-82, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3119-82 and 2176-82 had passed Final Reading at 8:12 o'clock p.m.

Conf. Com. Rep. No. 60-82 on S.B. No. 2147-82, SD 2, HD 1, CD 1, on Final Reading:

On motion by Representative Taniguchi, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 2147-82, SD 2, HD 1, CD 1, entitled: "A BILL

FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2147-82 had passed Final Reading at 8:13 o'clock p.m.

Conf. Com. Rep. No. 61-82 on H.B. No. 2318-82, SD1, CD1 on Final Reading:

On motion by Representative Honda, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2318-82, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO INTAKE SERVICE CENTERS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 62-82 on S.B. No. 2531-82, SD1, HD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Taniguchi and carried, the report of the Committee was adopted and S.B. No. 2531-82, SD1, HD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER-EMPLOYEE RELATIONSHIPS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2318-82 and S.B. No. 2531-82 had passed Final Reading at 8:14 o'clock p.m.

Conf. Com. Rep. No. 63-82 on H.B. No. 2177-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Sakamoto, seconded by Representative Baker and carried, the report of the Committee was adopted and H.B. No. 2177-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO FOREST AND WATER RESERVE ZONES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2177-82 had passed Final Reading at 8:15 o'clock p.m.

Conf. Com. Rep. No. 64-82 on H.B. No. 3136-82, HD2, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 64-82 on H.B. No. 3136-82, HD2, SD1, CD1 was deferred.

At 8:15 o'clock p.m., at the request of Representative Stanley, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:20 o'clock p.m.

Conf. Com. Rep. No. 66-82 on H.B. No. 2230-82, HD1, SD1, CD1 on Final Reading:

On motion by Representative Baker, seconded by Representative Blair and carried, the report of the Committee was adopted and H.B. No. 2230-82, HD1, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO ELECTRICITY GENERATED FROM NON-FOSSIL FUELS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2230-82 had passed Final Reading at 8:21 o'clock p.m.

Conf. Com. Rep. No. 67-82 on S.B. No. 1287-82, SD1, HD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 67-82 on S.B. No. 1287-82, SD1, HD1, CD1 was deferred.

Conf. Com. Rep. No. 68-82 on S.B. No. 544, SD2, HD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 68-82 on S.B. No. 544, SD2, HD1, CD1 was deferred.

Conf. Com. Rep. No. 69-82 on H.B. No. 2092-82, HD2, SD1, CD1 on Final Reading:

On motion by Representative Blair, seconded by Representative Taniguchi and carried, the report of the Committee was adopted and H.B. No. 2092-82, HD2, SD1, CD1 entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY

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. 2092-82 had passed Final Reading at 8:22 o'clock p.m.

Conf. Com. Rep. No. 70-82 on S.B. No. 2926-82, SD1, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 70-82 on S.B. No. 2926-82, SD1, HD2, CD1 was deferred.

STANDING COMMITTEE REPORTS

Representatives Sakamoto and Takamine, for the Committees on Water, Land Use, Development and Hawaiian Affairs; and Agriculture, presented a joint report (Stand. Com. Rep. No. 1031-82) recommending that H.R. No. 18, as amended in HD1, be adopted.

On motion by Representative Sakamoto, seconded by Representative Takamine and carried, the joint report of the Committees was adopted and H.R. No. 18, HD1 entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF POSSIBLE ALTERNATIVES WITH RESPECT TO THE OPERATIONS OF THE PUNA SUGAR COMPANY", was adopted.

Representative Sakamoto, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1032-82) on H.R. No. 345, as amended in HD1, be adopted.

On motion by Representative Sakamoto, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 345, HD1 entitled: "HOUSE RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A SMALL BUSINESS ADVISORY COMMITTEE AND REQUESTING THE GOVERNOR TO APPOINT ITS MEMBERS", was adopted.

Representative Sakamoto, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1033-82) recommending that H.C.R. No. 151, as amended in HD1, be adopted.

On motion by Representative Sakamoto, seconded by Representative Takamine

and carried, the report of the Committee was adopted and H.C.R. No. 151, HD1 entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A SMALL BUSINESS ADVISORY COMMITTEE AND REQUESTING THE GOVERNOR TO APPOINT ITS MEMBERS", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1034-82) recommending that H.R. No. 127 be adopted.

On motion by Representative Stanley, seconded by Representative Blair and carried, the report of the Committee was adopted and H.R. No. 127 entitled: "HOUSE RESOLUTION REQUESTING THE ADMINISTRATIVE DIRECTOR OF THE COURTS TO STUDY THE ONE-DAY, ONE-TRIAL JURY SYSTEM AND PROBLEMS REGARDING ITS IMPLEMENTATION IN THE JUDICIARY OF THE STATE OF HAWAII", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1035-82) recommending that S.C.R. No. 57 be adopted.

On motion by Representative Stanley, seconded by Representative Blair and carried, the report of the Committee was adopted and S.C.R. No. 57 entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF DIFFERENT WAYS OF PRESERVING THE MAJOR BENEFITS OR PROVISIONS OF HAWAII'S PREPAID HEALTH CARE ACT IN VIEW OF ITS PREEMPTION UNDER FEDERAL LAW", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1036-82) recommending that H.R. No. 210 be adopted.

On motion by Representative Stanley, seconded by Representative Blair and carried, the report of the Committee was adopted and H.R. No. 210 entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO PREPARE A REPORT IDENTIFYING ALL SCHOOL FACILITIES WHICH REQUIRE SOUNDPROOFING IN ORDER TO COMPLY WITH THE DEPARTMENT OF HEALTH'S NOISE REGULATIONS", was adopted.

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

1037-82) recommending that H.R. No. 143 be adopted.

On motion by Representative Stanley, seconded by Representative Blair and carried, the report of the Committee was adopted and H.R. No. 143 entitled: "A BILL FOR AN ACT REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO DEVISE A STRATEGY FOR OVERSEEING THE EFFECTS OF GEOTHERMAL DEVELOPMENT ON THE RESIDENTS OF THE PUNA SUGAR DISTRICT", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1038-82) recommending that H.R. No. 60 be adopted.

On motion by Representative Stanley, seconded by Representative Blair and carried, the report of the Committee was adopted and H.R. No. 60 entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE FEASIBILITY OF A STATE VOLUNTEER PROGRAM", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1039-82) recommending that H.R. No. 14, as amended in HD1, be adopted.

On motion by Representative Stanley, seconded by Representative Blair and carried, the report of the Committee was adopted and H.R. No. 14, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE AMENDMENT OF PRESENT REGULATIONS OR THE ADOPTION OF NEW REGULATIONS TO INCLUDE THE MONITORING OR DISCHARGES GENERATED BY GEOTHERMAL ACTIVITIES", was adopted.

Representative Tungpalan, for the Committee on Culture and Arts, presented a report (Stand. Com. Rep. No. 1040-82) recommending that H.R. No. 362, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Tungpalan, seconded by Representative Blair and carried, the report of the Committee was adopted and H.R. No. 362, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COORDINATE

A MEETING WITH THE CANOE RACING ASSOCIATION", was referred to the Committee on Finance.

At 8:24 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:33 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative Sakamoto moved that the House reconsider its action taken on Stand. Com. Rep. No. 1031-82 on H.R. No. 18, HD1, seconded by Representative Baker, and carried.

On motion by Representative Sakamoto, seconded by Representative Takamine and carried, H.R. No. 18, HD1 which was adopted earlier in the calendar was referred to the Committee on Legislative Management.

DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 790, HD1, was taken from the Clerk's desk.

On motion by Representative Shito, seconded by Representative Honda and carried, H.B. No. 790, HD1 entitled: "A BILL FOR AN ACT RELATING TO HOUSING", 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. 790 had passed Final Reading at 8:35 o'clock p.m.

By unanimous consent, the following bills, H.B. Nos. 161, HD1, SD1; 1488, HD1, SD1; 1489, HD1, SD1; 1963-82, HD1, SD1; 2125-82, HD1, SD1; 2161-82, HD1, SD1; 2190-82, HD1, SD1; 2190-82, HD1, SD1; 2193-82, SD1; 2198-82, SD1; 2199-82, HD1, SD1; 2270-82, HD1, SD1; 2385-82, HD1, SD1; 2434-82, HD1, SD1; 2446-82, SD1; 2489-82, HD1, SD1; 2550-82, SD1; 2669-82, HD1, SD2; 2866-82, HD1, SD1; 2889-82, HD1, SD1; 2933-82, HD1, SD1; 2980-82, HD1, SD1; 3072-82, HD1, SD1; 3117-82, HD1, SD1; and 3140-82, HD1, SD1, were taken from the Clerk's desk.

On motion by Representative Blair,

seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 161, HD1, and H.B. No. 161, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 161 had passed Final Reading at 8:38 o'clock p.m.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1488, HD1, and H.B. No. 1488, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1489, HD1, and H.B. No. 1489, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1488 and 1489 had passed Final Reading at 8:39 o'clock p.m.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1963-82, HD1, and H.B. No. 1963-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2125-82, HD1, and H.B. No. 2125-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2161-82, HD1, and H.B. No. 2161-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1963-82, 2125-82 and 2161-82 had passed Final Reading at 8:40 o'clock p.m.

Representative Blair moved that the House agree to the amendments proposed by the Senate to H.B. No. 2190-82, HD1, and H.B. No. 2190-82, HD1, SD1, having been read throughout, pass Final Reading.

Representative Segawa rose and stated that he works for an insurance company that deals with no-fault insurance's open-rating system, and asked the Chair for a ruling on a possible conflict of interest and the Chair ruled:

"No conflict."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2190-82, HD1, and H.B. No. 2190-82, HD1, SD1, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2193-82, and H.B. No. 2193-82, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2198-82, and H.B. No. 2198-82, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2190-82, 2193-82 and 2198-82 had passed Final Reading at 8:41 o'clock p.m.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2199-82, HD1, and H.B. No. 2199-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2270-82, HD1, and H.B. No. 2270-82, HD1, SD1, having been

read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2385-81, HD1, and H.B. No. 2385-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2199-82, 2270-82 and 2385-82 had passed Final Reading at 8:42 o'clock p.m.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2434-82, HD1, and H.B. No. 2434-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2446-82, and H.B. No. 2446-82, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2489-82, HD1, and H.B. No. 2489-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2434-82, 2446-82, and 2489-82 had passed Final Reading at 8:43 o'clock p.m.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2550-82, and H.B. No. 2550-82, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2669-82, HD1, and H.B. No. 2669-82,

HD1, SD2, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2866-82, HD1, and H.B. No. 2866-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2550-82, 2669-82 and 2866-82 had passed Final Reading at 8:44 o'clock p.m.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2889-82, HD1, and H.B. No. 2889-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2933-82, HD1, and H.B. No. 2933-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2980-82, HD1, and H.B. No. 2980-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3072-82, HD1 and H.B. No. 3072-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2889-82, 2933-82, 2980-82 and 3072-82 had passed Final Reading at 8:45 o'clock p.m.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by

the Senate to H.B. No. 3117-82, HD1, and H.B. No. 3117-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

On motion by Representative Blair, seconded by Representative Hirono and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3140-82, HD1, and H.B. No. 3140-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 3117-82 and 3140-82 had passed Final Reading at 8:46 o'clock p.m.

By unanimous consent, H.B. No. 2148-82, SD1 was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative Nakamura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2148-82, and H.B. No. 2148-82, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2148-82 had passed Final Reading at 8:47 o'clock p.m.

By unanimous consent, H.B. No. 2565-82, SD1, was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative Toguchi and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2565-82, and H.B. No. 2565-82, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2565-82 had passed Final Reading at 8:48 o'clock p.m.

By unanimous consent, H.B. No. 1882, HD1, SD1, was taken from the Clerk's desk.

On motion by Representative Sakamoto, seconded by Representative Fukunaga and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1882, HD1, and H.B. No. 1882, HD1,

SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1882 had passed Final Reading at 8:50 o'clock p.m.

By unanimous consent, H.B. No. 2560-82, HD1, SD1, was taken from the Clerk's desk.

On motion by Representative Sakamoto, seconded by Representative Fukunaga and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2560-82, HD1, and H.B. No. 2560-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2560-82 had passed Final Reading at 8:52 o'clock p.m.

By unanimous consent, H.B. No. 2573-82, SD1, was taken from the Clerk's desk.

On motion by Representative Sakamoto, seconded by Representative Fukunaga and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2573-82, and H.B. No. 2573-82, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2573-82 had passed Final Reading at 8:53 o'clock p.m.

By unanimous consent, H.B. No. 2624-82, HD1, SD1, was taken from the Clerk's desk.

On motion by Representative Sakamoto, seconded by Representative Baker and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2624-82, HD1, and H.B. No. 2624-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2624-82 had passed Final Reading at 8:54 o'clock p.m.

By unanimous consent, H.B. No. 3091-82, SD1, was taken from the Clerk's desk.

On motion by Representative Sakamoto, seconded by Representative Fukunaga and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3091-82, and H.B. No. 3091-82, SD1, having been

read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3091-82 had passed Final Reading at 8:55 o'clock p.m.

By unanimous consent, H.B. No. 2243-82, HD1, SD1, was taken from the Clerk's desk.

On motion by Representative Ige, seconded by Representative Nakamura and carried, the House agreed to the amendments proposed by the Senate in H.B. No. 2243-82, HD1, and H.B. No. 2243-82, HD1, SD1, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2243-82 had passed Final Reading at 8:56 o'clock p.m.

At 8:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:56 o'clock p.m.

SESSION EXTENSION

"THE SENATE
THE ELEVENTH 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 Eleventh Legislature of the State of Hawaii, respectfully request an extension of 18 hours beyond the Sixtieth day of the Regular Session of 1982 of the Eleventh Legislature of the State of Hawaii.

/s/ all Representatives with the exception of Representatives Anderson, de Heer, Dods and D. Hagino
/s/ all Senators with the exception of Senators Campbell, Holt, Machida, Mizuguchi, O'Connor, Toyofuku, Ushijima and Yamasaki

PROCLAMATION

We, Richard S.H. Wong, President

of the Senate, and Henry Haalilio Peters, Speaker of the House of Representatives, of the Eleventh 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 1982 of the Eleventh Legislature of the State of Hawaii for a period of 18 hours beyond the Sixtieth day of the 1982 Regular Session.

/s/ Richard S.H. Wong
Richard S.H. Wong
President of the Senate

/s/ Henry Haalilio Peters
Henry Haalilio Peters
Speaker of the House
of Representatives"

ANNOUNCEMENTS

At 10:00 o'clock p.m., the Chair announced that "this House shall stand in recess for the purpose of receiving conference drafts for decking, and this House shall convene at 10:00 o'clock a.m., Monday, April 26, 1982."

CONFERENCE COMMITTEE REPORTS

Representative Nakamura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2318-82, SD1, presented a report (Conf. Com. Rep. No. 61-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 61-82 on H.B. No. 2318-82, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2318-82, SD1, CD1, were made available to the members of the House at 2:17 o'clock p.m.

Representative D. Hagino, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2531-82, SD1, HD1, presented a report (Conf. Com. Rep. No. 62-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration

of Conf. Com. Rep. No. 62-82 on S.B. No. 2531-82, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2531-82, SD1, HD1, CD1, were made available to the members of the House at 2:17 o'clock p.m.

Representative Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2177-82, HD1, SD1, presented a report (Conf. Com. Rep. No. 63-82) recommending to their respective House the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 63-82 on H.B. No. 2177-82, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2177-82, HD1, SD1, CD1, were made available to the members of the House at 2:17 o'clock p.m.

Representative Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3136-82, SD1, presented a report (Conf. Com. Rep. No. 64-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 64-82 on H.B. No. 3136-82, HD2, SD1, CD1 was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3136-82, HD2, SD1, CD1, were made available to the members of the House at 2:17 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 in H.B. No. 3078-82, HD1, SD1, presented a report (Conf. Com. Rep. No. 65-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 65-82 on H.B. No. 3078-82, HD1, SD1, CD1, was deferred, and in accordance

with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3078-82, were made available to the members of the House at 4:00 o'clock p.m.

Representative Baker, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2230-82, HD1, SD1, presented a report (Conf. Com. Rep. No. 66-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 66-82 on H.B. No. 2230-82, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2230-82, HD1, SD1, CD1, were made available to the members of the House at 7:42 o'clock p.m.

Representatives Takitani and Kunimura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1287, SD1, HD1, presented a report (Conf. Com. Rep. No. 67-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 67-82 on S.B. No. 1287, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1287, SD1, HD1, CD1, were made available to the members of the House at 7:42 o'clock p.m.

Representatives Matsuura and Kunimura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 544, SD2, HD1, presented a report (Conf. Com. Rep. No. 68-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 68-82 on S.B. No. 544, SD2, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 544, SD2, HD1, CD1, were made available to the members of the House at 7:42 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 in H.B. No. 2092-82, HD2, SD1, CD1, presented a report (Conf. Com. Rep. No. 69-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 69-82 on H.B. No. 2092-82, HD2, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2092-82, HD2, SD1, CD1, were made available to the members of the House at 7:42 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 in S.B. No. 2955-82, SD2, HD2, presented a report (Conf. Com. Rep. No. 70-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 70-82 on S.B. No. 2955-82, SD2, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2955-82, SD2, HD2, CD1, were made available to the members of the House at 10:17 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 in S.B. No. 2926-82, SD1, HD2, presented a report (Conf. Com. Rep. No. 71-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 71-82 on S.B. No. 2926-82, SD1, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2926-82, SD1, HD2, CD1, were made available to the members of the House at 10:17 o'clock p.m.

Representative Nakamura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by

the Senate in H.B. No. 3092-82, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 72-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 72-82 on H.B. No. 3092-82, HD1, SD1, CD2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3092-82, HD1, SD1, CD2, were made available to the members of the House at 11:00 o'clock p.m.

Representatives Kunimura and Nakamura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2269-82, SD2, HD2, presented a report (Conf. Com. Rep. No. 73-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 73-82 on S.B. No. 2269-82, SD1, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2269-82, SD2, HD2, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representative Kunimura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2760-82, SD2, HD1, presented a report (Conf. Com. Rep. No. 74-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 74-82 on S.B. No. 2760-82, SD2, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2760-82, SD2, HD1, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representative Sakamoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2904-82, SD1, HD2, presented a report (Conf. Com. Rep. No. 75-82) recommending to their respective Houses the final passage of the bill with certain amendments

By unanimous consent, consideration of Conf. Com. Rep. No. 75-82 on S.B. No. 2904-82, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2904-82, SD1, HD1, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representative Segawa, for the Committee on Conference on the recomittal to Conference of S.B. No. 2955-82, SD2, HD2, CD1, presented a report (Conf. Com. Rep. No. 76-82) recommending to their respective Houses the final passage of the bill as previously recommended by the Committee.

By unanimous consent, consideration of Conf. Com. Rep. No. 76-82 on S.B. No. 2955-82, SD2, HD2, CD2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2955-82, SD2, HD2, CD2, were made available to the members of the House at 11:00 o'clock p.m.

Representative Sakamoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3143-82, HD2, SD1, presented a report (Conf. Com. Rep. No. 77-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 77-82 on H.B. No. 3143-82, HD2, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3143-82, HD2, SD1, CD1, were made available to the members of the House at 11:00 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 in S.B. No. 2978-82, SD1, HD2, presented a report (Conf. Com. Rep. No. 78-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 78-82 on S.B. No. 2978-82, SD1, HD2, CD1,

was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2978-82, SD1, HD2, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representative Kunimura, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2400-82, SD1, presented a report (Conf. Com. Rep. No. 79-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 79-82 on H.B. No. 2400-82, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2400-82, SD1, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representatives Takitani and Kunimura, for the Committees on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2816-82, SD2, HD2, presented a report (Conf. Com. Rep. No. 80-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 80-82 on S.B. No. 2816-82, SD2, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2816-82, SD2, HD2, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representatives Kunimura and Chun, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2907-82, HD2, SD2, presented a report (Conf. Com. Rep. No. 81-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 81-82 on H.B. No. 2907-82, HD2, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2907-82, HD2, SD2, CD1, were made available to the members of the House at 11:00 o'clock

p.m.

Representative Kunimura, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2312-82, HD1, SD1, presented a report (Conf. Com. Rep. No. 82-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 82-82 on H.B. No. 2312-82, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2312-82, HD1, SD1, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representatives Shito and Kiyabu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2113-82, HD2, SD2, presented a report (Conf. Com. Rep. No. 83-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 83-82 on H.B. No. 2113-82, HD2, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2113-82, HD2, SD2, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representative Blair, for the Committee on Conference to which was recommitted H.B. No. 3078-82, HD1, SD1, CD1, presented a report (Conf. Com. Rep. No. 84-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 84-82 on H.B. No. 3078-82, HD1, SD1, CD2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 3078-82, HD1, SD1, CD2, were made available to the members of the House at 11:00 o'clock p.m.

Representative Kunimura, for the Committee on Conference on the disagreeing vote of the House

to the amendments proposed by the Senate in H.B. No. 2070-82, HD1, SD1, presented a report (Conf. Com. Rep. No. 85-82) recommending to their respective House the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 85-82 on H.B. No. 2070-82, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2070-82, HD1, SD1, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representative Kunimura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2829-82, HD1, presented a report (Conf. Com. Rep. No. 86-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 86-82 on S.B. No. 2829-82, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2829-82, HD1, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representative Kunimura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 732, SD1, HD1, presented a report (Conf. Com. Rep. No. 87-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 87-82 on S.B. No. 732, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 732, SD1, HD1, CD1, were made available to the members of the House at 11:00 o'clock p.m.

Representatives Takitani and Kunimura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2759-82, SD1, HD2, presented a

report (Conf. Com. Rep. No. 88-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 88-82 on S.B. No. 2759-82, SD1, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2759-

82, SD1, HD2, CD1, were made available to the members of the House at 11:00 o'clock p.m.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m., Monday, April 26, 1982.

SIXTY-FIRST DAY

Monday, April 26, 1982

The House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 10:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Chaplain R. Bruce Pierce of the Navy Submarine Base Chapel, after which the Roll was called showing all members present with the exception of Representatives de Heer and Honda, who were excused.

By unanimous consent, reading of the Journal of the Sixtieth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 669 to 732) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 669) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2888-82, HD 1, was adopted by the Senate; and House Bill No. 2888-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 670) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2815-82, HD 1, was adopted by the Senate; and House Bill No. 2815-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 671) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2817-82, HD 2, was adopted by the Senate; and House Bill No. 2817-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate

(Sen. Com. No. 672) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 2826-82, HD 1, was adopted by the Senate; and House Bill No. 2826-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 791, HD 1, was adopted by the Senate; and House Bill No. 791, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 1988-82, HD 1, was adopted by the Senate; and House Bill No. 1988-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2444-82 was adopted by the Senate; and House Bill No. 2444-82, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2870-82, HD 1, was adopted by the Senate; and House Bill No. 2870-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 1653, HD 1, was adopted by the Senate; and House Bill No. 1653, HD 1, SD 1, CD 1, passed Final Reading

in the Senate on April 23, 1982, 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. 2890-82 was adopted by the Senate; and House Bill No. 2890-82, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 1553, HD 1, was adopted by the Senate; and House Bill No. 1553, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2192-82 was adopted by the Senate; and House Bill No. 2192-82, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2477-82, HD 1, was adopted by the Senate; and House Bill No. 2477-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2057-82, HD 1, was adopted by the Senate; and House Bill No. 2057-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2408-82, HD 1, was adopted by the Senate; and House Bill No. 2408-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2183-82, HD 1, was adopted by the Senate; and House Bill No. 2183-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2813-82, HD 1, was adopted by the Senate; and House Bill No. 2813-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2936-82, HD 1, was adopted by the Senate; and House Bill No. 2936-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2836-82, HD 1, was adopted by the Senate; and House Bill No. 2836-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2778-82, HD 2, was adopted by the Senate; and House Bill No. 2778-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2295-82, HD 1, was adopted by the Senate; and House Bill No. 2295-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 509, HD 1, was adopted by the Senate; and House Bill No. 509, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2511-82, HD 2, was adopted by the Senate; and House Bill No. 2511-82, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 1948-82, HD 2, was adopted by the Senate; and House Bill No. 1948-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 3119-82, HD 1, was adopted by the Senate; and House Bill No. 3119-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2313-82, HD 2, was adopted by the Senate; and House Bill No. 2313-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2767-82, HD 3, was adopted by the Senate; and House Bill No. 2767-82, HD 3, SD 2, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2332-82, HD 1, was adopted by the Senate; and House Bill No. 2332-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2177-82, HD 1, was adopted by the Senate; and House Bill No. 2177-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2318-82 was adopted by the Senate; and House Bill No. 2318-82, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2407-82, HD 1, was adopted by the Senate; and House Bill No. 2407-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2606-82, HD 2, was adopted by the Senate; and House Bill No. 2606-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2377-82, HD 1, was adopted by the Senate; and House Bill No. 2377-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2348-82, HD 1, was adopted by the Senate; and House Bill No. 2348-82, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2201-82, HD 2, was adopted by the Senate; and House Bill No. 2201-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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 Senate to the amendments proposed by the House to Senate Bill No. 2550-82, SD 1, was adopted by the Senate; and Senate Bill No. 2550-82, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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 Senate to the amendments proposed by the House to Senate Bill No. 1697, SD 1, was adopted by the Senate; and Senate Bill No. 1697, SD 1, HD 2,

CD 1, passed Final Reading in the Senate on April 23, 1982, 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 Senate to the amendments proposed by the House to Senate Bill No. 2350-82 was adopted by the Senate; and Senate Bill No. 2350-82, HD 2, CD 1, passed Final Reading in the Senate on April 23, 1982, 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 Senate to the amendments proposed by the House to Senate Bill No. 2353-82, SD 1, was adopted by the Senate; and Senate Bill No. 2353-82, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2561-82, SD 1, was adopted by the Senate; and Senate Bill No. 2561-82, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2765-82, SD 1, was adopted by the Senate; and Senate Bill No. 2765-82, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2531-82, SD 1, was adopted by the Senate; and Senate Bill No. 2531-82, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2145-82, SD 1, was adopted by the Senate; and Senate Bill No. 2145-82, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2346-82, SD 2, was adopted by the Senate; and Senate Bill No. 2346-82, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2513-82, SD 1, was adopted by the Senate; and Senate Bill No. 2513-82, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2399-82, SD 2, was adopted by the Senate; and Senate Bill No. 2399-82, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 400, SD 1, was adopted by the Senate; and Senate Bill No. 400, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2388-82, SD 1, was adopted by the Senate; and Senate Bill No. 2388-82, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2638-82, SD 1, was adopted by the Senate; and Senate Bill No. 2638-82, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 65, SD 1, was adopted by the Senate; and Senate Bill No. 65, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2147-82, SD 2, was adopted by the Senate; and Senate Bill No. 2147-82, SD 2, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2467-82, SD 1, was adopted by the Senate; and Senate Bill No. 2467-82, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, 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. 2454-82, SD 1, was adopted by the Senate; and Senate Bill No. 2454-82, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 722) informing the House that the amendments proposed by the House to Senate Bill No. 2913-82, SD 1, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 723) informing the House that the amendments proposed by the House to Senate Bill No. 2636-82, SD 1, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 724) informing the House that the amendments proposed by the House to Senate Bill No. 2524-82, SD 1, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 725) informing the House that the amendments proposed by the House to Senate Bill No. 2334-82 were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 726) informing the House that the amendments proposed by the House to Senate Bill No. 2304-82, SD 1, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 727) informing the House that the amendments proposed by the House to Senate Bill No. 2224-82, SD 2, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 728) informing the House that the amendments proposed by the House to Senate Bill No. 2183-82, SD 1, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 729) informing the House that the amendments proposed by the House to Senate Bill No. 1925-82, SD 1, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 730) informing the House that the amendments proposed by the House to Senate Bill No. 1447, SD 1, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 731) informing the House that the amendments proposed by the House to Senate Bill No. 561, SD 2, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 732) informing the House that the amendments proposed by the House to Senate Bill No. 536, SD 2, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 23, 1982, was placed on file.

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

Representative Ikeda introduced "some friends of mine from Oregon who were here for the University Extension Program Homemaker's Convention in Kona", as follows: Mr. Russ Yoemens, Director of the Western Rural Development Center at Oregon State University, and Miss Carol Collar, Project Coordinator for Family Community Leadership. They were accompanied by Mrs. Jean Young, Hawaii's Project Coordinator for Family Community Leadership, and Mr. Yukio Kitagawa, Assistant Director of the Cooperative Extension Service, University of Hawaii at Manoa.

Representative Tungpalan introduced Mr. Bob Young of Pearl City, who accompanied his wife, Jean, who was introduced earlier.

SUSPENSION OF RULES

On motion by Representative Stanley, seconded by Representative Rohlifing and carried, the rules were suspended for the purpose of taking up bills on Third and Final Readings on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 85-82 on H.B. No. 2070-82, HD 1, SD 1, CD 1:

Representative Kunimura moved that the report of the Committee be

adopted and H.B. No. 2070-82, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

Representative Toguchi then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure, especially regarding the Supplemental Budget appropriations for education.

Mr. Speaker, although we face an enormous challenge in trying to meet the pressing needs of State for limited resources, I hope that we will continue to recognize, as we have in the past, that education of our children requires special consideration in our allocation of State resources. Education, it is said, is a life-long, never-ending process. But if we sacrifice a child's education during his most formative years, Mr. Speaker, we sacrifice the educational opportunities of a lifetime. No investment yields as great a return as an investment in the education of our children.

Mr. Speaker, I am pleased that the Supplemental Budget which we have before us recognizes the need for this judicious investment. I wish to highlight very quickly two new and innovative cornerstones contained in this Supplemental Budget for our educational system -- the School Priority Fund and the Early Intervention for School Success Program.

Mr. Speaker, I believe that the School Priority Fund will stand as a milestone in the Legislature's continuing concern for the unique circumstances of the individual schools. Through the supplemental appropriation to the School Priority Fund, schools will have the long-needed authority, responsibility, and means to provide the kinds of programs which, in their determination, best meet their needs.

Mr. Speaker, the other cornerstone of our educational investment provided for in this bill is the Early Intervention for School Success Program -- the successful, innovative and nationally tested child screening program which will be expanded from the present 39 elementary schools to all 171 elementary schools in the State. In this program, developmental problems can be identified in the screening of kindergarten and first grade children who could then receive appropriate treatment to existing

curricula and student services.

Mr. Speaker, in national studies, the components of the Early Intervention for School Success Program have been found to greatly enhance the learning abilities of children just starting out in school. Children initially suffering severe learning problems have ultimately achieved a satisfactory performance level as a result of the early diagnosis and follow-up provided by this very promising program, a program which demonstrates how early intervention and prevention programs can promote educational success for all students, regardless of their initial deficiencies.

Mr. Speaker, in the Supplemental Budget, we also make other critical investments.

We have granted permanent status for 35 athletic director positions to insure continuity in their programs. We have also expanded the Artists in the Schools Program to all secondary schools and to each school district to enrich the cultural horizons of all elementary and secondary school students.

To improve the educational climate of our schools, we have provided additional vice principals in the larger high schools in the State; provided allowances from the ten schools with the highest rate of burglaries, vandalism and fires; and provided for a study to determine what kinds of alarms and monitoring system may be appropriate for Hawaii's school security, fire protection, and energy needs.

To further the Department of Education's energy conservation efforts, we have provided a quick-fix money to install new energy saving fluorescent bulbs which will save nearly millions of dollars over the next few years in the electricity budget.

As another money-saving investment, we have provided start-out funds for the installation of a statewide automated circulation system which will help curb annual book losses of over a million dollars and provide more efficient services to the borrowing public.

Mr. Speaker, with the educational appropriations of this Supplemental Budget, I believe that we have provided for the continuous vitality of our educational system, despite the demands of this difficult times. We have wisely recognized that amongst Society's alternative investments is education which underpins all other plans for a better tomorrow.

In closing, Mr. Speaker, I would like to especially thank the Chairman of the Finance Committee, Representative Kunimura, the House Education and Finance Committees -- all for their input, assistance and support in shaping this year's outstanding educational budget.

Mr. Speaker, I urge that this body adopt House Bill 2070-82, House draft 1, Senate draft 1, Conference draft 1.

Thank you."

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

"Mr. Speaker, first of all, it would be remiss of me if I did not recognize the hard work put in by chairmen of the committees of this House in helping the Finance Committee formulate the sense of policy that this House has adopted.

Secondly, Mr. Speaker, I would like to say that the chairman is only one person; he can do just a little bit, maybe pound the gavel about all. He needs cooperative, hardworking, contributing membership on the committee, and that, Mr. Speaker, I was able to enjoy for the past two sessions. I would like to say 'thank you' to the members of the Finance Committee. We may have had some differences but never have I seen a committee that had anything but love and affection of working together. We never enjoyed nor suffered one day of being disagreeable. And the staff of the Finance Committee worked long hours, weekends and stayed with us throughout the entire session to support us in every way possible.

And, Mr. Speaker, this year, we had a few scares -- one of them that, once in a blue moon, all the planets would gather on one side of the galaxy and predictions were made that the end of the world was coming. Mr. Speaker, I never felt that the world would end because I have faith in God, and I knew that something good was going to happen and that, Mr. Speaker, that for the first time, as I can remember, that the House and the Senate got together in one area especially, and that was the area on education. Two people that sat in the chambers here with me that I disagreed with most often, and that was Senator Abercrombie who sat across there, and if you search the Journals,

we had some harsh words at each other, and I remember Representative Toguchi who sat beside me here, and we couldn't get along because we did not find our common denominator. But, Mr. Speaker, the last two years, as Chairman of the Finance Committee, and I must say this -- there must have been some cold, chill shivers that went down some people's spine as it did in 1962 when Governor John Anthony Burns was elected Governor of this State and both houses of the Legislature were overwhelmingly in one party, for the first time since annexation did the minority party for 62 years, became the party of the State of Hawaii that controlled the administration and the legislative houses. And when an announcement was made that I was going to be the Chairman of the Finance Committee, people said, 'Oh, my God!' Well, Mr. Speaker, you had some reservations too, I was told. And I don't blame you, Mr. Speaker. I served 18 years in this House and I had my script.

. . . always called for bit play like Jesse James, Adolph Hitler, Benito Mussolini, John Dillinger, J.R. Ewing, but for the first time in 18 years, I was given the opportunity to play a role like Father Flanagan of Boys Towne. And I learned a lesson, Mr. Speaker. Muscles do not a law make in a Legislature, that you cannot push people around; you cannot threaten people to pass bills, and I would like to share with you that a man tried this year and he saw great defeat. He thought he could scare this House in passing a bill he wanted and, thank God, for our system.

People said we took a little longer than usual to put the budget together because it was an open session. Mr. Speaker, I resisted open conference; I was comfortable that at the final end, the things that we could not agree in the open, we went into subcommittees and into seclusion. I enjoyed that for 19 years and, Mr. Speaker, this year, my 20th year, maybe my last, I have come to understand that democracy does best in performance and does best for the people that they represent in an open environment where all who care to come, who are interested enough to come, who even suffer with the conferees 24 hours a day, sit around to observe, and this I learned and I hope, Mr. Speaker, if we do anything, that we don't do one thing, and that is to change the open conference. And I hope you many years of political success, and members of this House, I hope you never change, that open conference is the best thing. If I learned anything in my 20 years

here in the Legislature, I learned one thing this year, and that it, it may take a little time and that's what democracy is. Only in dictatorship can you pass laws by decree. In our system of government, it takes long hours of discussion, debate and all the parliamentary trick, sometimes treachery, but yet, all these conflicting views must come out in the open and then the best of both sides must be incorporated so that the people will benefit.

Mr. Speaker, if I may, to the one organization that I felt that should be abolished by law, the Common Cause, I would like to say 'thank you', because Common Cause has shown me, when the first night we had our open conference and these two people were there -- one, a very old, old lady -- I wish I knew her name. About 4:00 o'clock in the morning, she almost fell off the chair because she was dozing off, and that showed me that they cared. Previously, maybe because the people didn't care, they didn't show up; nobody seemed to care what we did, that we were able to go into Executive Session.

But this budget, Mr. Speaker, that we all participated in putting together is again maybe in jeopardy because one house didn't have, maybe the interest, maybe they had their internal problem, but I am told that most of the work that deals with money may go down the drain because one house decked it after 12:00 o'clock. Mr. Speaker, it is a sad, sad state when people put personal interest, put personal vendetta before public interest, and I cuss the day when the three-men judge declare the Hawaii reapportionment unconstitutional, and they appointed masters to reapportion this State, and it looks like this State is going to have, for the first time, emancipation, proclamation by the three-men judge, that this State will have a one man, one district, in both houses, and everybody is going to have to run and be accountable -- the Senators and all. And I hope that they all run -- all 76. We run every two years, Mr. Speaker. Why can't they run every two years themselves when it becomes one man, one district? Is it so magical that Senators must have a longer term than the House? When I searched the Constitution of the United States, the only reason why the Senators were treated differently from the House members is because there were thirteen colonies -- thirteen separate nations actually, because

they didn't have any union and they had to have a common compromise, that one house shall be by population and the other by two member representation. You know, I can see the U.S. Senator having a little longer term of office because they run statewide. But when we have one man, one district, I hope that the people are going to wise up, that when you make the term of office of public officials longer than what is reasonable, then you are going to find a hell of a lot of hanky-panky.

So, Mr. Speaker, I don't know if I'll see you again, but one thing I ask you and the members of this House, when you vote for this budget, that this budget will be known partly as the Educational Appropriation Act of 1982, a product that was put together by the members of the House Education Committee and the Senate Education Committee and very rarely, you know, praise is given to the other house, but I would like to say this -- the Chairman of the Education Committee of the other house is a product. . . a graduate of this house. We can lay claim to that.

And secondly, Mr. Speaker, we have appropriated moneys for witness protection, for beefing up our Attorney General's Office and our Prosecutor's Office. We've done some miracles in here, and I hope some agreement today, or some light can be shed, that one way or the other, if we must come back Wednesday to make this legal, then I propose that we come back. I don't want to adopt the budget that would have a cloud -- a legal cloud. I know this house decked this budget before 12:00 o'clock, early enough for us to consider this today. But I am told the other house missed it by some 10/15 minutes. And there is another bill that missed it by a hell of a lot more than that in both houses, and that is not our bill, that is their bill.

Somehow, it seems the quality of help is a little different from this house compared to the other house. And there seems to be a difference in quality of individuals compared to this house from the other house. Our members of the Finance Committee, the House conferees on the budget, and other money bills, I can say the majority and the minority came and their attendance record, I am very proud of. This house had almost a hundred percent except for once in a while they had to go to the bathroom or take a bath, but I would like to say this, it was like a 99 year old person on the other side because they had the chairman

and a few members sitting there, and except for the day we opened up, we almost missed getting the Supplemental Budget together because one individual came in that never showed up except for the first day and, Mr. Speaker, he came back and wanted to open up something that was already agreed upon. . ."

At this point, the Chair informed Representative Kunimura that his ten minutes had run out whereupon Representative Yamada yielded his time.

Representative Kunimura thanked the Chair and continued his remarks, stating:

"So, Mr. Speaker, I wish, you know, in my ten minutes, I wish I made some sense, at least a paragraph or two, but I would like to ask the wholehearted support, not only the vote, but the wholehearted support of this house in adopting this budget, because this is truly a bi-partisan budget. This is truly the House of Representatives' without any label of the sense of party because, equally and just as enthusiastically, Republicans and Democrats on the committee, worked together side by side, putting aside all political party label to work, for the first time, in the open and in the broadest. . . I cannot say sunshine because God made the night too, but I can say this budget was adopted in the full glare of the fluorescent light because it was on 24 hours a day.

Thank you."

At 10:55 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:56 o'clock a.m., the Vice Speaker assumed the rostrum.

Representative Rohlffing then asked for a recess, and at 10:57 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:25 o'clock a.m., the Speaker resumed the rostrum.

Representative Segawa then rose to speak in favor of H.B. No. 2070-82, HD 1, SD 1, CD 1, stating:

"Mr. Speaker, the illustrious Chairman of the Finance Committee touched on some of the significance

of this bill. I must commend the members of the House Finance Committee and the Chairman for the long hours they have put in to come out with a product that we have before us.

But aside from the matters in the budget itself, Mr. Speaker, I would like to emphasize the process we, the Legislature, had gone through this year. I believe the open conference, the sunshine method, that we used this year should be really brought forth to the public, and in observing portions of the conference, as well as in participating in portions of the conference, I got a real good feeling that this is the way it should be done. I believe that the members of the public and the people who were involved in some of the grants-in-aids who came to listen, I think, went home with a better understanding of the legislative process. While it is still imperfect in the way that funds are portioned out, I believe many of them learned a lot, and if they did not get what they wanted, they had some good reasons to know why they didn't get it. I believe it will provide for a deeper scrutiny of the programs of the people who come in for moneys to know that they will have to come in to justify their programs and why they should have funds. I believe that the members who were there, next time, will come in with real good justification why they should have funds and how much they should get.

Mr. Speaker, in observing what had happened, I believe this will provide for a bigger participation on the part of the public in coming in to observe the open way that business is done here at the Legislature, and I would even, perhaps suggest that next year, we might consider televising the proceedings of the conference committee in order that the public, especially those on the neighbor islands, may get a good viewing of what really happens here at the Legislature. And while I have to recognize the difficulty that the conference committee had in viewing many of the grants-in-aids, I believe there is a need for us here at the Legislature to consider very strongly the philosophy of funding these programs in health care by programs, not by agencies, but in order that we may provide complete programs with a responsible and quality program.

So, in closing, I would like to urge all members to vote unanimously for this bill."

Representative Narvaes then rose and stated:

"Mr. Speaker, I would also like to give some words in support of what the previous speaker has just said, and I am speaking in favor of the bill, and I am speaking basically about the process.

Mr. Speaker, for the last five years, I sat on the Finance Committee with people like Uncle Tony and others. I have had, at one time, Jack Suwa as Chairman; Morioka; and now, Uncle Tony. And, for the last five years, we have always come down to a certain point where conference went into a super conference, and it was always an empty feeling. You run into a little empty feeling because you worked so hard on the budget all year and then the last few items -- the really important items -- would be decided basically behind closed doors.

Mr. Speaker, this year was a little bit different. It was open all the way, and it was nice to see the community share behind the budget, like they were following the proceedings. It was good to see people like Common Cause who spent as many hours in those conferences as we did, and the comments they had about the process, I feel good about today. I can only hope that this open style of conference on the budget continues in future years as the public can come in, they can watch, they can see what's happening to their money concerns. It's certainly a way for freshmen legislators to find out how the real dealings on the budget are made, and not just in the hearings that we have on it and partial conferences, but for the freshmen legislators to sit on the committee all the way through the budget, and they can learn tremendously by it. I know, even after five years on the committee, this year was a little different, learned a little bit more; I appreciated the process a lot this year. I thank Uncle Tony for holding on to his guns and keeping the conference open.

Mr. Speaker, thank you."

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

"Mr. Speaker, I did not intend to speak in favor of this bill by making a speech when I came to attend the session, but listening to the impassioned, compassionate speech of our Chairman of the Finance Committee, I thought that I would also make a few remarks.

It seems to me that the Chairman

of the Finance Committee, the able leader, Representative Tony Kunimura, has made his valedictory address and I feel that if ever that happens, it will be a big loss of this House but a gain for whatever office that he is going to seek to.

Mr. Speaker, we have been criticized for being slow in the negotiation of the budget. But may I say that the business of concern in seeking a settlement under many budgetary and legal questions takes time. Democracy is not a time-efficient operation. Indeed, the many money dickering has been mentally exhausting. It has been around-the-clock meetings -- burned out even the most earnest of political decision makers, But, Mr. Speaker, working out a compromise is an exercise in restraint. Conflicting priorities are the source of analytical discussion and critical comparisons. And for this reason, Mr. Speaker, the conference has taken so much time in making a decision which we believe was in the best interest for the State of Hawaii and the people of Hawaii.

I am very fortunate that the leadership of this House, especially Mr. Speaker, that as a freshman, I was appointed to be a member of the Finance Committee. It has been a very enriching experience for me to sit down with dedicated and hardworking members of the Finance Committee under the able leadership of Representative Tony Kunimura and Vice Chairman, Ken Kiyabu. There are freshmen members in the House who had shown their ability and capacity to do the best for the people of Hawaii.

And again, Mr. Speaker, may I say 'thank you very much', and urge all the members of this House to vote in favor of this bill.

Mahalo."

Representative Kunimura then rose and stated:

"Mr. Speaker, before I am called out -- maybe on an emergency -- I would like to, in speaking for the bill, make one report to you that the past two years, members of the House Finance Committee, in my considered judgment, and especially the Vice Chairman of the Committee, are ready and capable of chairing any committees of this House and by that I mean all fifteen members -- today is their graduation. And I would like to congratulate the fifteen members who served with me, that every one of them, I have confidence that they can be the best

chairmen of any committees of this House or the committees in the Senate.

Thank you."

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

"Mr. Speaker, I am not a member of the Finance Committee, but I sat with them for special interest -- my people in wheel chairs.

I observed the 24-hour process and have observed how they negotiated with each other. I also have a suggestion to make. The Senators who were chairmen of their committees were armed with facts, the figures, that they were able to fight our Finance people. The Finance members are not chairmen of the committees. I have a suggestion to make that the chairmen of these committees who know so much about the subject matter, who knows the figures, should be present there when their grants-in-aids, or whatever their subject area comes up, to give ammunition to those people who are sitting on the Finance Committee because without facts and figures, they cannot fight back.

Thank you, Mr. Speaker."

Representative Kobayashi then rose and stated:

"Mr. Speaker, I would like to speak in favor of the bill. Basically, whether we had a chairman or not, it was, shall we say, a lively and combative conference committee. I won't say that we did badly because we did not have chairmen because, in fact, we did have, from time to time, chairmen sit in on the House side. Regardless of whether we had chairmen, we did come out with ideas and with the dollar amounts that I think we can be proud of. We had things like infant stimulation and infant development added to the budget. We had moneys for rural Oahu family planning added to the budget; and for the neighbor islands, we had small group homes added to the budget. We had, also, for Oahu, a misdemeanor pilot program to help with our school problems. We had several other programs which were readily agreed upon, including our milk heptachlor addition to the budget; a million dollars for tourism promotion. We had, as one of interest to the previous speaker, moneys for Nursing Homes Without Walls Project added

to the budget.

These various things came in part because House members were interested and stuck to their positions, and whether we could have gotten better positions or not with chairmen, I think is something for debate. We certainly could have used help, but in spite of who was involved in the conference committee, I think the House did a creditable job and can be proud of the budget that is presently before us.

Thank you."

Representative Wong then rose and stated:

"Mr. Speaker, I rise to speak in favor of this measure. I would like to express my observations.

Mr. Speaker, my observations on this measure are not in relation to the Supplemental Budget specifically; rather, my observations are more towards our system - the PPB system used to arrive at the contents of H.B. 2070-82, HD 1, SD 1, CD 1, and that is specifically in the items in the Supplemental Budget.

Mr. Speaker, the PPB system, or the Executive Budget Act, as implemented in our State, is far from being perfect, and the State administration has an enormous amount of personnel working year round on the budget and other required documents. The Department of Budget and Finance is continuously updating, changing and improving the program plans for the State of Hawaii.

However, Mr. Speaker, we, at the Legislature, are not as fortunate. We just do not have the necessary manpower nor the time to make those critical monetary decisions and, more importantly, the evaluations of the measures of effectiveness of the nearly 300 programs contained in our budget. And all this has to be done within sixty days, Mr. Speaker. A mad rush at the end of the session is probably the greatest subversion of the intent of the PPB system and the legislative system in general. The PPB system is valuable only if all facts and analyses are used to the fullest extent. However, the type of careful analyses I am talking about takes time, and time, Mr. Speaker, is one thing we have very little of.

Mr. Speaker, a year-round analyses and monitoring of the budget is sorely needed. We cannot continue the way we have been and still be in tune with our changing and fluctuating economic

climate. Since the Legislature makes the ultimate decision when it concerns the appropriation of moneys, it should follow logically that we have the proper tools to make those very critical decisions. I am only interested in seeing, Mr. Speaker, that the PPB system be implemented properly and utilized to its fullest capabilities. Change is the only constant factor in our very volatile environment today. The PPB system allows us to adjust to the constant fluctuating changes in our economic environment on a yearly, bi-annual, and even a six-year period. We have yet to see the PPB system reach its fullest fruition.

Mr. Speaker, a great deal of work has been expended on the drafting of this measure here. I certainly am proud to have been sitting on the Finance Committee with such a fine Chairman. Therefore, I urge all my colleagues to vote 'aye' on this measure.

Thank you, Mr. Speaker."

Representative Rohlfing then rose and stated:

"Mr. Speaker, I would like to say that I feel that the members of this body and the Chairman of Finance, through the other members of the Finance Committee and those who assisted him and them, have obviously done a very thorough and complete job which has been acknowledged in this House, and I wish to join with them in supporting the measure.

I would like to make one observation with respect to the distinguished member from Kauai's comments with respect to the terms of the various officers of the Legislature being in the House and the Senate, having myself served on a four-year term a couple of times and a few two-year terms. I think probably we could resolve it all if we would just adopt the unicameral system as many of us have advocated unsuccessfully. But with his support, I think, maybe someday, we will attain that system and there will not need to be a distinction between House members and Senate members, and maybe, in many cases, not the problems that you brought up that we are facing on a time differential but apparently is hanging over our heads.

So, with that, Mr. Speaker, I wish to acknowledge again the hard work that was done in preparing

this budget and the input that I think has been acknowledged by the Republican members as well.

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. 2070-82, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIMUM JULY 1, 1981 TO JUNE 30, 1983", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Dods voting no, and Representative Honda being excused.

The Chair directed the Clerk to note that H.B. No. 2070-82 had passed Final Reading at 11:44 o'clock a.m.

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

Representative Monahan introduced his daughter, Mrs. Peggy Pezzuto, and his wife, Pamela.

Representative Chun introduced two ladies from the Philippines "who are visiting us on their way to Washington, D.C. to attend a general conference of the Seventh Day Adventists", as follows: Mrs. Rosario Emiliano, "a registered nurse and a home house education service in Manila", and Mrs. Ephepania de Mina, "an accountant for the Philippines Publishing House." They were accompanied by Miss Ing, "my trusted aide."

Representative Aki introduced Mr. Cerio Tungpalan, husband of Representative Tungpalan, who was seated in the gallery.

Representative Sakamoto introduced Councilman Tom Nekota who was seated in the gallery.

At 11:45 o'clock a.m., Representative Kamali'i asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:46 o'clock a.m.

At 11:47 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of transmitting the Supplemental Budget to the Governor; also advising the Senate that this House has passed the same."

The House of Representatives re-

convened at 4:35 o'clock p.m.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 88-82 on S.B. No. 2759-82, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 9-82 on H.B. No. 2359-82, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 10-82 on H.B. No. 2559-82, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 11-82 on H.B. No. 1988-82, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 17-82 on H.B. No. 2679-82, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 19-82 on H.B. No. 2313-82, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 24-82 on S.B. No. 2353-82, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 25-82 on S.B. No. 1697, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 26-82 on S.B. No. 2765-82, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 30-82 on H.B. No. 2947-82, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 33-82 on H.B. No. 2838-82, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 34-82 on H.B. No. 2201-82, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 37-82 on S.B. No. 2399-82, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 38-82 on H.B. No. 2767-82, HD 3, SD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 41-82 on H.B. No. 2511-82, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 42-82 on S.B. No. 2513-82, SD 1, HD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 56-82 on S.B. No. 2346-82, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 64-82 on H.B. No. 3136-82, HD 2, SD 1, CD 1:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 67-82 on S.B. No. 1287, SD 1, HD 1, CD 1:

By unanimous consent, action was

deferred one day.

Conf. Com. Rep. No. 68-82 on
S.B. No. 544, SD 2, HD 1, CD 1:

By unanimous consent, action
was deferred one day.

Conf. Com. Rep. No. 71-82 on
S.B. No. 2926-82, SD 1, HD 2,
CD 1:

By unanimous consent, action
was deferred one day.

Conf. Com. Rep. No. 72-82 on
H.B. No. 3092-82, HD 1, SD 1,
CD 2:

By unanimous consent, action
was deferred one day.

Conf. Com. Rep. No. 73-82 on
S.B. No. 2269-82, SD 2, HD 2,
CD 1:

By unanimous consent, action
was deferred one day.

Conf. Com. Rep. No. 74-82 on
S.B. No. 2760-82, SD 2, HD 1,
CD 1:

By unanimous consent, action
was deferred one day.

Conf. Com. Rep. No. 75-82 on
S.B. No. 2904-82, SD 1, HD 2,
CD 1:

By unanimous consent, action
was deferred one day.

Conf. Com. Rep. No. 76-82 on
S.B. No. 2955-82, SD 2, HD 2,
CD 2:

By unanimous consent, action
was deferred one day.

Conf. Com. Rep. No. 77-82 on
H.B. No. 3143-82, HD 2, SD 1,
CD 1:

By unanimous consent, action
was deferred one day.

Conf. Com. Rep. No. 78-82 on
S.B. No. 2978-82, SD 1, HD 2,
CD 1:

By unanimous consent, action

was deferred one day.

Conf. Com. Rep. No. 79-82 on H.B.
No. 2400-82, SD 1, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 80-82 on S.B.
No. 2816-82, SD 2, HD 2, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 81-82 on H.B.
No. 2907-82, HD 2, SD 2, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 82-82 on H.B.
No. 2312-82, HD 1, SD 1, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 83-82 on H.B.
No. 2113-82, HD 2, SD 2, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 84-82 on H.B.
No. 3078-82, HD 1, SD 1, CD 2:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 86-82 on S.B.
No. 2829-82, HD 1, CD 1:

By unanimous consent, action was
deferred one day.

Conf. Com. Rep. No. 87-82 on S.B.
No. 732, SD 1, HD 1, CD 1:

On motion by Representative Kiyabu,
seconded by Representative Morioka
and carried, Conf. Com. Rep. No. 87-
82 and S.B. No. 732, SD 1, HD 1, CD
1, relating to the issuance of GO bonds
for Executive/Judicial Supplemental
Budgets, were recommitted to the Committee
on Conference.

Stand. Com. Rep. No. 878-82 on S.B.
No. 2173-82 on Third Reading:

By unanimous consent, action was
deferred one day.

Stand. Com. Rep. No. 879-82
on S.B. No. 2607-82, SD 2, on Third
Reading:

By unanimous consent, action
was deferred one day.

GOVERNOR'S MESSAGE

A message from the Governor
(Gov. Msg. No. 11) was read by
the Clerk as follows:

"STATE OF HAWAII
Executive Chambers
Honolulu

April 26, 1982

The Honorable Henry Haalilio Peters
Speaker, House of Representatives
Eleventh State Legislature
Regular Session of 1982
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

Transmitted herewith is the Executive
Order providing for a further extension
of the 1982 Session of the Eleventh
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, the President of the
Senate and the Speaker of the House
of Representatives at the written
request of two-thirds of the members
to which each house is entitled by
proclamation granted an extension
of eighteen hours beyond the sixtieth
day of the regular session of 1982
of the Eleventh Legislature of the
State of Hawaii; and

WHEREAS, the governor has been
requested to grant a further extension
and it appears that such an extension
is necessary;

NOW, THEREFORE, I, GEORGE R.
ARIYOSHI, Governor of Hawaii, pursuant
to the power vested in me by Section
10, Article III of the Constitution of
the State of Hawaii, do hereby extend
the 1982 regular session of the Eleventh
Legislature of the State of Hawaii
for a period of fifty-four (54) hours,
following 6:00 p.m., April 26, 1982,
pursuant to Section 10, Article III
of the Constitution of the State of Hawaii.

Done at the State Capitol,
Honolulu, State of Hawaii,
this 26th day of April, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii

APPROVED AS TO FORM:

/s/ Tany S. Hong

TANY S. HONG
Attorney General"

STANDING COMMITTEE REPORTS

By unanimous consent, action on
Stand. Com. Rep. Nos. 1041-82 on
S.C.R. No. 56; 1042-82 on H.R. No.
144, HD 1; 1043-82 on H.C.R. No.
158, HD 1; 1044-82 on H.R. No. 360,
HD 1; 1045-82 on S.B. No. 2909-82,
SD 1; 1046-82 on S.B. No. 2201-82,
SD 1; 1047-82 on H.R. No. 358; 1048-
82 on H.C.R. No. 137; and 1049-82
on H.R. No. 297, HD 1, was deferred
one day.

At 4:50 o'clock p.m., Representative
Medeiros asked for a recess and the
Chair declared a recess, subject to
the call of the Chair.

Upon reconvening at 4:51 o'clock
p.m., Representative de Heer was
granted permission to make a late
introduction and he introduced Peter
Matsuura, "former Youth Legislature
Governor, one of six children, a very
bright and intelligent young man who
is currently attending the University
of California Medical School, and the
son of Representative Matsuura."

At 4:57 o'clock p.m., the Chair
declared a recess, subject to the call
of the Chair.

The House of Representatives reconvened
at 5:00 o'clock p.m.

At this time, the Chair stated:

"This House will stand in recess for the purposes of receiving and decking all Conference Committee Reports. This House will convene tomorrow morning at 11:00 o'clock a.m."

At 5:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 6:35 o'clock p.m.

At this time, Representative Kunimura moved that the House request the Governor to return House Bill No. 2070-82, HD 1, SD 1, CD 1, which passed Final Reading earlier and transmitted to the Governor.

The motion was seconded by Representative Kiyabu.

Representative Rohlfling then rose and asked whether or not the movant would yield to a question to which Representative Kunimura answered in the affirmative.

Representative Rohlfling asked:

"Representative Kunimura, what is the basis for the motion. . . what is the requirements legally that bring about the motion to recall this measure from the Governor? Can you enlighten the body as to why this is necessary?"

Representative Kunimura answered:

"Mr. Speaker, you know, I usually have a problem of making a long story short and a short story long and I don't want to belabor this august body, but in my limited way, if I may explain, that sometime between last Friday and today, there was a certain event that took place here in the State of Hawaii, and we were a party to it but not guilty of that error or almost demise of a certain measure, and this morning, we passed the Supplemental Budget bill which is House Bill 2070-82, HD 1, SD 1, CD 1, and together in concert with the other house, transmitted that measure up to the Governor as required by the Constitution of the State.

Subsequently, we learned that the other house, by some mechanical football or otherwise, decked their bill after 12:00 midnight on Friday last; subsequently, raising some cloud as to the constitutionality

of such an enactment. And at the advice of the Attorney General of this State, the Governor, I believe, extended the session. . . additional hours, until midnight, Wednesday. And since that matter. . . that House Bill was transmitted to the Governor, it becomes compulsory that we recall that and bring it back here, and this house will leave, I believe, the measure on the Clerk's desk because we decked it properly prior to midnight, Friday, but the other house has the problem so they have to recall and reconsider action. This house need not reconsider its action. And, after all, having a bicameral situation, we feel it is very important that we try and cooperate with the other body when they make slight tactical error, and this is the reason for our action. . . for the motion before this house at this time.

Now, I would like to ask great pardon for making short story long."

Representative Rohlfling then said:

"Mr. Speaker, I appreciate the detailed response by the Chairman of the Finance Committee. However, Mr. Speaker, if I may, I would like to speak against the motion at this time."

Directed by the Chair to "please proceed", Representative Rohlfling stated:

"Mr. Speaker, I think that not only the Finance Chairman but other members of the body who have been in the Legislature for some time are quite aware that many times one body has adjourned, or at least gone into recess. . . in many cases, adjourn, even on the final night, having passed the budget, while the other body is still in session. And in a quick review, and I cannot claim to have read all of the technical language that is in our Constitution, it has been pointed out that what we are doing now is very definitely overreacting to a situation which was not of the making of this house. And I think that the Chairman of Finance has covered that point pretty clearly insofar as the Senate side and the potential challenges over there with respect to the timing and so forth of the budget.

A fact is a fact -- we do have an extension. It was done by the Governor. It was not the motion, certainly, of this side of the house, and I presume not that side of the house to have such an extension put upon us. I think that we have become either schizo, or somehow involved in something that is above and beyond the duty of the Legislature, and us as legislators.

We are becoming somehow embroiled in something that is involved in gubernatorial election campaign, or something along that line, and I think that the house, having passed this bill properly, which before this house was voted on almost unanimously, I believe, this morning, to bring it back to sit on the Clerk's desk is an unnecessary action and one which is sort of the culmination of a day of great confusion and frustration; certainly, speaking for myself. And I think by doing this, we are just re-emphasizing the lack of direction that we are getting in the total picture, and I personally feel that we shouldn't take this step, that we are going through some kind of mental catastasis or something, to try and please somebody else other than the members of this body, and I think that that can be substantiated by a review of the Constitution, the provisions under Legislative Appropriations and Procedures and the Expenditure Ceiling of the Constitution. We have done it before and why we are going through this now, I just don't understand.

Mr. Speaker, I think this is an unnecessary step, and I think that we are just sort of wasting our time here tonight.

Thank you, Mr. Speaker."

Representative Kunimura then rose and stated:

"Mr. Speaker, I certainly wish the Honorable Minority Floor Leader was the Attorney General of this State, but the fact is he is not, and the Constitution clearly states that there shall be one Attorney General who shall be the legal officer of this State and he has advised the Governor of this State as to the possibility of litigation because of the color in the decking of the budget.

Any other bill, Mr. Speaker, I would have no qualms about letting it fly by itself. But because the Constitutional requirements that the budget, and only the budget, shall have action by both houses and be transmitted to the Governor before any other action can be taken on any other money bills, this becomes incumbent upon this house to at least concur with the other house that what we have done bilaterally, they cannot recall unilaterally, and that is the universal law. It is not written in the Constitution but it is universal law, and I mean common sense. Therefore, by recalling

the measure together with the other house, that we are acting in concert because we sent it up in concert, and we shall leave it on the table because we don't have to reconsider our action because this house's actions were proper and constitutional. And that is my position and, sir, I am far from being an attorney. I had just happened to be a little meatcutter from Kauai that have learned to slice the baloney."

Representative Kamaliⁱ then rose and stated:

"Mr. Speaker, I agree with the Chairman of Finance that this house is correct, but I disagree with him that we must transmit to the Governor the budget simultaneously. We are a separate entity from the Senate, and in reading from the Constitution, and I think this is what we answer to: 'In any such session in which the Legislature submits to the Governor a supplemental appropriations bill, no other appropriations bill except those recommitted by the Governor for immediate passage or to cover the expenses of the Legislature shall be passed on Final Reading until such supplemental appropriations bill shall have been transmitted to the Governor.'

It does not say simultaneously. We can transmit our own bills to the Governor without the advice or the consent or any okay from the Senate. For us to bring back, or even ask the Governor to return the budget, is admitting that this house has erred. We, as Republicans, say that it is unnecessary. If we bring this bill back, what are we bringing it back for? They have to bring it back because they have to reconsider their action. Are we again going to do something that we don't know about in the Minority tomorrow with regards to this budget, or later on tonight? Is that why we want to recall it from the Governor?

I hope not, Mr. Speaker, because there is no reason that this house has to answer to the Senate, as it states in this Constitution."

Representative Yamada then rose to speak in favor of the motion, stating:

"Mr. Speaker, it is pretty obvious that this side of the aisle differ in our opinion as to whether this motion is necessary or not with my colleagues across that I am staring at nicely. So, basically, what we have is a disagreement so if we don't pass this motion, that we will be in essence creating a cloud on a bill which already has a cloud on.

Therefore, Mr. Speaker, instead of compounding any errors that may occur, even if it is not caused by us, we should pass this motion so we won't have any cloud on our part."

Representative Anderson then rose and stated:

"Mr. Speaker, this morning, we heard all kinds of glory for the Finance Chairman, the Committee, all of the Committee Chairmen, on what a fine job you folks have all done over the month, and I agree -- we have done a fine job.

This morning, it was stated there is no cloud from this house, and now, we are saying we are going to bring the bill back because there is a cloud. I wish to heck that we would make our decisions in this house and the hell with the other side. If they have a problem, that's their problem. There is really no, as Representative Kamali'i said, reason that we have to go ahead and bring that back to this floor just because others have made mistakes. We did our job. I think everybody here worked hard, and I don't say this as a minority person or a majority person; I say this as a representative. I am very proud of what you folks have done, and I think every darn one of us should be proud of what you have done and if you're not, well, then, the heck with it.

To say that we have to go along with the other side; we have made mistakes, and if you believe that you have made a mistake, then I hope that's the way you will vote. But I don't think you have. I don't think I have, and I will not vote that way.

Thank you, Mr. Speaker."

Representative Kunimura then rose and stated:

"Mr. Speaker, I would like to thank the gentleman from the Windward side. He has given us the best reason why we should recall the bill back to this house.

This morning, nobody ever talked about this house making a mistake or doing wrong. We were talking about a bill that has a cloud; that is not the House. It is House Bill 2070-82, and it was bilateral action of the Senate and the House, as required by the Constitution, and the transmittal to the Governor is

a document called the budget. And nothing else can pass with money implication without first this bill passing.

Now, how can House Bill 2070-82 be reconsidered by the other house if we do not recall the bill like the other house is going to do because there is only but one budget document, and that is the House bill, and it takes bilateral agreement to recall so that the other house may take unilateral action in reconsidering its move and start the clock properly.

We have voted on the bill and our bill will be recalled and laid on the Clerk's desk until Wednesday and we will move on with the other matters. We are not going to vote on the budget because we've already done it properly. And because this is such a good bill, and because so many people put so much of their time and hard work, that we should do everything, if we are responsible, to make sure that nothing done here will jeopardize this bill and I hate to be called overreacting. We are not. Long ago, I learned a phrase -- better safe than sorry."

Representative Medeiros then rose and asked whether or not the Chairman of the Finance Committee would yield to questions to which Representative Kunimura answered in the affirmative.

Representative Medeiros asked:

"Mr. Speaker, I am very much in favor of the bill to be favorable at the very bottom line of the session. But my question to you now is that after we recall this bill, it comes back to the floor of the House, it still remains passed, doesn't it? We do not have to take action on it at all. Right?"

Now, my question then probably to you, Mr. Speaker, is what then will be the procedure to have this bill transmitted to the Governor if we don't take any action on it after it comes back to the House?"

Representative Kunimura answered:

"When the other house properly passes this bill on Wednesday, then we can together send the bill up because we have already taken action. The Constitution never said anything like we have to vote on it the same day, at the same hour, at the same minute."

Representative Medeiros continued:

"I understand that, Representative Kunimura, and I appreciate your comments, but my question has not been answered.

The question was, and I repeat it again, what procedure will be then used to transmit a bill that we've already acted upon back to the Governor?"

Representative Kunimura answered:

"The same way we did it before we are going to make this motion to recall."

Representative Medeiros asked:

"So then, are you saying that we again are going to act upon the bill?"

Representative Kunimura answered:

"No. As I explained, this house has already acted upon this bill properly and it shall lay on the Clerk's desk. . ."

Representative Medeiros interrupted and asked:

"Right. When we recall that it comes back to the floor of the House -- right?"

Representative Kunimura answered:

"It comes back to the Clerk's desk."

Representative Medeiros asked:

"So, then, how do we get it back to the Governor? That's my question."

Representative Kunimura answered:

"Then it goes back to the Governor by transmittal -- back up again."

Representative Medeiros asked:

"Do we have a motion?"

Representative Kunimura answered:

"Just a letter, when we find out from the Senate that they already passed theirs."

Representative Medeiros continued:

"And a letter is sufficient. That's what you're saying?"

The Chair then stated:

"Representative Medeiros, by virtue of our action in a few minutes, we will request that the Governor send back House Bill 2070-82. It will lay on the Clerk's desk until we hear from the Senate that they have taken the proper motion and

with proper action on said bill, come Wednesday, when they have done so, we will together submit that measure to the Governor together."

Representative Medeiros asked:

"By what procedure, Mr. Speaker?"

The Chair answered:

"By virtue of waiting to hear from them, the Senate. . ."

At this point, Representative Medeiros interrupted and asked for a recess.

At 6:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:00 o'clock p.m.

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

"Mr. Speaker, this afternoon, I happened to be in the Senate when they were debating the reconsideration of the budget bill and I don't recall a motion to recall the bill prior to the motion to reconsider. Has the Senate taken the proper action in recalling the bill, assuming that your argument that we do have to recall is necessary?"

The Chair answered:

"Representative Ikeda, there's a communication that both the President and I will be signing, submit it to the Governor, requesting that said bill be brought back to both houses."

Representative Ikeda asked:

"Then, Mr. Speaker, if that is the case, was the motion to reconsider in the Senate improper at the time that it was offered?"

The Chair answered:

"I can't answer that question, Representative Ikeda, I wasn't there."

Representative Ikeda stated:

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

Mr. Speaker, on the basis of your last answer, it appears that if the Senate motion to reconsider the bill was improper without first recalling it, then there is a further cloud placed on the actions of the Senate and, therefore, I would think that we need to clarify that before we take any action in this house.

Also, I believe that if a recall is proper and it has to be done by both houses of a Legislature, that we have to take that action before any reconsideration is done and if we have to do that, then the clocking of the bill, in terms of the 48 hours, would be affected.

Mr. Speaker, I think until we can clarify these things, I don't believe that the motion is proper and I do not think that this house should take action to recall the measure.

Also, Mr. Speaker, I can remember the past session where we have been called into Special Session by the Governor because, upon examination of the budget, and if it was the same budget, it would not have happened, but upon his examination of the budget, he found differences in the Senate transmittal of the budget from the House's transmittal of the budget. I believe you recall that as well. If that is also true, then there are two versions that are sent up and if there are two versions that are sent up and this House has taken proper action on its version, then I see no need to recall the House version of the budget.

Thank you, Mr. Speaker."

Representative Kunimura then rose and stated:

"Mr. Speaker, speaking for the motion, I am pretty sure the people of this State are sick and tired.
."

At this point, Representative Kamali'i rose on a point of order and stated:

"I believe the Chairman of Finance spoke twice on the motion."

Representative Kunimura replied:

"The movant has the right to answer and rebut, Mr. Speaker."

Directed by the Chair to "proceed", Representative Kunimura thanked the Chair and continued his remarks, stating:

"The people of this State are sick and tired of all the rain we've had in about the past six months, and rains are caused by clouds, and our inaction today may further becloud the bill and cause more rain, so I say, Mr. Speaker, in reviewing what the previous speaker just said about last year's budget --

last year was a little different situation. The conference committee met and agreed on a compromise and it was the other house's request to a staff member, the chief staff member of our committee, that they would like very much to prepare their own bill. And it was agreed upon by the staff, not by me, and later on, the House discovered several discrepancies. The House version was the correct one, the other one was the one that had all the errors. This year, a total prohibition was put on the staff that they cannot, without first having the authority either by me or the Vice Chairman, to such policy change. It has always been the policy of the Legislature that the bill originating from that house. . . that house from which the bill is originating from would be responsible in preparing conference drafts.

And, Mr. Speaker, about the action taken by the other house, whether not recalling and reconsidering, is not our concern because we were not there to witness and even if they did what they did, it is their business and this is why we have a bicameral legislature. And the only interest I have, Mr. Speaker, is to mind our own business and do our business correctly and without any cloud so that we wouldn't have any more rain in this State.

Thank you."

Representative Ikeda, in rebuttal, stated:

"I agree with the Chairman of the Finance Committee; I believe this House has acted properly. Therefore, if it is the business of the other house and we should mind our own business, then we should do just that and allow the bill to stay transmitted to the Governor and not recall it."

The motion was put by the Chair and carried by voice vote.

Representative Ikeda then rose and requested that her 'no' be recorded, whereupon Representative Rohlfing rose and requested a roll call vote.

Representative Blair then rose on a point of parliamentary inquiry and asked:

"Is it proper to request a roll call after the vote has been taken and the motion has passed?"

The Chair answered:

"The Chair has made his ruling, yes."

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

"The proper motion at this time would be division of the house."

The Chair stated:

"The Chair stands corrected."

Representative Rohlfing then rose and stated:

"Mr. Speaker, I request a division of the house."

The Chair asked the Clerk to call the roll, whereupon Representative Kunimura rose on a point of order."

The Chair then stated:

"The Chair stands corrected. Division of the house has been called for", and asked all members who were in favor of the motion to rise. The motion failed to carry after a division of the House, with Representatives Anderson, Ikeda, Isbell, Kamali'i, Lacy, Liu, Marumoto, Medeiros, Monahan, Narvaes, Rohlfing and Wong voting no.

At 7:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:14 o'clock p.m.

ANNOUNCEMENTS

The Chair, at this time, waived the 48-hour notice requirement for meetings on all resolutions and concurrent resolutions referred to the Transportation and Finance Committees.

The Chair then said:

"This House shall stand in recess for the purposes of receiving all conference committee reports and bills to be decked."

Representative Ikeda rose on a point of information and asked:

"Are you anticipating any more conference committee reports?"

The Chair answered:

"I believe we recommitted one measure."

Representative Ikeda said:

"I thought we received that on the desk."

The Chair replied:

"I wasn't notified."

Representative Ikeda asked:

"Conference Committee Report No. 89-82?"

The Chair said:

"The Chair stands corrected."

Representative Ikeda asked:

"Then, Mr. Speaker, there really is no reason to leave the Journal open, is there?"

The Chair answered:

"That is correct."

At 7:15 o'clock p.m., Representative Yamada asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:20 o'clock p.m.

The Chair then stated:

"At this time, the House shall stand in recess for the purposes of receiving all conference committee reports for decking and this House shall convene at 11:00 o'clock a.m. tomorrow morning."

At 7:22 o'clock p.m., the Chair declared a recess for the purpose of receiving and decking all conference committee reports.

CONFERENCE COMMITTEE REPORT

Representative Kunimura, for the Committee on Conference on the recommitment to Conference of Senate Bill No. 732, SD 1, HD 1, CD 1, presented a report (Conf. Com. Rep. No. 89-82) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 89-82 on Senate Bill No. 732, SD 1, HD 1, CD 2, was deferred until Wednesday, April 28, 1982, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of Senate Bill No. 732,

SD 1, HD 1, CD 2, were made available to the members of the House at 5:00 o'clock p.m.

ADJOURNMENT

At 12:00 o'clock, midnight, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Tuesday, April 27, 1982.

SIXTY-SECOND DAY

Tuesday, April 27, 1982

The House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Calvin Say, after which the Roll was called showing all members present with the exception of Representatives Honda, Monahan and Sakamoto, who were excused.

By unanimous consent, reading of the Journal was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 733 to 763) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 733) transmitting Senate Concurrent Resolution No. 31, SD 1, requesting a study on the impact of allowing shares of a professional corporation to be transferred into a revocable living trust, which was adopted by the Senate on April 26, 1982, was placed on file.

By unanimous consent, further action was deferred.

A communication from the Senate (Sen. Com. No. 734) transmitting Senate Concurrent Resolution No. 89, requesting the Legislative Auditor to conduct a program audit of the State's program of special tax credits and exemptions, which was adopted by the Senate on April 26, 1982, was placed on file.

By unanimous consent, further action was deferred.

A communication from the Senate (Sen. Com. No. 735) 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. 2978-82, SD 1, was adopted by the Senate, and Senate Bill No. 2978-82, SD 1, HD 2, CD 1, passed Final Reading

in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 736) 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. 2070-82, HD 1, was adopted by the Senate, and House Bill No. 2070-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 737) 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. 2092-82, HD 2, was adopted by the Senate, and House Bill No. 2092-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 738) informing the House that the Senate had reconsidered its action taken on April 23, 1982, on 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. 2176-82, HD 2, and upon reconsideration, House Bill No. 2176-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 26, 1982, 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. 2113-82, HD 2, was adopted by the Senate, and House Bill No. 2113-82, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 26, 1982, 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. 2230-82, HD 1, was adopted by the Senate, and House Bill No. 2230-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 26, 1982, 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. 2312-82, HD1, was adopted by the Senate, and House Bill No. 2312-82, HD1, SD1, CD1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 742) informing the House that the Senate had reconsidered its action taken on April 23, 1982, on 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. 2331-82, HD1, and upon reconsideration, House Bill No. 2331-82, HD1, SD1, CD1, passed Final Reading in the Senate on April 26, 1982, 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. 2359-82, HD1, was adopted by the Senate, and House Bill No. 2359-82, HD1, SD2, CD1, passed Final Reading in the Senate on April 26, 1982, 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. 2400-82 was adopted by the Senate, and House Bill No. 2400-82, SD1, CD1, passed Final Reading in the Senate on April 26, 1982, 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. 2559-82, HD1, was adopted by the Senate, and House Bill No. 2559-82, HD1, SD1, CD1, passed Final Reading in the Senate on April 26, 1982, 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. 2679-82, was adopted by the Senate, and House Bill No. 2679-82, SD1, CD1, passed Final Reading in the Senate on April 26, 1982, 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 House to the amendments proposed by the Senate to House Bill No. 2838-82, HD1, was adopted by the Senate, and House Bill No. 2838-82, HD1, SD1, CD1, passed Final Reading in the Senate on April 23, 1982, 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. 2907-82, HD2, was adopted by the Senate, and House Bill No. 2907-82, HD2, SD2, CD1, passed Final Reading in the Senate on April 26, 1982, 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. 2947-82, HD2, was adopted by the Senate and House Bill No. 2947-82, HD2, SD1, CD1, passed Final Reading in the Senate on April 26, 1982, 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. 3078-82, HD1, was adopted by the Senate, and House Bill No. 3078-82, HD1, SD1, CD1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 751) 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. 3092-82, HD1, was adopted by the Senate and House Bill No. 3092-82, HD1, SD1, CD2 passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 752) 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. 3136-82, HD2, was adopted by the Senate and House Bill No. 3136-82, HD2, SD1, CD1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 753) 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. 3143-82, HD2, was adopted by the Senate and House Bill No. 3143-82, HD2, SD1, CD1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 754) 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. 544 was adopted by the Senate and Senate Bill No. 544, SD2, HD1, CD1, passed Final Reading on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 755) 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. 1287, SD1, was adopted by the Senate and Senate Bill No. 1287, SD1, HD1, CD1, passed Final Reading on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 756) 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. 2269-82, SD2, was adopted by the Senate and Senate Bill No. 2269-82, SD2, HD2, CD1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 757) 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. 2434-82, SD2, was adopted by the Senate and Senate Bill No. 2434-82, SD2, HD2, CD1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 758) 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. 2760-82, SD2, was adopted by the Senate and Senate Bill No. 2760-82, SD2, HD1, CD1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 759) 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. 2816-82 was adopted by the Senate, and Senate Bill No. 2816-82, SD2, HD2, CD1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 760) 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. 2904-82, SD1, was adopted by the Senate and Senate Bill No. 2904-82, SD1, HD1, CD1, passed Final Reading on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 761) 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. 2926-82, SD1, was adopted by the Senate and Senate Bill No. 2926-82, SD1, HD2, CD1, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 762) 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. 2955-82, SD2, was adopted by the Senate

and Senate Bill No. 2955-82, SD 2, HD 2, CD 2, passed Final Reading in the Senate on April 26, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 763) informing the House that the Senate had reconsidered its action taken on even date in passing on Final Readings the following Senate and House Bills: House Bill Nos. 2070-82, HD 1, SD 1, CD 1; 2838-82, HD 1, SD 1, CD 1; 2359-82, HD 1, SD 2, CD 1; 2559-82, HD 1, SD 1, CD 1; 2679-82, SD 1, CD 1; 2947-82, HD 2, SD 1, CD 1; 3136-82, HD 2, SD 1, CD 1; 2312-82, HD 1, SD 1, CD 1; 2907-82, HD 2, SD 2, CD 1; 2113-82, HD 2, SD 2, CD 1; and Senate Bill Nos. 2269-82, SD 2, HD 2, CD 1; 2926-82, SD 1, HD 2, CD 1; 2904-82, SD 1, HD 1, CD 1; 2760-82, SD 2, HD 1, CD 1; 2434-82, SD 2, HD 2, CD 1; and 2978-82, SD 1, HD 2, CD 1; and requested the return of said bills for further consideration on April 26, 1982, was placed on file.

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

Representative Chun introduced Mr. L. Stanley Jayawardena of Sri Lanka, who was accompanied by Consul General Cancio of the Philippine Consulate.

Representative Takitani introduced Mrs. Taniguchi and daughter, family of Representative Brian Taniguchi.

Representative Taniguchi then rose to thank the members of the House and staff for the aloha shown to his family "during the trials and tribulations of the past few weeks."

ORDER OF THE DAY

UNFINISHED BUSINESS

Conf. Com. Rep. No. 88-82 on S.B. No. 2759-82, SD 1, HD 2, CD 1, on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 88-82 on S.B. No. 2759-82, SD 1, HD 2, CD 1, was deferred one day.

Conf. Com. Rep. No. 9-82 on H.B. No. 2359-82, HD 1, SD 2, CD 1, on Final Reading:

By unanimous consent, action

on Conf. Com. Rep. No. 9-82 on H.B. No. 2359-82, HD 1, SD 2, CD 1, was deferred one day.

Conf. Com. Rep. No. 10-82 on H.B. No. 2559-82, HD 1, SD 1, CD 1, on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 10-82 on H.B. No. 2559-82, HD 1, SD 1, CD 1, was deferred one day.

Conf. Com. Rep. No. 11-82 on H.B. No. 1988-82, HD 1, SD 1, CD 1, on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 11-82 on H.B. No. 1988-82, HD 1, SD 1, CD 1, was deferred one day.

Conf. Com. Rep. No. 17-82 on H.B. No. 2679-82, SD 1, CD 1, on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 17-82 on H.B. No. 2679-82, SD 1, CD 1, was deferred one day.

Conf. Com. Rep. No. 19-82 on H.B. No. 2313-82, HD 2, SD 1, CD 1, on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 19-82 on H.B. No. 2313-82, HD 2, SD 1, CD 1, was deferred one day.

Conf. Com. Rep. No. 24-82 on S.B. No. 2353-82, SD 1, HD 2, CD 1, on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 24-82 on S.B. No. 2353-82, SD 1, HD 2, CD 1, was deferred one day.

Conf. Com. Rep. No. 25-82 on S.B. No. 1697, SD 1, HD 2, CD 1, on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 25-82 on S.B. No. 1697, SD 1, HD 2, CD 1, was deferred one day.

Conf. Com. Rep. No. 26-82 on S.B. No. 2765-82, SD 1, HD 2, CD 1, on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 26-82 on S.B. No. 2765-82, SD1, HD2, CD1 was deferred one day.

Conf. Com. Rep. No. 30-82 on H.B. No. 2947-82, HD2, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 30-82 on H.B. No. 2947-82, HD2, SD1, CD1 was deferred one day.

Conf. Com. Rep. No. 33-82 on H.B. No. 2838-82, HD1, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 33-82 on H.B. No. 2838-82, HD1, SD1, CD1 was deferred one day.

Conf. Com. Rep. No. 34-82 on H.B. No. 2201-82, HD2, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 33-82 on H.B. No. 2838-82, HD2, SD1, CD1 was deferred one day.

Conf. Com. Rep. No. 37-82 on S.B. No. 2399-82, SD2, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 37-82 on S.B. No. 2399-82, SD2, HD2, CD1 was deferred one day.

Conf. Com. Rep. No. 38-82 on H.B. No. 2767-82, HD3, SD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 38-82 on H.B. No. 2767-82, HD3, SD2, CD1 was deferred one day.

Conf. Com. Rep. No. 41-82 on H.B. No. 2511-82, HD2, SD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 41-82 on H.B. No. 2511-82, HD2, SD2, CD1 was deferred one day.

Conf. Com. Rep. No. 42-82 on S.B. No. 2513-82, SD1, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 42-82 on S.B. No. 2513-82, SD1, HD2, CD1 was deferred one day.

Conf. Com. Rep. No. 56-82 on S.B. No. 2346-82, SD2, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 56-82 on S.B. No. 2346-82, SD2, HD2, CD1 was deferred one day.

Conf. Com. Rep. No. 64-82 on H.B. No. 3136-82, HD2, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 64-82 on H.B. No. 3136-82, HD2, SD1, CD1 was deferred one day.

Conf. Com. Rep. No. 67-82 on S.B. No. 1287, SD1, HD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 67-82 on S.B. No. 1287, SD1, HD1, CD1 was deferred one day.

Conf. Com. Rep. No. 68-82 on S.B. No. 544, SD2, HD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 68-82 on S.B. No. 544, SD2, HD1, CD1 was deferred one day.

Conf. Com. Rep. No. 71-82 on S.B. No. 2926-82, SD1, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 71-82 on S.B. No. 2926-82, SD1, HD2, CD1 was deferred one day.

Conf. Com. Rep. No. 72-82 on H.B. No. 3092-82, HD1, SD1, CD2 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 72-82 on H.B. No. 3092-82, HD1, SD1, CD2 was deferred one day.

Conf. Com. Rep. No. 73-82 on S.B. No. 2269-82, SD2, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 73-82 on S.B. No. 2269-82, SD2, HD2, CD1 was deferred one day.

Conf. Com. Rep. No. 74-82 on S.B. No. 2760-82, SD2, HD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 74-82 on S.B. No. 2760-82, SD2, HD1, CD1 was deferred one day.

Conf. Com. Rep. No. 75-82 on S.B. No. 2904-82, SD1, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 75-82 on S.B. No. 2904-82, SD1, HD2, CD1 was deferred one day.

Conf. Com. Rep. No. 76-82 on S.B. No. 2955-82, SD2, HD2, CD2 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 76-82 on S.B. No. 2955-82, SD2, HD2, CD2 was deferred one day.

Conf. Com. Rep. No. 77-82 on H.B. No. 3143-82, HD2, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 77-82 on H.B. No. 3143-82, HD2, SD1, CD1 was deferred one day.

Conf. Com. Rep. No. 78-82 on S.B. No. 2978-82, SD1, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 78-82 on S.B. No. 2978-82, SD1, HD2, CD1 was deferred one day.

Conf. Com. Rep. No. 79-82 on H.B. No. 2400-82, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 79-82 on H.B. No. 2400-82, HD1, CD1 was deferred one day.

Conf. Com. Rep. No. 80-82 on S.B. No. 2816-82, SD2, HD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 80-82 on S.B. No. 2816-82, SD2, HD2, CD1 was deferred one day.

Conf. Com. Rep. No. 81-82 on H.B. No. 2907-82, HD2, SD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 81-82 on H.B. No. 2907-82, HD2, SD2, CD1 on Final Reading was deferred one day.

Conf. Com. Rep. No. 82-82 on H.B. No. 2312-82, HD1, SD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 82-82 on H.B. No. 2312-82, HD1, SD1, CD1 was deferred one day.

Conf. Com. Rep. No. 83-82 on H.B. No. 2113-82, HD2, SD2, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 83-82 on H.B. No. 2113-82, HD2, SD2, CD1 was deferred one day.

Conf. Com. Rep. No. 84-82 on H.B. No. 3078-82, HD1, SD1, CD2 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 84-82 on H.B. No. 3078-82, HD1, SD1, CD2 was deferred one day.

Conf. Com. Rep. No. 86-82 on S.B. No. 2829-82, HD1, CD1 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 86-82 on S.B. No. 2829-82, HD1, CD1 was deferred one day.

Stand. Com. Rep. No. 878-82 on S.B. No. 2173-82 on Third Reading:

By unanimous consent, action on Stand. Com. Rep. No. 878-82 on S.B. No. 2173-82 was deferred one day.

Stand. Com. Rep. No. 879-82 on S.B. No. 2607-82, SD2 on Third Reading:

By unanimous consent, action on Stand Com. Rep. No. 879-82 on S.B. No. 2607-82, SD2 was deferred one day.

Conf. Com. Rep. No. 89-82 on S.B. No. 732, SD1, HD1, CD2 on Final Reading:

By unanimous consent, action on Conf. Com. Rep. No. 89-82 on S.B. No. 732, SD1, HD1, CD2 was deferred one day.

INTRODUCTION OF RESOLUTIONS

On motion by Representative Stanley, seconded by Representative Rohlfing and carried, the following resolutions (H.R. Nos. 432 to 439) were adopted:

A resolution (H.R. No. 432) extending commendation, appreciation and best wishes to Richard Frias, Executive Director of the State Republican Party, November 1977 to August 1981 was jointly offered by Representatives Narvaes, Monahan, Isbell, Rohlfing, Liu, Lacy, Wong, Marumoto and Anderson.

A resolution (H.R. No. 433) congratulating Guillerma G. Sumera upon being selected as Secretary of the Year for the State of Hawaii by Professional Secretaries International was jointly offered by Representatives Segawa, Matsuura, Aki, Albano, Anderson, Andrews, Baker, Blair, Chun, de Heer, Dods, Fukunaga, D. Hagino, G. Hagino, Hashimoto, Hirono, Honda, Ige, Ikeda, Isbell, Kamali'i, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Levin, Liu, Marumoto, Medeiros, Monahan, Morioka, Nakamura, Nakasato, Narvaes, Okamura, Rohlfing, Sakamoto, Say, Shito, Stanley, Takamine, Takitani, Taniguchi, Toguchi, Tungpalan, Waihee, Wong, Yamada and Peters.

A resolution (H.R. No. 434) congratulating Garrett Lau on being selected a National Merit Scholar was jointly offered by Representatives Albano, Waihee, Aki, Andrews, Baker, Chun, de Heer, Dods, D. Hagino, G. Hagino, Honda, Ikeda, Lacy, Levin, Liu, Marumoto, Medeiros, Monahan, Nakasato, Sakamoto, Say, Segawa, Shito, Stanley, Takamine, Takitani, Taniguchi, Toguchi, Tungpalan, Yamada

and Peters.

A resolution (H.R. No. 435) recognizing the auspicious occasion of the publication of The Hawaiian Canoe by local author Charles Thomas Holmes was jointly offered by Representatives Marumoto, Aki, Albano, Andrews, Chun, de Heer, Fukunaga, G. Hagino, Hashimoto, Hirono, Ige, Ikeda, Kamali'i, Kiyabu, Kobayashi, Lacy, Levin, Liu, Monahan, Nakasato, Narvaes, Okamura, Rohlfing, Takitani, Taniguchi and Wong.

A resolution (H.R. No. 436) recognizing and commending Mrs. Joyce Miyeko Kono Fasi on her selection as the 1982 State of Hawaii Mother of the Year was jointly offered by Representatives de Heer, Fukunaga, Taniguchi, Aki, Albano, Anderson, Andrews, Baker, Blair, Chun, D. Hagino, G. Hagino, Hashimoto, Hirono, Honda, Ige, Ikeda, Isbell, Kamali'i, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Levin, Liu, Marumoto, Matsuura, Medeiros, Monahan, Morioka, Nakamura, Nakasato, Narvaes, Okamura, Rohlfing, Say, Segawa, Shito, Stanley, Takamine, Toguchi, Tungpalan, Waihee, Wong and Yamada.

A resolution (H.R. No. 437) extending thanks and appreciation to Auntie Ayraud for her volunteer assistance in the Hawaii State Legislature was jointly offered by Representatives Ikeda, Kamali'i, Isbell, Marumoto, Aki, Albano, Anderson, Andrews, Baker, Blair, Chun, de Heer, Dods, Fukunaga, D. Hagino, G. Hagino, Hashimoto, Hirono, Honda, Ige, Kawakami, Kihano, Kiyabu, Kobayashi, Lacy, Levin, Liu, Matsuura, Medeiros, Monahan, Morioka, Nakamura, Nakasato, Narvaes, Okamura, Rohlfing, Sakamoto, Say, Segawa, Shito, Stanley, Takamine, Takitani, Taniguchi, Toguchi, Tungpalan, Waihee, Wong and Yamada.

A resolution (H.R. No. 438) recognizing Ms. Ruth Itamura for her outstanding dedication and service as Hawaii's state librarian was jointly offered by Representatives Monahan, Toguchi, Isbell, Anderson, Andrews, Baker, de Heer, Dods, Fukunaga, Hashimoto, Hirono, Honda, Ige, Ikeda, Kawakami, Kiyabu, Kobayashi, Kunimura, Lacy, Levin, Marumoto, Medeiros, Morioka, Nakasato, Narvaes, Say, Takitani and Waihee.

A resolution (H.R. No. 439) congratulating and extending best wishes to

the new officers and Board of Directors of the 1982 Japanese American Citizens League --Honolulu Chapter was jointly offered by Representatives Peters, Waihee, D. Hagino, Aki, Albano, Anderson, Andrews, Baker, Blair, Chun, de Heer, Dods, Fukunaga, Hashimoto, Hirono, Ige, Ikeda, Isbell, Kamali'i, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Levin, Liu, Marumoto, Matsuura, Medeiros, Morioka, Nakamura, Nakasato, Narvaes, Okamura, Rohlfing, Sakamoto, Say, Segawa, Shito, Stanley, Takamine, Takitani, Taniguchi, Toguchi, Tungpalan, Wong and Yamada.

STANDING COMMITTEE REPORTS

Representative Chun, for the Committee on Public Assistance and Human Services, presented a report (Stand. Com. Rep. No. 1041-82) recommending that S.C.R. No. 56 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and S.C.R. No. 56 entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING TO PLAN A DEMONSTRATION PROJECT WHICH SHALL PROVIDE HOME CARE SERVICES TO PERSONS WHO ARE ELIGIBLE FOR MEDICAID BENEFITS", was referred to the Committee on Finance.

Representatives Shito and Takitani, for the Committees on Housing and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 1042-82) recommending that H.R. No. 144, as amended in HD1, be adopted.

On motion by Representative Shito, seconded by Representative Takitani and carried, the joint report of the Committees was adopted and H.R. No. 144, HD1 entitled: "HOUSE RESOLUTION URGING THE BOARD OF TRUSTEES OF THE EMPLOYEES RETIREMENT SYSTEM TO MAKE MORE FUNDS AVAILABLE LOCALLY FOR HOME MORTGAGE LOANS", was adopted.

Representative Sakamoto, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1043-82) recommending that H.C.R. No. 158, as amended

in HD1, be adopted.

On motion by Representative Fukunaga, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.C.R. No. 158, HD1 entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING ACCELERATION AND BROADENING OF ECONOMIC TRADE RELATIONS BETWEEN CANADA AND HAWAII, REQUESTING THE GOVERNOR OF HAWAII TO PROCLAIM "CANADA-HAWAII WEEK", AND REQUESTING A REPORT FROM THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT (DPED) AS TO THE FEASIBILITY OF ESTABLISHING A "CANADA-HAWAII TRADE ASSOCIATION", was adopted.

Representative Sakamoto, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1044-82) recommending that H.R. No. 360, as amended in HD1, be adopted.

On motion by Representative Fukunaga, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 360, HD1 entitled: "HOUSE RESOLUTION ENCOURAGING ACCELERATION AND BROADENING OF ECONOMIC TRADE RELATIONS BETWEEN CANADA AND HAWAII, REQUESTING THE GOVERNOR OF HAWAII TO PROCLAIM "CANADA-HAWAII WEEK", AND REQUESTING A REPORT FROM THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT (DPED) AS TO THE FEASIBILITY OF ESTABLISHING A "CANADA-HAWAII TRADE ASSOCIATION", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1045-82) recommending that S.B. No. 2909-82, SD1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1045-82 on S.B. No. 2909-82, SD1 was deferred one day.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1046-82) recommending that S.B. No. 2201-82, SD1 pass Third Reading.

By unanimous consent, action on Stand. Com. Rep. No. 1046-82 on S.B. No. 2201-82, SD1 was deferred one day.

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

1047-82) recommending that H.R. No. 358 be adopted.

On motion by Representative Kunimura seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 358 entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE HERBICIDE CALLED PARAQUAT", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1048-82) recommending that H.C.R. No. 137 be adopted.

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.C.R. No. 137 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT AND REVIEW OF THE OPERATIONS OF THE DEPARTMENT OF TRANSPORTATION'S AIRPORTS DIVISION", was adopted.

At this time, the Chair re-referred H.R. No. 297 jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Agriculture, and S.C.R. Nos. 74, 71, 60 and 90 to the Committee on Consumer Protection and Commerce.

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

The House of Representatives reconvened at 11:39 o'clock a.m.

Representatives Sakamoto and Takamine, for the Committees on Water, Land Use, Development and Hawaiian Affairs; and Agriculture, presented a joint report (Stand. Com. Rep. No. 1049-82) recommending that H.R. No. 297, as amended in HD1, be adopted.

On motion by Representative Fukunaga, seconded by Representative Takamine and carried, the joint report of the Committees was adopted and H.R. No. 297, HD1 entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE ACQUISITION OF REAL PROPERTY IN KAILUA, OAHU FOR AGRICULTURAL AND WATERSHED PURPOSES", was adopted.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1050-82)

recommending that S.C.R. No. 74, SD1 be adopted.

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and S.C.R. No. 74, SD1 entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY INTO THE EXISTING DUTIES AND RESPONSIBILITIES OF THE REAL ESTATE COMMISSION AND TO DEVELOP RECOMMENDATIONS TO IMPROVE THE SERVICES TO LICENSEES AND THE PUBLIC", was adopted.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1051-82) recommending that S.C.R. No. 71, SD1 be adopted.

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and S.C.R. No. 71, SD1 entitled: "SENATE CONCURRENT RESOLUTION CONCERNING AN AD HOC COMMITTEE TO STUDY AND SUBMIT AMENDMENTS TO CHAPTER 269 OF THE HAWAII REVISED STATUTES TO PUBLIC UTILITIES", was adopted.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1052-82) recommending that S.C.R. No. 60, SD1 be adopted.

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and S.C.R. No. 60, SD1 entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON POSSIBLE MODIFICATIONS OF THE OPTIONAL COVERAGE REQUIREMENT OF THE HAWAII NO-FAULT LAW", was adopted.

Representative Blair, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 1053-82) recommending that S.C.R. No. 90 be adopted.

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and S.C.R. No. 90 entitled: SENATE CONCURRENT RESOLUTION

REQUESTING A STUDY OF THE FEASIBILITY AND EFFECTS OF ENACTING LEGISLATION IN THE STATE OF HAWAII BASED ON THE MODEL BUSINESS CORPORATION ACT, AND THE GENERAL CORPORATION LAW OF DELAWARE", was adopted.

Representative Dods and de Heer, for the majority of the Committees on Transportation and State General Planning, presented a joint report (Stand. Com. Rep. No. 1054-82) recommending that S.C.R. No. 13, SD 2, as amended in HD 1, be adopted.

At 11:41 o'clock a.m., at the request of Representative Rohlring, the Chair declared a recess, subject to the call of the Chair.

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

Representative Segawa then rose to speak in favor of the resolution, stating:

"I rise to speak in favor of Senate Concurrent Resolution No. 13, SD 2, HD 1.

"Mr. Speaker, I believe by having the transportation functional plan before us this morning and it being transmitted back to the Senate, that it is hopeful that further negotiations on the functional plans will be opened up.

"Mr. Speaker, on the one conference that we have held with the Senate, the Senate took a very untenable position of not wanting to address any of the other eleven functional plans without the twelfth -- the transportation functional plan. Mr. Speaker, this morning, we are here addressing the transportation functional plan which we hope we will pass over to the Senate. And it will be very interesting to see what the Senate's position will be hereafter. Furthermore, Mr. Speaker, it should be noted that the Senate sent over twelve Senate Concurrent Resolutions with twelve separate plans to the House. I believe the House, in good faith, acted upon eleven, and today, the twelfth functional plan. And yet, the Senate took the position that all twelve plans needed to be acted upon at the same time.

"If this was the position of the Senate, the Senate should have sent over one concurrent resolution

with twelve plans attached to it which we could have addressed as twelve plans and moved out accordingly back to the Senate. This was not even indicated by the Senate and, therefore, Mr. Speaker, we addressed twelve separate plans, and we're hopeful that we will be addressing this matter with the Senate conferees again.

"Furthermore, there is nothing in the statutes that requires that all twelve functional plans be adopted, if at all, or together or at the same time. We can address each functional plan on its individual merits or we can address all the matters pertaining to each of the plans to one another.

"And, Mr. Speaker, I think that it is very important that we have this kind of understanding so the functional plans, as we have worked in the House, does not mandate the State or the counties to take the resolutions and the plans as a mandate. We merely want guidelines in order that we may have guidelines for good planning down the line in order that we may function as a State as a whole. Therefore, Mr. Speaker, I urge all members to support this concurrent resolution, 13, SD 2, HD 1."

Representative Rohlring then rose to speak against the adoption of the concurrent resolution, stating:

"I am really kind of, for a change maybe, without words to adequately describe the way I would react to this plan, reading through it today. And I thought that maybe, somewhere along the line between the times these plans were first brought into this body and considered, that there might be some substance in one or more of the plans. As I read this plan, I must say that I think it is useless. And I think that it has been a waste of time and effort, and a great deal of words and hassle that has gone on in the press and the Legislature and elsewhere over something that is basically not useless, but certainly, of very little value.

"And I wonder, too, in the light of the events of the last several days, whether or not the extension that we're involved in, Mr. Speaker, is somehow related to these plans -- and in particular, maybe this one, since it was sitting in this House for a substantial period of time before life was breathed into it, apparently

yesterday or this morning.

"Mr. Speaker, under the circumstances, and I didn't get to talk on the plans before because I wasn't here, I don't fully know what was said then. But if this plan is representative of the other plans, then we have been engaged in a massive 'shibai'.

"Thank you, Mr. Speaker."

Representative de Heer then rose to speak against the concurrent resolution, stating:

"Mr. Speaker, a lot has been said about the value of the functional plans and I know in previous speeches to this body, I've gone into some of the technical details. But, today, I address this body with a clear conscience because I have knowledge that I'm not participating in any back room dealings or railroading.

"But also today, I am appalled and disgusted at what is occurring in this House. Mr. Speaker, the ludicrous circumstances surrounding these measures, surrounding this extension, are appalling, revolting and quite frankly, undemocratic. There isn't a soul in this House that knows what is really going on here. The functional plans, for that matter, the pay bill, are being passed. . . are attempted to be passed, in order to protect the interest of the administration, the Governor."

Representative Stanley interrupted on a point of order, stating:

"Would you ask the Representative from Manoa to confine his remarks to the merit of the resolution before us. . . to the contents of the resolution?"

Representative de Heer continued:

"I just want to remark that that's the nicest thing the majority floor leader has said about me for a long time."

The Chair said:

"Then I would suggest following her guidelines for your observations. Please proceed."

Representative de Heer continued:

"I intend to. Certainly, you

must agree that the circumstances surrounding passage are relevant to the measure itself, therefore, I will proceed with that in mind.

"We all are clear to what is occurring over here, why this extension was called in the first place. What I think is most offensive is that I thought. . . until I thought, up to a few days ago, that we were operating under a democracy. I think it is time to put this into proper perspective, and I'd like to quote, because I believe this has been violated, from the Declaration of Independence and read to you because I think it is necessary. I think the basic value, the basic direction, the basic purpose of why we are elected to public office, is being violated, in order that these documents can be rammed down the public's throat. Let me read to you directly from the Declaration of Independence. I believe the members in this chamber will be able to draw a parallel to what is occurring, to what should be occurring, and what isn't occurring.

"Mr. Speaker, the Declaration of Independence states, and I quote: 'When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation.'

'We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness -- That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to effect their Safety and Happiness.'

"Now, in a nutshell, that is why we're adopting, or supposed to go through a rational critically analyzed planning process because, basically, the ethos of government and why we

are here lies right here in these words, Mr. Speaker.

"But no, politics has to intervene. The Declaration goes on to say. . . the framers of the Declaration said, and I quote, and they were speaking of the King of England: 'He has refused his Assent to Laws, the most wholesome and necessary for the public Good.

'He has forbidden his Governors', and in this case, we have forbidden the mayors and the county councils, to pass laws of immediate and pressing Importance, unless suspended in their Operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

'He has refused to pass other Laws for the Accommodation of large Districts of People, unless those People would relinquish the Right of Representation in the Legislature, a Right inestimable to them, and formidable to Tyrants only.

'He has called together Legislative Bodies at Places unusual, uncomfortable, and distant from the Depository of their public Records, for the sole Purpose of fatiguing them into Compliance with his Measures.

'He has dissolved Representative Houses repeatedly, for opposing with manly Firmness his Invasions of the Rights of the People.

'He has refused for a long Time, after such Dissolutions, to cause others to be elected; whereby the Legislative Powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the Dangers of Invasion from without, and Convulsions within.

'He has endeavoured to prevent the Population of these States; for that Purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their Migration hither, and raising the Conditions of new Appropriations of Lands.'

"How this applies to our land use process, Mr. Speaker.

'He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary Powers. . .'

Representative Stanley interrupted on a point of order, stating:

"Mr. Speaker, would you ask the Representative from Manoa to please direct his remarks to the resolution that is before us, and to discuss the merits or demerits on the content as he sees it."

The Chair stated:

"Representative de Heer, would you proceed on that basis."

Representative de Heer replied:

"I thought I was, Mr. Speaker. Perhaps the majority floor leader would like to illustrate what sense I'm violating the Rules of the House as she sees fit."

The Chair stated:

"Representative de Heer, the Chair has made its ruling, unless you want to yield to Representative Stanley."

Representative de Heer continued to read from the Declaration of Independence, stating:

'He has made Judges dependent on his Will alone, for the Tenure of their Offices, and the Amount and Payment of their Salaries.'

"Mr. Speaker, the Declaration goes on and on, and you can paraphrase what's been happening with the passage of the functional plans. The plans, before they were passed on to the Legislature, did not receive a public hearing. They received, under the law admittedly, informational meetings in which the people were told what was going to happen to them. Of course, the people weren't given any way in which they could amend the functional plans before they approached our desks, but yes, they were told. They met the reserve interest of the law.

"I think what is occurring in this body is wrong -- the whole process is wrong and ludicrous, and I think, in retrospect, I will be vindicated and those that support it will be vilified.

"I think I would like to paraphrase right now what is exactly happening here in terms of direction and implementation of these plans. And I quote directly from Stafford Beer, who is the architect of democracy in Chile, and is a well-known democratic thinker, cybernetician -- quoting

directly and may I paraphrase, 'the favored management style here therefore remains, the striking of consensus. This is a prudential technique, hopefully protecting the group from lunatic intuitions which individuals may attain. It operates, however, at a terrible expense. The price paid is the suppression of right intuitions which lie outside the imagination, knowledge and experience of the consensus. Under this style, the management becomes a mediocrity machine. In the fair name of participation, it emasculates the bold and far sighted proposal and dissipates innovative drive. The constructive answer to this is not indeed the return to the rule of authority', although what's happening here seems to indicate that. . ."

At this point, the Chair interrupted and said:

"Representative de Heer, your ten minutes are up."

Representative Narvaes then rose and yielded his time, stating:

"Mr. Speaker, some of the things he is saying is very interesting and if I may yield my first ten minutes."

The Chair responded:

"Proceed, Representative de Heer."

Representative de Heer continued his remarks:

"I'd like to thank the Representative from Kalihi for so yielding."

"I reserve my anger here for the mediocrity machine which invokes science not to these ends at all, but for the increasingly efficient implementation of its own inadequate plan. We cannot afford this waste. Today's world is short of capability rather than capital, of competence more than any other resource. To frivol away such competence in the scientific management of affairs as we have itself, is a gross incompetence. It's the kind which would rank as legally culpable, if it were indeed capital, rather than capabilities which had been squandered."

"Again, no one today has spoken up about the wide ranging effects of

this plan -- as to how this is going to deliver us from bad economic conditions, as to how transportation will provide the means to provide a safe, proper and demonstrable rate of economic growth."

"As it is, everyone is supposed to accept that society acts with ineluctable constraints. I do not know why this is. These constraints evidently act so that progress is satisfactory, if any is made at all. That progress is satisfactory to the ruling elite, not necessarily the people. We seem to have reversed an ancient maxim. If I don't know why this is, perhaps I know how it is. . ."

Representative Stanley interrupted on a point of order, stating:

"Do request the representative from Manoa to direct his remarks to the functional plan before us and if he does not address his remarks, I request that you rule him out of order."

Representative Kunimura then rose and remarked:

"I rise on a sense of fair play. I would like to ask that this man be given the right to make a jackass of himself if he wants to."

Representative de Heer replied:

"The remarks from the Representative from Kauai are relevant. I am a democrat."

The Chair called for order in the House at this time. Representative de Heer then continued:

"I will proceed as I was just impressed with my own humor there. But I will finish shortly."

"If I don't know why this is, perhaps I know how it is. The mediocrity machine calls, selects and adopts only one kind of servant. I call him 'Acceptable Man.' He operates smoothly and effectively with a small and esoteric group. He is the heir-apparent; he is imitative of the elders, he is competent in tribal lore, he reflects the consensus. 'Acceptable Man' copes with challenge in a predictable way. He simply declares it invalid."

"It will come alright, but not yet. Therefore, the means with

coping with challenge are alright, but are proposed too soon. I have yet to tell 'Acceptable Man' that the challenge will not wait; it is in our midst. Our milieu is fantastically expanded in every direction and there is crisis on every side. Our horizons for comprehension, for planning, for control, are receding faster than we can conceive. I wonder that I see red; it must be a Doppler effect.

"'Acceptable Man' is competent no longer, but competent Man is not yet acceptable. Herein lies the dilemma.

"Mr. Speaker, we are all clear as to what is occurring here. I intend to vote no on this measure, and should any measures emerge from conference, I will vote no. This is not a way to plan for the second most important document besides our Constitution. You know it, and I know it. Thank you."

Representative Kunimura rose to speak in favor of the resolution:

"I had no intention whatsoever to speak today on this resolution. I had some reservations but now I shall speak in favor of this resolution because I thank my good friend from Manoa. He did convince me what is going on in this House.

"Reading from the Constitution of the United States and also from another learned foreigner and making direct quotations, Mr. Speaker. . . this plan has been in this House and in the certain committee last year and early this year. If one believed in the ultimate of the word 'democracy', then that particular individual, the chairman of the committee, should have taken this plan out to the community to hold public hearings.

"But to come over here this morning and complain that the people did not have an opportunity is the biggest excuse that only cry babies make.

"Mr. Speaker, I used to like this man. I still like him, but I cannot respect him any more because the very nature of the creation and birth of this country as he quoted, was the overthrow

of a tyrant king. And we, here in this House, Mr. Speaker, 51 of us, and I can safely say that the majority of the 51, regardless of political affiliation, waited for an opportunity to have a crack at this general plan production -- functional plans. But we were frustrated because one tyrant decided that he shall not work on it, that he shall not give us an opportunity to vote on it, and it says so in the very document that he read that we have the right to overthrow. And that happened.

"Mr. Speaker, I would have been here twenty years come November this year, and never have I seen tyranny of this sort -- managed by one individual on the rest of the fifty members. We have seen some pretty strong speakers, strong committee chairmen, but they were kittens compared to what was practiced here.

"Mr. Speaker, I would fight you, and I would fight the rest of this House any time of the day if anyone should try and pull a dictatorship of this House. Mr. Speaker, I congratulate you for your patience, your understanding and your kindness to try and persuade, but you had to finally take away a toy from an individual who was having a great time making us dance to the tune of the tyrant.

"Mr. Speaker, I hope some day that this gentleman would learn from this lesson, and he's a very capable person, brilliant in his mind, but somewhere, somehow, he did not learn the true meaning of democracy because to him democracy is what suits him.

"Mr. Speaker, I ask all members of this House to rise and when they vote for this resolution that the vote for the resolution shall mean that tyranny shall not exist in this House. Thank you."

Representative de Heer rose to rebut, stating:

"Mr. Speaker, I respect the position of the Representative from Kauai. He has stated certain principles which I felt were being violated and he's responded insults, and I will not respond likewise. He has a right to his opinion; he and I obviously disagree. He has every right to express it for the House,

the right which I will fight for as long as I remain an elected public official, and even if I do not remain an elected public official.

"Mr. Speaker, our society is changing. The method in which government deals with problems cannot be dealt with in the old way. We have to open ourselves up to new styles, new forms of management that further enhance democracy. I can argue with anyone in this House, in fact, the debate challenge has gone out. I have read as to why the fact that the functional planning process is not democratic and have attempted to through many efforts. Also, as is well known, I've suggested proposals which would have made the process more democratic, more open to the people who we represent. Unfortunately, the proposals were all ungloriously shot down, which apparently was the majority consensus.

"I do not stand and rise to assail any one individual. I am concerned about the process. Regardless of the political cost that might come to myself, I believe that the process is inadequate, particularly when no public hearing was held before the plans were submitted to the Legislature. I also, at this time, would like to express my thanks and appreciation to the Chairman of the Transportation Committee. I believe that in putting out this resolution, he has made a severe mistake, however, I know that he has stood up for independence, for things that are right, and I hope that he will continue to do so.

"This case in no way, shape or form, do I mean to assault or assail him. However, I strongly disagree with the actions and tactics that have been taken herein.

"As to the majority rule and tyranny, there is also tyranny of a majority, particularly when most of us haven't even read the plans. All I can ask is that everyone search our conscience and vote accordingly. I cannot change what will apparently be the vote today. However, I will use every possible opportunity to express the viewpoint to the members of this body, to the members of the entire Legislature, to the press, and of course to my constituents. Thank you."

Representative Stanley, at this time, called for the vote.

Representative Dods rose to add his remarks, and the Chair stated:

"A vote has been called for. . ."

Representative Dods stated:

"Mr. Speaker, I would like to rise to speak in favor of Senate Concurrent Resolution No. 13, SD 2, HD 1, relating to the transportation functional plan."

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

"I believe the majority floor leader has called for a roll call on the measure."

Representative Kunimura rose on a point of order and stated:

"There is no such thing, Mr. Speaker."

At this time, the Chair called for "order in this House."

The Chair ruled:

"Contrary to popular belief, the Chair recognizes Representative Dods at this time."

Representative Dods stated:

"Thank you, Mr. Speaker.

"Most people don't realize why the transportation functional plan is out at this time, and I would like to thank Dr. Richard Matsuura, a member of this House, not even a member of the Transportation Committee, for his help in getting the transportation plan out. Because of one man in this House who believes in the system, we're seeing the transportation functional plan come out.

"And it's not like me, Mr. Speaker, to even say this but, sometimes, discretion is the better part of valor. The state transportation functional plan shall not be used as a hostage to hold up the conference on the functional plans. The plan should be approved or disapproved on their own merits and by passing this plan today, it is hoped that the final conference committee can get under way and by tomorrow, hopefully, we can vote on the twelve functional plans of this State.

"Thank you."

Representative Anderson rose to speak against the measure, stating:

"I think that we are all frustrated.

When the Representative from Hilo rose and said he was happy that we passed the particular plan, in his own committee, the health plan was torn apart. This morning, I did not even attend the transportation functional plan because I more or less knew what was going to happen. I went down to my dentist at a quarter to nine, returned by nine-thirty, and I signed 'I do not concur' on one of the largest departments in this State.

"And yet everybody can say we did a good job. Well, let me tell you, Mr. Speaker, and I'm going to be as partisan as anybody when it comes down to us having the functional plans heard today. Why not go ahead and bring out the lottery, the four percent on food and drugs. . .bring out the other things the people want rather than a brochure. And this really frustrates me. I don't think we have done anything, including the news media, on making sure that this side of the House has been opposed to many, many things. And yet, we have not changed the one part that we have disagreed with so terribly, and many of your own people, and yet, we can all say we are holding this hostage and we have finally overturned it.

"Well, I hope to hell that we overturn a lot more, but I am frustrated like anybody else and, unlike everybody else, I guess I get more emotional and I don't much go along with playing roles of trying to be looking for the right words to say so that we don't hurt feelings because that is not what we are here for. We are here to do a job. As far as I was concerned, the pay raise bill, that was fine because we worked on it. This was dead. And I'm really opposed to it, and I hope everybody votes no.

"Thank you."

Representative Narvaes rose to speak against the concurrent resolution, stating:

"I want to just say a few words, not too many.

"Mr. Speaker, trying to keep partisan politics out of this, I believe this session over all the other sessions, I've been able to keep myself out of partisan politics, and it has been interesting because the majority

has been, I believe, extremely generous to us as a minority.

"Mr. Speaker, getting to this resolution, I think. . .I believe that Representative Wong gave a speech that pointed out the problem of these functional plans, and that these things really should have been done administratively. The administration should be having all of its departments doing these things now. These documents are basically coming from the administration and he's attempting to push them through the Legislature which is fine -- that's his right. But, at the same time, he certainly should be getting his administration together and they should be implementing a program like this already. They do not need these functional plans.

"Of course, it's our right as legislators to attempt to put something like this together, but my point again is that it should have been done already, Mr. Speaker, and that it why I am going to be voting against these things because these are not really that necessary. They are just a tremendous expense. We are spending a lot of our time. It seems we are going over into an extension because of these things and another measure. It is all extremely unnecessary and it puts a cloud over all of us as legislators. I believe in this session, we attempted to do a real good job but because of this document, because of the attempts of the administration to do it this way instead of administratively, we are all clouded. Mr. Speaker, that's the reason I am going to vote against this."

Representative Kunimura rose in rebuttal, stating:

"We are voting on this functional plan this morning, and I can assure myself and the rest of this House that we are here this morning, not because of this functional plan. We are here because the other house was having a party in the print shop while we were having conference. And I don't begrudge the employees, Mr. Speaker, when they are given permission to have a party. I know that this House wouldn't allow a party before we adjourned sine die, especially the print shop which is so critical. And the reason why certain bills could not be decked is because they were having a party. For shame, Mr. Speaker. The most

responsible, supposed to be, supposedly anyway, the most responsible body in the entire state can have X-rated shows during conference. Conferees excused to go to a farewell party and having X-rated shows. . . having a party when they're supposed to be printing the budget.

"Mr. Speaker, enough is enough. And I want to state for the record, that this side of the aisle remained quiet and silent because we don't want to hurt anybody's feelings. Damn the torpedoes, Mr. Speaker, the truth got to come out -- it's going to come out. And if the papers and the television don't want to print it, up to them. Okay? But the people are going to find out one way or another which house is responsible.

"When the other house screws up, Mr. Speaker, it's the Legislature. When this House screws up, it's the House. What kind of journalism do we have in this State?

"Mr. Speaker, you know the gentleman from the windward side asked us to vote no. How can I follow him when he didn't even have the confidence to attend the meeting this morning? He went to the dentist. My mind is open, Mr. Speaker, and I take my hat off to Representative Dods for at least giving us the opportunity to vote on this measure and not bottle it up. And, Mr. Speaker, let the truth come out.

"We're here because the other house screwed up and not any other reason. Thank you."

Representative Anderson rose in rebuttal, stating:

"Mr. Speaker, the Representative from Kauai is quite right. I should have attended the meeting, possibly. But only because I'm a part of this House. But the reason that I didn't is because I didn't think that this document, as far as I was concerned, is legal. I didn't come back for this particular thing to be on the floor today even though it could be brought back legally.

"As I said, as far as I was concerned, the pay raise was a part of our last minute decking, and if there was a problem with it, well and good. And we are back because the other side supposedly had

a cloud. In other years, there were clouds, and yet, we didn't go ahead and come back.

"And as far as having shows, let me tell the Representative from Kauai that that was after hours -- number one. And number two, when you finally decide that you would like to retire, I would hope that the press, if they come, have the courtesy to realize that they were invited and if they want to go ahead and have a public display of something, as far as I was concerned, it was crude and it was not printable. And that's why I'm saying I don't think, as far as getting things in the media, that we have gotten enough publicity from this House on things that we have opposed. And I don't just mean Republican versus Democrat. I mean house versus house. This has been a real do nothing type of a deal other than sensationalism if you're going to go with the media. And I don't mind standing up here and telling the Representative.

"I attend more meetings. You can ask your committee chairman and I speak out on how I feel. I attend those meetings because that's the only way that I can get my voice across, is in those meetings. And ladies and gentlemen, let me tell you, I stay up late nights because my voice is very, very small in this particular house when there's only twelve of us and thirty-nine of you. I have to study doubly hard. For that reason, Mr. Speaker, I didn't go to that meeting because I didn't feel it is a proper place to bring back a dead horse when we're not supposed to back for that. We were back for the budget.

"Thank you very much, Mr. Speaker, and I'll still speak against the bill."

Representative Kunimura rose on a point of personal privilege, stating:

"Subtly I was called, I think, a liar about a certain party in the other house. And I'd like to explain my position. . ."

Representative Kamali'i interrupted on a point of order.

At 12:27 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives

reconvened at 12:38 o'clock p.m.

Roll call having been requested, the motion was put by the Chair and carried, the joint report of the majority of the Committees was adopted and S.C.R. No. 13, SD2, HD1 entitled: SENATE CONCURRENT RESOLUTION RELATING TO THE STATE TRANSPORTATION PLAN", was adopted by a vote of 32 ayes to 13 noes, with Representatives Anderson, Blair, de Heer, Ikeda, Isbell, Kamali'i, Lacy, Liu, Medeiros, Narvaes, Rohlfing, Taniguchi and Wong voting no and Representatives D. Hagino, Honda, Kobayashi, Marumoto, Monahan and Sakamoto being excused.

SUSPENSION OF RULES

On motion by Representative Stanley, seconded by Representative Rohlfing and carried, the rules were suspended for the purpose of reconsidering action taken.

RECONSIDERATION OF ACTION TAKEN

Representative Kunimura moved that the House reconsider its action taken on April 8, 1982, in disagreeing to the amendments proposed by the Senate in H.B. No. 2086-82, HD1, SD1, seconded by Representative Kiyabu with Representative Anderson voting no.

Representative Kunimura then gave notice of his intent to agree with the amendments made by the Senate in H.B. No. 2086-82, HD1, SD1.

Representative Kunimura moved that the House reconsider its action taken on April 8, 1982, in disagreeing to the amendments proposed by the Senate in H.B. No. 2155-82, HD2, SD2, seconded by Representative Kiyabu and carried, with Representative Anderson voting no.

Representative Kunimura then gave notice of his intent to agree with the amendments made by the Senate in H.B. No. 2155-82, HD2, SD2.

Representative Kunimura then gave notice of his intent to agree to the following bills: H.B. Nos. 2205-82, SD1; 2206-82, SD1; 2241-82, HD1, SD1; 2430-82,

SD1; and 2561-82, HD1, SD1.

At this time, Representative Rohlfing rose on a point of inquiry stating:

"Mr. Speaker, on the Order of the Day, under Unfinished Business, the principle Order of the Day, the 62nd Day, there is the item 'Conference Committee Report No. 88-82' with respect to S.B. No. 2759-82, SD1, HD1, CD1, and earlier this morning, this matter was deferred to the end of the calendar.

"Mr. Speaker, I rise to question as to the time that this bill, or rather that the Conference Committee Report was decked in this House. Could the Speaker inform me as to the time this measure was decked?"

The Chair replied:

"This measure was decked at 10:00 o'clock a.m. yesterday morning."

Representative Rohlfing:

"Speaker, how was that decking accomplished? If you can enlighten me."

The Chair:

"Representative Rohlfing, I believe you have the Rules of the House. It indicates very clearly the session day began at 10:00 a.m. yesterday. This matter was on your desk at that time."

Representative Rohlfing:

"Do I understand your response being that the measure, the conference report, was on our desk and by virtue of having it listed on the Order of the Day, the measure was decked as of that particular time and instance?"

The Chair answered:

"10:00 a.m., yesterday morning."

Representative Rohlfing:

"Thank you, Mr. Speaker."

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

The House of Representative reconvened at 12:53 o'clock p.m.

At this time, Representative Albano introduced Matilda Molena, an active

member in the Democratic party .

At 12:55 o'clock p.m., at the request of Representative Narvaes, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:56 o'clock p.m.

ADJOURNMENT

At 12:57 o'clock p.m., on motion by Representative Stanley, seconded by Representative Rohlfing and carried, the House of Representatives adjourned until 2:30 o'clock p.m., tomorrow, Wednesday, April 28, 1982.

SIXTY-THIRD DAY

Wednesday, April 28, 1982

The House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, convened at 3:15 o'clock p.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend David N. Holsinger, Pastor of Saint Luke's Episcopal Church, after which the Roll was called showing all members present.

By unanimous consent, reading of the Journal of the Sixty-Second Day was deferred.

At 3:28 o'clock p.m., Representative Rohlfing asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:40 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 764 to 775) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 764) returning House Concurrent Resolution No. 103, HD 1, which was adopted by the Senate on April 27, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 765) informing the House that the Senate has disagreed to the amendments proposed by the House to Senate Concurrent Resolution No. 13, SD 2, and has requested a conference on the subject matter thereof, in consequence of which the President has, on April 27, 1982, appointed Senators Henderson, Chairman; Abercrombie, Vice Chairman; Ajifu, Cayetano, George, Kobayashi, Kuroda, Saiki, Yee and Young as 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. 766) returning Senate Bill No. 2198-82 for further consideration, was placed on file.

A communication from the Senate (Sen. Com. No. 767) returning House Concurrent Resolution No. 108, which was adopted by the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 768) returning House Concurrent Resolution No. 151, HD 1, which was adopted by the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 769) returning House Concurrent Resolution No. 158, HD 1, which was adopted by the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 770) returning House Bill No. 1971-82, HD 1, which passed Third Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 771) returning House Bill No. 2010-82, which passed Third Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 772) returning House Bill No. 2316-82, HD 1, which passed Third Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 773) returning House Bill No. 2540-82, which passed Third Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 774) returning House Bill No. 2849-82, HD 1, which passed Third Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 775) 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. 2070-82, HD 1, was adopted by the Senate; and House Bill No. 2070-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

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

Representative Chun introduced two visitors from the Philippines, as follows: Mrs. Nina Galita, Account Administrator of the Philippines National Bank, President and General Manager of the Goldmark Credit Enterprises and President and General Manager of the Goods and Services Enterprises; and Mr. Louis de la Cruz, a consultant for Sunshine Construction Company

and Manager of the Midwest Enterprises.

Representative Chun then introduced Mr. and Mrs. Albert Sing, "who have been very faithful in attending our sessions daily and giving their time to educate us about the problems of the elderly."

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
31	Committee on Consumer Protection and Commerce, then to the Committee on Finance
89	Committee on Finance

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Conf. Com. Rep. No. 88-82 on S.B. No. 2759-82, SD 1, HD 2, CD 1:

Representative Takitani moved that the report of the Committee be adopted and S.B. No. 2759-82, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kunimura.

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

"Mr. Speaker, I speak against the measure on two basic grounds: First, I raise some questions with respect to the procedural aspects of this measure; and secondly, the substantive nature of the bill.

This Legislature is in its second extension, allegedly because of one basic reason, that reason stated by the Governor and echoed by the Chairman of the House Finance Committee that there was a cloud, a legal cloud, over the manner in which the Senate passed the budget bill for Final Reading. Upon inquiry, it is apparent that the same type

of legal uncertainty may well hover over this bill.

You recall, Mr. Speaker, much was made by the majority of this House about how this House should follow the adage, 'better safe than sorry', but the majority of the House is to be consistent in its action and it should join in questioning whether to vote for this measure. . ."

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

"Are we addressing this particular substantive matter or the process? The process is not before us this afternoon but the substantive matter."

The Chair said:

"Representative Rohlfling, will you keep that in mind in sharing your observations on this measure."

Representative Rohlfling continued his remarks, stating:

"Mr. Speaker, the substance of this measure is very much the procedure by which it is before this body and if there is a question as to the legality of this measure, then, I am entitled to speak and raise those questions. I am not making a ruling on the measure. I am stating that there are some questions with respect to the proper decking of this measure. I wish these could be recorded in the Journal at this point. . . ."

The Chair interrupted and said:

"Representative Rohlfling, I believe that question was addressed to the Chair last night. It is my understanding that you received clarification on this decking so please proceed on the merits of the bill."

Representative Rohlfling continued, stating:

"Mr. Speaker, may I inquire. . . point of inquiry of the Chair. In asking the question as to when the measure was decked, your response was 10:00 a.m. Monday morning."

The Chair answered:

"That's correct."

Representative Rohlfling then said:

"I did not necessarily say that I thought we agreed, Mr. Speaker, with respect to that decking at that particular point. That was the Chair's

statement of what your understanding was of the measure, and I am raising some questions as to whether, in fact, that was proper or improper, but whether, in fact, there was a decking because it did not occur in the Journal of this House. . ."

The Chair, at this point, ruled Representative Rohlfling out of order.

Representative Rohlfling appealed the ruling of the Chair. The motion was seconded by Representative Kamali'i.

Representative Say asked for a recess and at 3:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 3:55 o'clock p.m., Representative Rohlfling rose and stated:

"Mr. Speaker, I will withdraw my motion to appeal the ruling of the Chair and speak on the substantive nature of this bill."

Directed by the Chair to "please proceed", Representative Rohlfling stated:

"Mr. Speaker, I don't intend to make a long speech today on this measure. I did so earlier when it was first before us and I would like to reiterate, by way of reference rather than attempting to go into that speech, my concerns with this measure and to have those remarks, in effect, carry over to this occasion.

I will say, Mr. Speaker, in emphasizing the objections to the measure, that it is very bad timing when looked at in the context of the problems of the people that we represent in this Legislature, and to consider what is happening in major industries in Hawaii, the unions and the union members taking pay cuts or getting laid off because of the economic conditions in the State, and I think that underlying this, government has got to take the nettle, so to speak, and provide leadership. Leadership at a time of economic stress and strain means to reduce the appetite of government and those serving in government. Certainly, there are those amongst us in this body who cannot make a living and support families on the basis of the amount of money that we are paid, and that is true of other people in this government. But those who take positions of these kinds of responsibilities for the public must view their positions

in the context of that kind of responsibility. So, I think, at this time, to draw in the belt of government. . .I've heard someone say at one time that government was like a dinosaur -- small head, big body. Well, I think that might well characterize what is happening under this pay bill. So, Mr. Speaker, I think that it is bad timing; it is a bad example; it's bad leadership for us to pass this bill.

Now, I understand that there are people who have worked for the government for the last five or six years without a pay raise. There are a lot of people in this community who have worked without pay raises for longer than that. So that argument, in my judgment, doesn't cut any ice.

The fact that this bill will provide some long-term commission to review the overall picture of salaries in this State is probably the best argument for its passage. However, when weighing that purpose which could have been accomplished without going ahead with substantial raises for a great number of government officials, we could have done it that way rather than include it in this bill.

So, Mr. Speaker, on the substantive nature of this measure, I think that in enacting this measure, we are out of step with the conditions that the people of Hawaii are facing, in the economic strain that we are under and, therefore, our vote should be 'no' on this measure rather than 'aye.'

Thank you, Mr. Speaker."

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

"Mr. Speaker, in doing so, I would request that my remarks made in favor of the bill when it left the House with the House amendments be entered into the Journal at this time, in support of the measure. And in doing so, I urge all members to vote 'aye'."

The Chair "so ordered."

Representative Stanley's remarks are hereby inserted:

"I wish to make briefly three points in urging all the members of the House to vote in favor of this bill: First, the Governor and his cabinet have not received a pay raise since 1976, therefore, the raise that is being proposed by this measure is, in fact, a very modest four percent to five percent for each year. Second, when we look at pay questions, what we are supposed

to look at is the responsibility and authority of the position and not the personalities; and third, I think that every member of the Governor's cabinet and the system of this government, without regard to who holds the office, exercise the responsibilities as a public servant and that we, as this body, would be remiss if we did not pay them commensurate with that in mind.

With these remarks, I urge all members to vote aye."

Representative Kamali'i then rose to speak against the bill, stating:

"Mr. Speaker, in this case, calling this measure a bill is all too accurate. This bill for executive pay raises will be paid by the people of this State for the rest of the century, and it is a bill for which we will pay too high a price as well. We are risking further erosion of public confidence in the ability of the Legislature to act in the community's interest rather than our own. And I don't believe that we have enough credibility left to take that risk with any sense of, well, they won't remember it at election time, or gee, only \$45,000 is a hardship; I am sure glad they were given a raise.

My constituents include a number of retired people -- citizens who are on fixed income averaging less than \$10,000 a year. I cannot expect them to continue taxes on food and drugs for the benefit of those who make more than four times what they do. And I believe that everyone here represents more people who live on salaries not much more than social security than do executives who pull down over \$40,000 a year.

Are we truly representing them by voting for this bill? I don't think so. Maybe the problem, Mr. Speaker, is that these poor, underpaid executives who haven't gotten a raise in six years should realize that they have been receiving that money for six years. I am certain that there wouldn't be the same sense of deprivation from someone who had just started to work. That salary would in itself probably mean a substantial raise. I suppose that's why our citizens who have not insisted on a two-term limit for Governor have now done that. Limiting him to two terms, a limit which, unfortunately, would not apply this year because then we wouldn't have the same people accepting the same unsatisfactory salary. We would have those who might recognize that they are serving the public, not just expecting the people to pay the bill.

Thank you."

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

"Mr. Speaker, there has been a lot of debate this afternoon on this measure but I would like to say, for the record, that there are a lot of these officers and employees who are not part of the collective bargaining agreement of this State.

Presently, all of us here know that the economic situation of the State is a very unstable one. It is a very fragile one based on the industry of tourism, and presently, a lot of the directors who have been with the present Governor of the State of Hawaii have had no salary increase since 1976. If you would compare their work and the hours they have put into this particular State and proving that this State of Hawaii is the number one state throughout this nation, they should deserve what the private sector is paying their executives at this particular time. I have heard, for example, one of our deputies and directors who sacrificed a \$75,000 job to support the Governor of the State of Hawaii. There are others here who have not come up to talk to me about this particular issue, but the point of the matter, Mr. Speaker, is that if everyone here want to have very diligent, hardworking, intelligent directors and deputy directors of this State, he has got to pay for it, brother and sister. No ifs and buts about it.

Here presently, both you and I are being compensated \$13,500. I take it as an insult this afternoon, Mr. Speaker, when some of my colleagues say that we can go out and get another job. Well, I'll be working back at my particular restaurant again, and all I want to say to the general public here this afternoon is, hey, every job is important throughout this State -- every job you are taking, you are contributing to the State of Hawaii. You have that opportunity; you have this choice of accepting or running for office. These particular members of the cabinet and their deputies have that opportunity also of their decision of sacrificing their private business life in promoting government -- good government.

A lot of members have been very critical of this administration and how the government is being run. Well, pay them more. You can kick them out, you can bring them in as fast as you want if you look at it as a business. I have tried to look at

government as a business, Mr. Speaker, and I've told you in closed meetings how I have been the bad guy at hearings, and I reiterate what I told you before last week. It takes more members of this House and I really do hope, and Representative Anderson may really support me, we've got to go to hearings -- committee hearings, committee meetings -- to voice your concerns. To voice your concerns on this floor at this particular time would not resolve the problem. Here I was, last week Friday evening, from 6:30 to about 10:30 on the third floor, Room 310; we had five recesses on this particular measure. Nobody from the opposite side talked to the members of the conference. . . ."

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

"Mr. Speaker, I believe the debate is straying very far away from the substance of the bill and I would like to have it confined to the bill itself, please."

The Chair said:

"Representative Say, will you confine your remarks to the merits or demerits of the measure", and directed Representative Say to "please proceed."

Representative Say continued his remarks, saying:

"Well, all I'm saying this afternoon, Mr. Speaker, then, it is by choice that these particular directors and deputy directors and public officials who are appointed by the Governor and confirmed by the Senate have made a choice of sacrificing their financial situation for their families at this particular time, and I urge all members to support this measure."

Thank you."

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

"Mr. Speaker, I am tired of this bill. It has been kicked around for the last two years within my committee and others, and I would really like to see this thing get moving. I think it is pure bull that government leaders ought to be treated differently, that they ought to be treated almost like a second class just so that they can set examples. This bill is overdue and this bill is fair. It is time that,

I think, we start showing our colors."

I don't want to carry on this issue. I don't want to reiterate this but I think it is necessary. We voted on a union measure this year, in excess of the 20 percent pay raises. Not a single 'no' vote was cast, Mr. Speaker. I don't understand that. We already have approximately 170 union members making more pay than their bosses. Come July 1, 1982, that number jumps up in excess of 800."

I'll close this the same way that I closed it the last time. That's ridiculous, and a 'no' vote is also ridiculous."

Thank you."

Representative D. Hagino then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, and it is just to point out one small fact that we are also. . . we are not voting merely on a pay raise bill, but we are also voting on a pay freeze bill because one of the sections in this bill is going to make it very difficult for certain City and County officials' outrageous automatic pay increases, and that's one of the reasons we have this intolerable situation with the State government department heads and executive officers' pay. I think we have forgotten that aspect of the bill, and it is, in fact, a pay freeze bill, and that's one of the reasons I am voting in favor of this bill."

Thank you."

Representative Rohlfing then rose and stated:

"Mr. Speaker, I am tired of the bill, too. I am tired in a different way than my colleague from Maui, I think. And the last time we discussed this bill, he raised the point about the union contracts, as well. I did not respond at that time. We are talking about apples and oranges. We make the decision here initially -- we have full control over the executive salaries and the judges salaries and so on."

The collective bargaining bill, however, and what happens to the union employees of our State, is primarily a matter of policy declared by the Legislature. . . is a matter of law with the statutes that sets up the procedures for the bargaining between the employees, through their unions, and the government, through its representatives, in a long and involved and difficult process. And if you've ever worked in that

process at any length, you'll know what is involved in the give and the take, and what's involved in wages, or in other conditions of employment. And one of the problems with our collective bargaining bill and law is that it doesn't have the flexibility and includes lots of conditions of employment other than wages. And that is one reason why we are always confronted with the wage demand situation when it finally comes to us. But, when it comes to us, it comes to us as having been agreed upon by the administration and the union representatives after this long process. It is not a question of whether we go into the details. We don't open up the hearings to discuss whether or not there should be an increase for different levels or how they relate to each other. This is the job of the administration. So it is a whole different ball game and I don't think there is any way to bring the two together and say just because we voted but we didn't say anything about that, that we have to take this one. So, that is all I have to say about that.

As far as the county is concerned, yes, it probably is desirable to have some kind of hold with respect to a commission to study salaries. On the other hand, by doing that, in some places, you're emphatically endorsing the inequality between the counties. The county officials, for example, the Prosecuting Attorney on the Big Island gets something like \$6,000 or \$7,000 more than the County Prosecutor on Maui. Well, does that make a lot of sense? Should we be mandating that in this bill? I question that as well, Mr. Speaker.

As far as the Representative from Palolo/Kaimuki, my friend from that district, I think some of his arguments were the best arguments for a 'no' vote on this measure.

Thank you, Mr. Speaker."

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

"Okay, when measuring this particular bill that is before us which gives a 10 percent increase retroactive to July 1, 1981, and an 8 percent on July 1, 1982, which is totally an 18 percent for six years, if you divide 18 by 6, that equals to 3 percent per year. You tell me, what state throughout this nation would give a 3 percent increase to their executive officers throughout this nation?

Secondly, we have a drastic question of the University of Hawaii President's salary. We have set a ceiling and this ceiling is set by the legislative body. There was a proposal in the other house that would have let the Board of Regents decide the ceiling of the President's salary which we rejected also in this particular house.

Third, we discussed the Hawaii Public Employees Relations Board, the Public Utilities Commission, and the Labor and Industrial Appeals Board and we also gave them the 10 percent retroactive and the 8 percent.

Fourth, we gave an increase to the Stadium Authority and the Chief Labor Negotiator throughout this State.

Fifth, we decided to freeze all counties in regards to their salary increases to the Mayors, Managing Directors, Prosecutors and also, maybe their Deputy Directors.

Sixth, we addressed what the Senator from the Kahala area has stated in regards to the inequities that we have before us throughout this State. We have set up a Salary Commission that will report to us thirty days before the legislative session of 1983, or the Twelfth Legislative Session, will be beginning in order to resolve this problem.

And this is what I am saying this afternoon, that there is a whole package which some of my colleagues across the aisle have not addressed at this particular time, Mr. Speaker, and that is why I am asking all of my colleagues here to support this measure in support of giving a pay raise to those particular individuals.

Thank you."

Representative Takitani, in rebuttal, stated:

"Mr. Speaker, I must beg to differ with some of the arguments presented by our Representative from perhaps the most affluent area in the State. I must beg to differ because it is not apples and oranges. We are talking about two processes that give the Legislature the final authority, the final yes or no, on whether or not these raises will be granted, and taking into account the fact that we are supposed to be setting examples and the tough economic times, there were still not a single no vote cast.

Thank you."

Representative Rohlring then rose

and requested a roll call vote on this measure.

Roll call having been requested, the motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2759-82, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR", having been read throughout, passed Final Reading by a vote of 37 ayes to 12 noes, with Representatives Anderson, de Heer, Ikeda, Isbell, Kamali'i, Lacy, Liu, Marumoto, Medeiros, Monahan, Rohlring and Wong voting no, and Representatives Dods and Narvaes being excused.

The Chair directed the Clerk to note that S.B. No. 2759-82 had passed Final Reading at 4:17 o'clock p.m.

At 4:18 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:35 o'clock p.m.

Conf. Com. Rep. No. 9-82 on H.B. No. 2359-82, HD 1, SD 2, CD 1:

On motion by Representative Nakamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2359-82, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WITNESS SECURITY AND PROTECTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 10-82 on H.B. No. 2559-82, HD 1, SD 1, CD 1:

On motion by Representative Nakamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2559-82, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT BETWEEN THE STATE OF HAWAII AND DILLINGHAM CORPORATION DBA HAWAIIAN DREDGING AND CONSTRUCTION COMPANY", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Dods and Ikeda voting no.

The Chair directed the Clerk to

note that H.B. Nos. 2359-82 and 2559-82 had passed Final Reading at 4:35 o'clock p.m.

Conf. Com. Rep. No. 11-82 on H.B. No. 1988-82, HD 1, SD 1, CD 1:

On motion by Representative Shito, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.B. No. 1988-82, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INDIVIDUAL HOUSING ACCOUNTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 17-82 on H.B. No. 2679-82, SD 1, CD 1:

On motion by Representative Nakamura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2679-82, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COUNSEL AND OTHER SERVICES FOR INDIGENT DEFENDANTS IN CRIMINAL AND RELATED CASES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 19-82 on H.B. No. 2313-82, HD 2, SD 1, CD 1:

On motion by Representative Nakamura, seconded by Representative Nakasato and carried, the report of the Committee was adopted and H.B. No. 2313-82, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DRIVER EDUCATION AND TRAINING FUND", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1988-82, 2679-82 and 2313-82 had passed Final Reading at 4:36 o'clock p.m.

Conf. Com. Rep. No. 24-82 on S.B. No. 2353-82, SD 1, HD 2, CD 1:

On motion by Representative Kiyabu, seconded by Representative Toguchi and carried, the report of the Committee was adopted and S.B. No. 2353-82, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JOB SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 25-82 on S.B.

No. 1697, SD 1, HD 2, CD 1:

On motion by Representative Kiyabu, seconded by Representative Toguchi and carried, the report of the Committee was adopted and S.B. No. 1697, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JOB-SHARING IN THE DEPARTMENT OF EDUCATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 26-82 on S.B. No. 2765-82, SD 1, HD 2, CD 1:

On motion by Representative Dods, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and S.B. No. 2765-82, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2353-82, 1697 and 2765-82 had passed Final Reading at 4:37 o'clock p.m.

Conf. Com. Rep. No. 30-82 on H.B. No. 2947-82, HD 2, SD 1, CD 1:

On motion by Representative Takamine, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2947-82, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN AQUACULTURE AND LIVE-STOCK FEEDS PRODUCTION PROGRAM", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 33-82 on H.B. No. 2838-82, HD 1, SD 1, CD 1:

On motion by Representative Shito, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2838-82, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2947-82 and 2838-82 had passed Final Reading at 4:38 o'clock p.m.

Conf. Com. Rep. No. 34-82 on H.B. No. 2201-82, HD 2, SD 1, CD 1:

On motion by Representative Shito, seconded by Representative Kunimura and carried, the report of the Committee was adopted and H.B. No. 2201-82, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 37-82 on S.B. No. 2399-82, SD 2, HD 2, CD 1:

On motion by Representative Blair, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 2399-82, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF REGULATORY 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. 2201-82 and S.B. No. 2399-82 had passed Final Reading at 4:39 o'clock p.m.

Conf. Com. Rep. No. 38-82 on H.B. No. 2767-82, HD 3, SD 2, CD 1:

Representative Toguchi moved that the report of the Committee be adopted and H.B. No. 2767-82, HD 3, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

Representative Monahan then rose and stated:

"Mr. Speaker, I would just like to say a word as a person that has been in education a long time. I would like to congratulate the Education Committee and Representative Toguchi on seeing this bill through, and I certainly want to congratulate him and hope all good wishes in this bill. I think it is a big step in improving public education in Hawaii.

Thank you."

Representative Wong then rose to speak in full support of the bill, stating:

"Mr. Speaker, initially, I had some reservations about the bill when it first came out of Finance and my concerns are basically accountability because this whole concept purports to spend about \$15.2 million and 527 positions, and the prudent expenditures of our limited resources was one of my concerns.

The other one of my concerns was the administrative ability to carry out the whole concept, and the provisions in Section 43 of our budget states that, 'The Principal shall consult with teachers and to the extent practicable, with parents and students, to solicit their advice on the use of funds and positions.'

The other concern that I had at that time was the grandfathering of programs which seemed not to distribute on an equitable portion a lot of the discretionary funds to the schools.

One of my major concerns was the overseeing of the implementation of this very unique concept in the next two or three years.

Mr. Speaker, the Chairman of the Education Committee is probably the most responsible for the major breakthrough in our educational system by guiding this new and novel concept through the legislative process. The good Representative from the 23rd district and myself have spent a number of years in the Department of Education and we do both understand the difficulties in implementing new and unique and novel ideas and getting it from the drawing boards to the classrooms. It is because of the Education Chairman and his commitment to insure that his program be carried out and implemented properly in the next few years that I feel reassured and secure that the concept of the School Priority Fund will prove to be the most beneficial program implemented in the Department of Education in a long time.

Mr. Speaker, our educational system is a very centralized system and I think the School Priority Fund will decentralize our system, not only to funding, but also responsibility, and more importantly, the function of authority that is always needed at the school level. I certainly would like to congratulate my colleague from the 23rd district for the necessary insight and the perseverance and the commitment that he has demonstrated in guiding this unique concept to fruition. I am positive that he will continue to oversee and guide this program in the next few years from his vantage as the Chairman of the Education Committee.

I urge all of my fellow colleagues to vote 'aye' on this measure.

Thank you, Mr. Speaker."

Representative Toguchi then rose and stated:

"Mr. Speaker, I rise to speak very briefly in favor of this measure which establishes the School Priority Fund.

Mr. Speaker, the School Priority Fund strengthens decision-making and resource allocation at the individual school level. It promises to trigger the formulation of exciting new approaches and flexibility in specialized and individualized educational programs at each school. Even further, Mr. Speaker, I hope that the School Priority Fund will provide a useful example and encourage the State to renew its efforts to undertake new programs through the reallocation of existing resources.

Mr. Speaker, the \$15.2 million School Priority Fund which Representative Wong just mentioned -- the amount, as provided for in the Supplemental Budget, requires only \$1.7 million of additional funds. The other \$13.5 million is drawn from redirected and reallocated existing educational resources. In view of the tremendous benefits which the School Priority Fund offers, I believe that the Priority Fund illustrates that the reallocation of existing State resources can provide a rich source of opportunities for devising new ways to deliver more and better services to our students and Hawaii's taxpayers.

Mr. Speaker, I urge all of you to support this because I will be voting for it.

Thank you."

Representative Kunimura then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill and in stating so, I would like to caution all members -- it is going to be hard road ahead, that there will be severe resistance, knowing what men, 'homosapiens', are capable of. They don't want to give up what they have. They would like to take more of somebody else's good things.

This School Priority Fund, Mr. Speaker, is a realistic approach for one thing. The Chairman of the House Education Committee, in his wisdom, if he tried to do it all over again like they plow the fields and plant the corn or the wheat, it would have gone down in smoke. But because of his wisdom, he left some of those tall trees standing that were enshrined by some people who feel certain programs are very beneficial and so needed

in their particular area, and respecting provincial taste, individual ambitions, and realizing the perilous path this bill must take, he has charted a course around these icebergs and submerged barriers and it is here today for us to vote on. But tomorrow, Mr. Speaker, because this is only the beginning, we must count on future legislators to be as brave and as wise to dismantle the old archaic educational system that we have so centralized that it is an inverted pyramid that's right back here -- on a backyard connected to the backyard of the Governor's mansion. And I am not saying anything about the new superintendent because I feel she is trying her best and I feel that she, too, is going in the right direction.

But we have the Office of Instructional Services and many other deadwoods that have to be pruned and those resources redirected towards the schools where all the important things happen in education, and that is to give our young people, our children, the best money can buy in education.

So, with that, Mr. Speaker, I would like to urge members of this House to vote for this and in voting for this measure, remember that when you come back next year and the years to follow, that dismantling an institution is not an easy one. The founding fathers of our country went through great pain, great sacrifice, in building this country and while it is going to take. . .not as bloody, but it is going to take hard labor to rebuild our educational system that would be fitting to these times and to our purposes.

Thank you."

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

"Mr. Speaker, in just my reminiscing, it was Senator Mizuguchi who proposed the Special Needs Fund; Representative Ollie Lunasco who was the Chairman and I was the Vice Chairman of the Education Committee who really dealt into the primary or elementary level; and Representative Charles Toguchi.

Personally, there's three words that I try to mention or relate to as far as the past three chairmen of the Education Committee. Senator Mizuguchi was very innovative in his special needs; Representative Lunasco who is not with us at this

particular time, was great; and finally, Representative Charles Toguchi, the Education Committee Chairman, was fabulous.

Personally again, I hope that he does come back maybe in the Senate or the House and he does take the Education Committee once more to monitor and evaluate the School Priority Fund.

Thank you."

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

"Mr. Speaker, very briefly, I also had great reservations with the School Priority Fund when it was initially proposed and like Representative Wong, on the accountability factor, because of some of the abuses that have taken place with the Special Needs Funds and more so because many special programs that we have in schools in lower economic areas were going to be cut out, and I have to thank the Chairman of the Education Committee, Representative Toguchi, for spending many hours with me on this matter when I addressed my concerns and he was very accommodating in restoring many of the funds for those programs based on their merits.

And like Representative Toguchi, I also believe that the Department has gotten the message on the accountability factor and I know that the Representative will be monitoring this as I will be also.

I thank Representative Toguchi, and I urge all members to vote 'yes' on this.

Thank you."

Representative Ikeda then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Ikeda further stated:

"I would also like to commend the Chairman of the Education Committee for his sensitivity and his wisdom.

Thank you."

Representative Ikeda's remarks are hereby inserted:

"Mr. Speaker, since I first came to this body as a Representative, I have repeatedly introduced a bill that would decentralize the Department

of Education. I have long felt that while we have an excellent education system, the Department has been nonetheless inflexible, due to its pyramidal structure, with policy decisions flowing downward from a centralized authority that is unable to take into account the unique problems that face each school district.

I strongly believe that decision and policy-making in education should be returned to the grass roots level. This will make the decision-making process more responsive to those affected -- the students, parents, and teachers of each school.

This bill, through its concept of discretionary funding, will give each school the flexibility it needs to institute, budget, and administer programs that meet the specialized needs of each school and community. This bill recognizes the uniqueness of each school and community and the problems they face, and allows them to work out solutions that will be the most effective and appropriate in that setting.

I think that this measure is an excellent first step in the process of decentralizing our education system. Hopefully, if this process continues, we may eventually be able to say that we are responsive to the specialized needs and concerns of the local community, and have returned the decision-making process to the grass roots level where it belongs.

Mr. Speaker, the Chairman of the Education Committee should be commended for his wisdom and sensitivity to the needs of our people.

Thank you, Mr. Speaker."

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

"Mr. Speaker, I would like to congratulate the Chairman of the Education Committee, but especially thanking him for including the Minority committee members in his decision-making. There are many times that the Education Chairmen assume certain things and they often forget us, and I would just like to mention the fact that Chairman Toguchi was exceptional among chairmans for including Minority members on his committee and I would like to thank him and ask, of course, that you all support this bill.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2767-82, HD 3, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2767-82 had passed Final Reading at 4:50 o'clock p.m.

At this time, Representative Say rose on a point of inquiry and asked:

"With the adoption of this bill, does it basically let all of us here this afternoon -- 51 members of this House -- be endorsed by the HSTA?"

The Chair ruled Representative Say out of order.

Conf. Com. Rep. No. 41-82 on H.B. No. 2511-82, HD 2, SD 2, CD 1:

On motion by Representative Blair, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 2511-82, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPLIANCE RESOLUTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2511-82 had passed Final Reading at 4:51 o'clock p.m.

Conf. Com. Rep. No. 42-82 on S.B. No. 2513-82, SD 1, HD 2, CD 1:

On motion by Representative Blair, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 2513-82, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES: FRANCHISE TAX", having been read throughout, passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Andrews, Honda, Ikeda, Marumoto, Monahan and Takitani voting no.

The Chair directed the Clerk to note that S.B. No. 2513-82 had passed Final Reading at 4:52 o'clock p.m.

Conf. Com. Rep. No. 56-82 on S.B. No. 2346-82, SD 2, HD 2, CD 1:

Representative Toguchi moved that the report of the Committee be adopted

and S.B. No. 2346-82, SD 2, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kunimura.

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

"Mr. Speaker, I recently received a letter from the office of the Secretary of the Department of Education because I did want to inquire whether this was the proper step for Hawaii to take in order to obtain federal funds regarding impact aid. And I received a letter from him which I would like to quote. . . this is from Albert L. Alfreds, Special Assistant to the Secretary. He says to me that, 'The bill appears to authorize the State Board of Education to indirectly impose an educational fee (that is the implication that if we did not educate the youngsters, some kind of a fee would be coming from these people) to federally-connected students. If the Board charges the fee, it would appear that the Board would not be providing free public education to those students and its eligibility for impact aid funds would be jeopardized.' He goes on to say, 'Assuming that tuition charges for Hawaii's federally-connected students do not become an issue, an additional payment will be processed in the next several months.' The first payment of our allocation of \$10.8 million has already been received. The \$5.4 million. . . so he is saying that if it does not become an issue, then the other \$5.4 million will be forthcoming.

The bill, as you recall, states that the Board of Education present a bill to demand payment to the appropriate agency which, in this case, is the Department of Education, and then it goes on to say. . . this is the Senate bill, 'That it shall be the declared policy of the State that if indeed the Federal government does not meet the demands. . . ' and the word 'demands' is used in the bill, 'does not meet the demands of the State, then revenues of the State may not be expended for the free public education of federally-connected school age children.'

I have here before me a memorandum that was filed on behalf of the United States of America in the case of the United States of America vs. Fairfax County School Board which was on this specific subject, and I won't bother to read this long memorandum to you, but I would like to quote just one paragraph, please. It refers to the dispute between the

United States and members of its uniform services on the one hand and the Fairfax County Board of Education and the Commonwealth of Virginia on the other, and the reason this case is relevant is that, indeed, if Hawaii was going to cut off free federal education, a suit will be filed instantly by individual people. In this particular case, it was a Colonel and a Sergeant and a Corporal and that type of thing.

'For the action of these defendants in opposing tuition charges or some kind of a charge for the education of children of the individual plaintiffs, because they are service members living on the military base, represents no less than the wholesale frustration of the protections and benefits which Congress has granted them. Moreover, the imposition of these charges which are akin to taxes is unlawful for other important reasons. It violates the equal protection clause of the federal Constitution and the free education clause of the Virginia Constitution. . . ' and Hawaii does have such a statement, 'and breeches numerous contracts between the United States and the defendant Board.' In my conversation with the Assistant Secretary, it would place Hawaii in jeopardy if we would happen to take this kind of measure that is proposed in this bill. It would place Hawaii in jeopardy of receiving any other federal funds related to education.

So I would like to bring that to your attention. My own personal feeling is that probably a better way to approach this, rather than make this kind of strident demand, probably would have been in the form of a resolution.

So, for those reasons, I am going to vote 'no' for this bill.

Thank you, Mr. Speaker."

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

"Mr. Speaker, this measure attempts to ensure that the Federal government meets its responsibilities for the education of federally-connected students.

Mr. Speaker, after much thoughtful deliberation and discussion, your Committee on Conference on Senate Bill 2346-82 recommends the passage of this legislation which, I believe, provides a workable and responsible means of protecting our State's educational system from drastic cutbacks in federal impact aid. Mr. Speaker, if we don't pass this bill, the millions of dollars in impact aid shortfalls

which our State is projected to suffer would threaten the continuation of educational support services -- services which are essential to the full educational development of both federally-connected and non-federal students alike.

Mr. Speaker, we have before us a bill which represents an appropriate response to this imminent fiscal crisis. Under the provisions of this bill, Mr. Speaker, the Board of Education will annually bill the Federal government for fifty percent of the cost of educating federally-connected students, an amount which we are entitled to under the impact aid law. If the Federal government fails to provide for such payment, the State would then declare that no State revenues could be expended for the education of federally-connected students, thus invoking the provisions of relevant federal law. Under Title 20, United States Code, Section 241, Mr. Speaker, when a state declares such a policy, the Federal government is then clearly mandated to assume full responsibility for the education of federally-connected students in that state.

Mr. Speaker, this bill proposes some very serious actions, but we must recognize that we are facing a very grave threat to the education of children throughout this State. I must emphasize that this bill is solely designed to ensure that the Federal government pays its fair share of the cost of educating the children of federally-connected families. If the Federal government then fails to contribute its fair share of those costs, the State will have to reluctantly take action to force the Federal government to meet its legal responsibilities to these children.

Mr. Speaker, there are few alternatives with which to address the enormous loss of impact aid funds ahead. We need to pass this bill to pursue the best course of action which we, in this most difficult situation, can take to protect the vital educational services our children now enjoy.

Mr. Speaker, before I close, I would like to respond to some of the remarks made by the good Representative from Maui.

First of all, he quoted a letter from Monica Harrison. I have the letter before me and I just wanted to make a clarification on that.

I would just add something else to that letter. Yes, it does make a threat, but this letter here says, 'With reference to Senate Bill No. 2346-82. . .,' and it goes on and on. The reply to this letter was a reply to the Senate bill that was transmitted to the House. We have before us, today, a bill that is totally different from the bill that was sent to the United States Department of Education. That bill that was sent to the United States Department of Education talked about a tuition fee to be charged to the students -- federally-connected students -- and that if they do not pay, then the Board of Education shall take them to court. So, number one, that letter is in reference to another bill that is totally different from the measure before us here.

Second point. He mentioned a Fairfax County letter or memo. Mr. Speaker, the Representative is correct in saying that that is what the Federal government said -- they did threaten Fairfax County as to what they will do. I want you to also understand that the plaintiff, the United States government, that filed the suit, when they settled, it was the plaintiff, the United States government, that paid Fairfax County. The second thing on the Fairfax memo is that that bill also, or that measure, was the tuition measure and not the measure that is before us. It is totally different.

And with those comments, Mr. Speaker, I urge all the members to vote in favor of this bill."

Representative Blair then rose and requested that his remarks, in favor of the bill with reservations, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Blair's remarks are as follows:

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

I support the conference draft because Hawaii is, apparently, receiving less than it should. We owe it to all of our students to ensure an equitable federal contribution. I am concerned, however, that students who are federally connected may inadvertently be caught in the crossfire.

Fortunately, we will have an opportunity to reassess this law next session, prior to any students being adversely affected by a possible Federal government refusal to provide the funds that are owed to Hawaii.

I am confident that my colleagues will not allow any child to suffer as a consequence of a conflict with the Federal government. I assure you that I will not.

Thank you."

Representative Monahan, in rebuttal, stated:

"Just in reply, my letter is from Albert L. Alfreds which is in reference to the present bill and is not from Monica. I do have a letter -- that particular letter that was sent to Senator Abercrombie, that my letter is from Albert L. Alfreds which was subsequent to the other letter.

Thank you very much."

Representative Kamali'i then rose to speak against Senate Bill 2346-82, stating:

"Mr. Speaker, this bill attempts to offset anticipated reductions in the federal impact aid to education by empowering the State Board of Education to refuse funding the cost of educating federally-related students and instead to submit a bill to the Commissioner of Education by January 31st of each year with payment due by March 31st. If this payment is not made by the end of March, and I quote: 'It shall be the declared policy of the state that no tax revenues of the state may be expended for the free public education of federally-connected school aged children and that the Federal government shall assume full responsibility for the education of those children on September 30th of that same year.'

How do we propose to implement this action, Mr. Speaker? There are a number of schools which we may identify as having significant numbers of federally-connected students. Would we then, for example, fire all the teachers at Radford or Castle High School; refuse admittance to at least half of their students and arrange to bus our children to nearby schools? And are we to do all this one month after the regular school year has started? I just don't understand the logic of this measure. Even its timing seems incomprehensible. Why isn't the punitive measures of this bill, the refusal of students, effected by June 30th when our budgetary year begins and we could know the full impact of this bill? No, that would be too simple. Instead, we will act against all of our notions

of fair play and what the meaning and value of public education may be to an entire society, and also do it with the greatest inconvenience possible.

Mr. Speaker, I fail to see any sense in this measure, even political reality would and should force us to some recognition that we're cutting off our noses with the ultimate of this bill, and I personally will not be a part of that effort.

Thank you."

Representative Toguchi, in rebuttal, stated:

"Mr. Speaker, I just want to say a few things in rebuttal to the statements made by the Representative from Waikiki.

First of all, she assumes that the Federal government, first of all, will not follow their own laws and if that happens, yes, that scenario may happen. And I think that we are here as legislators, that we do not pass law in anticipation that another jurisdiction will not follow their laws, and so, we have to assume that in good faith that other laws will be followed.

Secondly, she mentioned the June 30th date as, why not June 30th? Well, this year, Mr. Speaker, it is the Federal government that decided that we will not get our full payment by the traditional May 31st date, that we will get it sometime prior to the ending of the federal fiscal year which is September 30th, and that is why we have a September 30th date.

Mr. Speaker, in closing, I would just like to mention that she mentioned political realities, and I wonder whose political realities they are thinking about.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2346-82, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATIONAL FEES", having been read throughout, passed Final Reading by a vote of 38 ayes to 13 noes, with Representatives Anderson, D. Hagino, G. Hagino, Ikeda, Isbell, Kamali'i, Liu, Marumoto, Medeiros, Monahan, Narvaes, Rohlfing and Wong voting no.

The Chair directed the Clerk to note that S.B. No. 2346-82 had passed Final Reading at 5:10 o'clock p.m.

Conf. Com. Rep. No. 64-82 on H.B. No. 3136-82, HD 2, SD 1, CD 1:

Representative Sakamoto moved that the report of the Committee be adopted and H.B. No. 3136-82, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Fukunaga.

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

"Mr. Speaker, this bill is actually worse in its conference version than when I last attempted very unsuccessfully, I might add, to awaken the legislative conscience of our colleagues that to enact this legislation is a major error. Last time, we were voting to borrow 500 grand from the General Fund. Now the proponents have gotten even bolder in their proposed raid on the public treasury. Indeed, now, we seek to appropriate half a million taxpayers dollars without even a pretense of ever getting it back! When this project was first conceived and sold, it wasn't supposed to cost taxpayers a nickel. Remember, we just authorize issuance of revenue bonds, turn over the choice land to the Commission, and it will be taken care of, and we will have a bonanza.

Let's review what the \$500,000 is allegedly for.

Apparently, from newspaper accounts of meetings of the Commission and Development Corporation, \$132,000 for start up staff; \$50,000 for soil analysis; and \$300,000 for preliminary construction work. In an article from the Honolulu Advertiser in the fall, in the middle of November, there was a report under the title 'Borrowing OK for Aloha Tower', and I would like to quote from a portion of that newspaper report: 'The American City Corp., which drafted the preliminary development plan for a hotel-office space-commercial complex around Aloha Tower, has offered to bear an estimated \$300,000 in expenses to do further pre-construction studies on the project.

'The consultant firm said it could be repaid when the corporation sells the \$33 million in revenue bonds authorized for the public portion of the project.'

Mr. Speaker, has anyone an explanation why apparently no investigation was made regarding the offer by

this planning firm to put up the \$300,000? Mr. Speaker, once this bill is passed, as a practical matter, we are irrevocably committed to the project after spending \$1/2 million in General Funds. General Funds money -- who could turn the project off? Even if revenue bonds don't sell, it is my personal prediction that there will be a request for the authorization of \$33 million by way of GO bonds in order to complete the project's development.

The Aloha Tower property is unique and invaluable. As Mayor Anderson so aptly put it and I quote: 'Just another office building and a hotel is not the highest and best use of this land for present or future generations.' I am reminded of those who pushed so hard for an oil refinery on Sand Island in the 50's, and those who pushed for the high rise commercialization of Magic Island at Ala Moana Park in the late 60's. They were beaten back by people like Atherton Richards -- leaders who could see beyond their noses.

Mr. Speaker, this project is a real turkey and in my opinion, will result in a misuse of public funds.

My colleagues, I suggest that an aye vote will come back to haunt you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3136-82, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA TOWER DEVELOPMENT CORPORATION", having been read throughout, passed Final Reading by a vote of 37 ayes to 14 noes, with Representatives Anderson, de Heer, Ikeda, Isbell, Kamali'i, Lacy, Liu, Marumoto, Medeiros, Monahan, Narvaes, Rohlfing, Takitani and Wong voting no.

The Chair directed the Clerk to note that H.B. No. 3136-82 had passed Final Reading at 5:12 o'clock p.m.

Conf. Com. Rep. No. 67-82 on S.B. No. 1287, SD 1, HD 1, CD 1:

On motion by Representative Takitani, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 1287, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to

note that S.B. No. 1287 had passed Final Reading at 5:13 o'clock p.m.

Conf. Com. Rep. No. 68-82 on S.B. No. 544, SD 2, HD 1, CD 1:

On motion by Representative Matsuura, seconded by Representative Kunimura and carried, the report of the Committee was adopted and S.B. No. 544, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 544 had passed Final Reading at 5:14 o'clock p.m.

Conf. Com. Rep. No. 71-82 on S.B. No. 2926-82, SD 1, HD 2, CD 1:

On motion by Representative Segawa, seconded by Representative Kobayashi and carried, the report of the Committee was adopted and S.B. No. 2926-82, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RELEASE OF MATCHING STATE FUNDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2926-82 had passed Final Reading at 5:15 o'clock p.m.

Conf. Com. Rep. No. 72-82 on H.B. No. 3092-82, HD 1, SD 1, CD 2:

Representative Nakamura moved that the report of the Committee be adopted and H.B. No. 3092-82, HD 1, SD 1, CD 2, having been read throughout, pass Final Reading, seconded by Representative Hirono.

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

"Mr. Speaker, a sense of humor, a sense of history, sensitivity itself, at one time or another during the session here, we call upon these human qualities to deal with each other -- the public and ourselves. But with this bill before us, Mr. Speaker, I unfortunately have to say that I find the notion of basic sensibility violated -- lost, gone.

Mr. Speaker, I charge that even without reaching the true substance of this bill, this bill is defective.

Mr. Speaker, a conference committee was held on House Bill 3092-82 about two weeks ago in April, and a few hours later, the conference draft was prepared. I signed that conference draft, I believe it was Wednesday. Later on that Wednesday, April 21st, at approximately 5:05 p.m., I received a call from a member of the conference committee asking me to stand by to sign conference draft 2 on the bill. Conference draft 2?, I asked. When and where was the conference committee held on this? Why wasn't I notified? A slight pause. Then, Mr. Speaker, I received an answer and I paraphrase here: 'Oh, well, there was no reconvening of the conference committee. Two legislators were named and a particular attorney got together to redraft the report.' The two legislators who were mentioned were not conferees on the bill.

Mr. Speaker, the changes made in this bill were substantive -- not merely typographical or grammatical or stylistic. Regardless of my position on conference draft 1, I believe I should have been informed of the following meeting. I believe that it is a violation of the Constitution to have closed decision-making meetings and I wonder that if a conferee is not notified in any matter or in any manner of the whereabouts of such a meeting, I find it hard to imagine that the public was notified. I also find it hard to imagine that the Judiciary Committee's staff would have failed to notify me since, throughout the year, I have found them to be smart, efficient and conscientious.

Furthermore, I find it hard to believe that it was just because I did not concur with conference draft 1 that I would not be informed of further meetings on the matter. It is hard to believe because; one, I wonder if anyone can assume that I, perhaps, would not have changed my mind if the bill were changed in some manner; and secondly, the colleague who called me to stand by told me that he, in fact, thought that I had signed conference draft 1 free and clear. Hence, I can only surmise that I was not the only conferee uninformed of this meeting and that there was no intent to have an open decision-making meeting on this matter.

Mr. Speaker, I do not point out this problem with the bill with pleasure, but I really do feel aggrieved. I have never obstructed the work of the Judiciary Committee or its conferences. My feelings on this bill were transmitted to the Majority prior to the selection of the conferees on this bill. During

the conference committee on the bill, in regards to conference draft 1, I did not engage in any rancorous debate with members of the House, merely of registering my objection at the time. I have tried to be constructive; thus, it is said that for whatever reason, a decision was made to skirt the law.

Now, as for the substance of the bill, suffice to say that it confirms the paranoia that some of the legislators have toward reapportionment. It ignores that the Constitution requires the Commission expire as in the Constitution itself, or as provided by law, that in this case the law states that upon publication, the plan is effective and, as such, the Commission's life ends.

Mr. Speaker, in short, procedurally, substantively, this bill, if passed, will only serve as a futile attempt to preserve a Commission that has outlived its meager usefulness and whatever usefulness it did have, I think we find today the results.

Thank you, Mr. Speaker."

At 5:20 o'clock p.m., Representative Kamali'i asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:28 o'clock p.m.

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

"Mr. Speaker, we had presented in federal court this morning the best possible reason we could have for voting in favor of this bill; namely, that apparently, the federal court which I must admit quite properly struck down the reapportionment plan but the Reapportionment Commission has managed, nonetheless, to compound the mistake, and I think this bill provides us with an opportunity, just as we had the federal court, to address the errors of the Reapportionment Commission. We have this bill to redress the errors of the federal court.

Ultimately, Mr. Speaker, reapportionment is a function of the State and I think we are doing no more than our job in presenting this bill. I presume most of my colleagues are aware that the plan submitted by the masters to the federal court, . . . in one of the three submitted, that they recommend for adoption an interim plan which provides

that Kauai will have two and a half members of the House and one member, after the next election, will represent both Waianae and Kauai, and also in the Senate, we will have a Senator from a portion of the Big Island and a portion of Maui.

Now, Mr. Speaker, while it may have been very proper for the federal court to strike down the Reapportionment Commission plan as improperly based, and I would agree with that decision, it appears, though I hope they will prove me to be in error, that they are now going to compound the mistake rather than correct it. And I think this bill provides us with the ultimate solution which is to bring it back to the proper forum and to provide us with a reapportionment plan which, although we may not be able to make it effective for 1982, at least by 1984 we will have a reapportionment plan which is both constitutional and which provides the type of reapportionment which the people of this State have come to expect; that is to say, one which respects the integrity of our basic island unit.

Thank you, Mr. Speaker."

Representative Rohlfing then rose and stated:

"Mr. Speaker, very briefly, I have read the report on this bill -- committee report -- very carefully, and I find it something less than complete or candid.

The report argues that it is the attempt of our State Constitution that the Reapportionment Commission stay in existence until its plan is effected. . . I am speaking against the measure. That should be obvious. And then the report writer tells us we should assume that this means when the plan is invalid. The report does not mention that the Constitution specifically states, and I quote: 'The Commission shall file a reapportionment plan which shall become law after publication, as provided by law. Members of the Commission shall hold office until each reapportionment plan becomes effective or until such time as may be provided by law.'

Note the reference to 'as provided by law.' The effective statute at the time the Reapportionment Commission finished its work last Fall was Section 25-2(a), HRS, which provides that the plan shall, upon publication, become effective as of the date of filing. Nothing is said about the plan being deemed or proven valid, so what we are doing

with this bill is to try and change the rules of the game, retroactively, on an ex post facto basis, in an attempt to bring back a dead horse. Mr. Speaker, I question both propriety and wisdom of such an approach. I also question the fiscal sense of pouring more bucks down a rat hole.

The Reapportionment Commission that was constituted last Fall had its chance. It blew it. Let it rest in peace with no votes of this body.

Thank you, Mr. Speaker."

At 5:33 o'clock p.m., Representative Nakamura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:57 o'clock p.m.

Representative Blair then rose and stated:

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

The only thing that I would like to add to my previous statement is that the reapportionment master's plan submitted to the federal court was recommended only as an interim plan so then, in a way, they have also, at least the masters are recommending that something should be following that plan and, Mr. Speaker, this bill represents that something, so I think it is very important that we pass it.

Thank you."

Representative Hirono then rose to speak in support of the bill, stating:

"Reapportionment is appropriately a state concern. Even the federal courts acknowledge that. Without this bill, the likelihood is great that we are going to have a federal plan shoved down our throats, not only for the next two years, but for the next ten. I find it hard to believe that there are people in this body who are willing to sit back and totally abdicate a legitimate state concern to the federal court.

I urge all my colleagues to vote for this bill.

Thank you."

Representative Liu then rose and stated:

"Mr. Speaker, in rising a second time, I would just like to say that, substantively, my major objection to the bill is that it allows the present commission to continue. I would hope that if the State does take on its responsibility to create a constitutional plan, it would do so with a new commission.

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. 3092-82, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", having been read through-out, passed Final Reading by a vote of 41 ayes to 10 noes, with Representatives Ikeda, Isbell, Kamali'i, Lacy, Liu, Marumoto, Monahan, Narvaes, Rohlfing and Wong voting no.

The Chair directed the Clerk to note that H.B. No. 3092-82 had passed Final Reading at 6:00 o'clock p.m.

Conf. Com. Rep. No. 73-82 on S.B. No. 2269-82, SD 2, HD 2, CD 1:

Representative Kunimura moved that the report of the Committee be adopted and S.B. No. 2269-82, SD 2, HD 2, CD 1, having been read through-out, pass Final Reading, seconded by Representative Nakamura.

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

"Today, Mr. Speaker, this House can be very proud because we have taken the initiative in the area of education -- in changing the direction. The 1982 session will be known as one educational session of the State of Hawaii Legislature, and also, we will be doing some very significant-directional change in criminal justice training fund, criminal. . .this is witness security, and particularly in this bill, though the prosecutorial function lies in the County's hands, you know, Prosecutor's Office, that there are moneys appropriated to the Attorney General's Office to train the prosecutors who will be prosecuting the rapists -- those alleged rapists -- so that they can be in a better position to match up or even excel the defense counsel.

So, Mr. Speaker, I urge all members to vote for this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2269-82, SD 2, HD 2, CD 1, entitled:

"A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A CRIMINAL JUSTICE TRAINING FUND", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2269-82 had passed Final Reading at 6:01 o'clock p.m.

Conf. Com. Rep. No. 74-82 on S.B. No. 2760-82, SD 2, HD 1, CD 1:

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

Conf. Com. Rep. No. 75-82 on S.B. No. 2904-82, SD 1, HD 2, CD 1:

Representative Sakamoto moved that the report of the Committee be adopted and S.B. No. 2904-82, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kunimura.

Representative Kamali'i then rose to speak in favor of the bill, with certain reservations, stating:

"Mr. Speaker, I have long been concerned with the proper and full implementation of the 1978 constitutional mandate to establish a State water resources agency. It is out of that concern in my increasingly strong belief that water issues will dominate public needs in the near future that I will vote for this measure. We have postponed and delayed any significant action of this problem long enough. Even an advisory commission named to prepare recommendations for the Legislature is to be preferred to another year of inattention.

My hesitation, Mr. Speaker, is that it will be left to this body to be the eventual water manager. As with the Tax Review Commission, or the elaborate advisory mechanism which failed to formulate acceptable functional plans, my hesitation has been to share ultimate responsibility with the executive branch of the State government.

The political tensions between the Legislature and the executive during the last four years may not have had the flamboyant attention once directed to contest the wills between the Mayor of Honolulu and public needs, but it has been attention which, if anything, has been far

more damaging to the people of this State. In my explicitly naming a group which is accountable to the Legislature, however, I am hopeful that we will act on this significant area of law in a timely and responsible manner. After all, if we don't, then it will be all too clear that the failure is ours and only ours.

I am only sorry, Mr. Speaker, that the framers of this advisory commission did not follow the model for such boards more closely. It is, I believe, a mistake not to include the partisan Minority in the appointment of a commission charged to serve and answer to the entire Legislature. It is a measure of how deeply I feel that I will support this bill in spite of the lack of Minority representation, and I urge all of my colleagues to vote in favor of this advisory commission, but to do so with the recognition that we are accepting a tremendous responsibility.

Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2904-82, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A WATER COMMISSION AND FORMULATION OF A STATE WATER CODE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2904-82 had passed Final Reading at 6:05 o'clock p.m.

Conf. Com. Rep. No. 76-82 on S.B. No. 2955-82, SD 2, HD 2, CD 2:

Representative Segawa moved that the report of the Committee be adopted and S.B. No. 2955-82, SD 2, HD 2, CD 2, having been read throughout, pass Final Reading, seconded by Representative Kobayashi.

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

"This is a rather strange bill, Mr. Speaker, in that if you ask the proponents why they treat the City and County of Honolulu differently than they treat the neighbor islands under this bill, they say because they want to do them a favor. But then, the City and County of Honolulu says that you are not doing them a favor; they don't want it and please don't do it.

It seems to me, Mr. Speaker, under those circumstances, the City and County is the best judge of what's

in their interest and if they don't want us to do them this favor, then we are probably not really doing them a favor, and so I would urge all of my colleagues to realize that this bill probably is just an overreaction to a resolution that was apparently put forward in the City Council which, I understand, will be recalled and that we are only creating problems here. It is better to recommit this bill rather than have it sent to the Governor.

Thank you."

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

"Mr. Speaker, Senate Bill 2955-82, SD 2, HD 2, CD 2, would mandate an approach to providing statewide emergency medical services and that's an approach that would see fit to treat the City and County of Honolulu in a manner that is different from that of other counties. While no reasonable person could ever doubt the need for an efficient, effective emergency medical care system that is both acceptable and available to all our citizens, one must always scrutinize the way in which the system is implemented. It is a system that is, by nature, complex and massive. It involves countless variables. Flaws in its design are almost inevitable as evidenced by past history. Some of those flaws, I believe, are the blame of the administration, the old administration of the Department of Health. Now, Mr. Speaker, without making an earnest attempt to minimize those flaws, one is doomed to a system that is going to erode, that is going to crack, and never going to fully realize the noble purpose for which it was created.

Mr. Speaker, I am concerned about a number of questions that remain unresolved both by Senate Bill 2955-82, and the process by which it was developed. Let's take, for example, the provision that counties with a population greater than 200,000 must cover 20 percent of the direct costs and all of the indirect costs involved in providing emergency medical services after 1983. Whether this provision amounts to 'special' or 'local legislation'; that is, legislation that confers powers on some counties and not on others, remains up in the air. We know that the State Constitution prohibits this sort of discriminatory legislation. Mr. Speaker, why should some counties have to shoulder as much

as 25 percent of the cost of operating the emergency medical service system while other counties pay absolutely nothing? Is the State placing an unreasonable burden on some counties without considering an option whereby the burden may be spread more equitably?

Recently, one of our colleagues across the way, the Senator of the Health Committee, has stated in a public hearing that if there is a constitutional problem with 'classification by population' as posed in this bill, then one would need to say that countless other measures have the same problem and would need to be pulled also. My response to that is, if two wrongs don't make a right, then countless wrongs don't make a right either, and that the proper way to address a potential problem is to confront it rather than gesturing to a history of what may have been past mistakes.

Instead of the passage of this bill, I would have preferred to see the adoption of House Concurrent Resolution No. 5 which would have called for a comprehensive review and evaluation of our emergency medical services system. The results of such a study might help us to determine the answers to such questions as: Are we breaching any legal provisions? Are our current quality standards appropriate and adequate? What are and should be the proper roles, responsibilities, and functions of the various governmental units and agencies involved? What are the cost projections relating to the alternative funding sources or financing methods?

There are numerous other questions that could be posed, questions that can only be properly addressed by the systematic and comprehensive study proposed in House Concurrent Resolution No. 5. The City and County of Honolulu had already agreed to maintain the current status quo of this system while such a study is being performed. I can understand Honolulu County's concerns about being tied to a binding long-term agreement without a background of careful consideration for the facts and the range of implications.

Mr. Speaker, because we did not allocate the time and conditions under which the proper review and evaluation could be performed, we may, in the future, be called unfair, that we failed to identify and consider all the options. I would like it better if one could say that we made a decision that was based on documented facts and on the good faith that those facts be fairly and intelligently considered.

Based on the ambiguities that remain regarding the operations and the implementation of the emergency medical services system, Mr. Speaker, I urge my colleagues to oppose the passage of this measure.

Mr. Speaker, this is one of those measures that Representative Blair and I agree on."

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

"My major objection, Mr. Speaker and my fellow colleagues, is that the State will be transferring this emergency medical services only to the City and County of Honolulu, whereas the State will continue to fund the other counties' indirect and direct costs entirely.

Because I believe that Oahu, as such, will not be getting a fair deal, I will be voting no, and, Mr. Speaker, may I request a roll call vote when the vote is taken."

Representative Kihano then rose and requested that "comments made by the young Representative from Nuuanu be inserted into the Journal as my own" (by reference only), and the Chair, noting that there were no objections, "so ordered."

Roll call having been requested, the motion was put by the Chair and S.B. No. 2955-82, SD 2, HD 2, CD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES", failed to pass Final Reading by a vote of 23 ayes to 25 noes, with Representatives Albano, Anderson, Baker, Blair, de Heer, Dods, Fukunaga, D. Hagino, G. Hagino, Hirono, Isbell, Kamali'i, Kihano, Kunimura, Levin, Marumoto, Monahan, Nakamura, Narvaes, Okamura, Rohlfing, Taniguchi, Tungpalan, Waihee and Wong voting no, and Representatives Andrews, Kiyabu and Yamada being excused.

At 6:16 o'clock, the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 7:35 o'clock p.m., the Chair announced that Senate Bill No. 2955-82, SD 2, HD 2, CD 2, failed to pass Final Reading.

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

Representative Say introduced Janice Uwayne, wife of Senator Clifford

Uwayne, and their daughter, Stacey.

Representative Narvaes asked the staff of the Finance Committee to stand and be recognized.

At 7:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 8:47 o'clock p.m.

Conf. Com. Rep. No. 77-82 on H.B. No. 3143-82, HD 2, SD 1, CD 1:

On motion by Representative Sakamoto, seconded by Representative Fukunaga and carried, the report of the Committee was adopted and H.B. No. 3143-82, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3143-82 had passed Final Reading at 8:47 o'clock p.m.

Conf. Com. Rep. No. 78-82 on S.B. No. 2978-82, SD 1, HD 2, CD 1:

Representative Segawa moved that the report of the Committee be adopted and S.B. No. 2978-82, SD 1, HD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kobayashi.

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

"Mr. Speaker, this bill would appropriate \$500,000 for the purchase and research of the synthetic drug interferon.

I have my doubts about this bill, Mr. Speaker. I am not alone in my doubts about the efficacy of this drug. If you notice, three House conferees have also signed the conference report 'with reservations.' In the past, the American Cancer Society, the Hawaii Medical Association and the State Department of Health have testified against this bill.

The Cancer Center of Hawaii up at the University has stated, and I quote from the letter: 'Interferon as an agent is primarily of interest in only a very few rare cancers -- not all lymphomas and leukemias. The unmet needs of your constituents would be better served by funding local trials of new agents overall.

In other words, this is not the only experimental medicine under study. Why are we funding only this one?

The Cancer Commission has said that we could also use the money for bisantrine and dimethylfluro orthicine.

We are still lacking proof of interferon's effectiveness. In fact, a recent newspaper article pointed out that in one experiment interferon actually accelerated the growth of cancer cells in tissue. Other studies have shown that beneficial effects have only been temporary or have been positive in only 25 to 40 percent of the cases studied.

Large universities and medical centers on the mainland such as Sloan Kettering, M.D. Anderson Tumor Institute, University of Wisconsin and Stanford University are all pouring tens of millions into anti-cancer research. These institutions can provide much more extensive research and treatment than we can here in Hawaii with a paltry half million that is contained in this bill.

The portion of this appropriation which will be utilized to provide interferon to local patients may be of some help. But, are we sure we are not offering false hope to these patients? I hope not.

If interferon is not the miracle drug, Mr. Speaker, then this appropriation is a waste of money. It's too little to do any good, medically speaking, and too much for Hawaii taxpayers to experiment.

I ask my colleagues to please vote no on this Senate bill.

Thank you."

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

"Mr. Speaker, the previous speaker has stated that we may be providing funds for a program which we are not very sure about. I believe we have been doing a lot of things here in this session and throughout the years in providing certain programs and services which may not have given us the kind of return that we may want to expect from the funds that we appropriate.

The previous speaker has mentioned Sloan Kettering Research Center

in New York who is doing such a research. We did have a researcher visiting our State from the time that we had our committee hearing who came to talk to us and testified in regards to these research programs under the interferon program. She stated that, yes, it is true that we are not positive of the results, we are not conclusive, we are not sure. However, at the same time, she did state that under the circumstances of the State, wherein the ethnic, cultural and different types of people in this State would provide an excellent basis for research into specified types of cancers.

Mr. Speaker, I believe in this body here, and even in the audience tonight, there must be members who have had members of their families afflicted by cancer, or friends that they know of who have been afflicted with cancer. While it may be a sense of false hope in some sense, I believe, Mr. Speaker, that we can go on record that we are trying to pursue a research which has already been started in other parts of our country and other foreign countries also, and that by doing so, we may be the one that may find some cure for this dreaded disease and give a longer life to some person who has been cherished in the family.

On this basis, I urge all members to vote aye on this bill."

Representative D. Hagino then rose and stated:

"Mr. Speaker, I, too, rise in opposition to this bill. I think the Representative from the Eighth Representative District made a very well research speech in opposition. I rise only to point out a few points of interest.

We are asking for an appropriation of half a million dollars for something that may not work, and yet, during this session, we have seen the Kaiser's E5 Program fail to get appropriations. We have not reenacted the Hawaii Prepaid Health Plan, both of which would have protected thousands of our residents.

I think the money could have been put to better use, and I ask all of you to join us in opposition to this bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2978-82, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CANCER COMMISSION", having been read throughout, passed

Final Reading by a vote of 39 ayes to 12 noes, with Representatives Anderson, Chun, D. Hagino, Isbell, Kamali'i, Lacy, Liu, Marumoto, Monahan, Rohlfling, Takitani and Waihee voting no.

The Chair directed the Clerk to note that S.B. No. 2978-82 had passed Final Reading at 8:49 o'clock p.m.

Conf. Com. Rep. No. 79-82 on H.B. No. 2400-82, SD 1, CD 1:

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the majority of the Committee was adopted and H.B. No. 2400-82, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INHERITANCE TAX", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Levin voting no.

Conf. Com. Rep. No. 80-82 on S.B. No. 2816-82, SD 2, HD 2, CD 1:

On motion by Representative Takitani, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and S.B. No. 2816-82, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2400-82 and S.B. No. 2816-82 had passed Final Reading at 8:50 o'clock p.m.

Conf. Com. Rep. No. 81-82 on H.B. No. 2907-82, HD 2, SD 2, CD 1:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2907-82, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Chun.

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

"Mr. Speaker, the purpose of this bill is to prevent unnecessary institutionalization of individuals with physical or mental illnesses who are unable to adequately care for themselves but who do not need

to be in nursing homes or hospitals.

Mr. Speaker, with the passage of this bill, we will be able to help unfortunates like Brenner Lum to finally get out of St. Francis Hospital and live outside, be with his friends, and live independently. Also, many elderly and infirm persons are forced into boarding homes and care homes simply because they require personal care services. Institutionalization of these persons is not necessary and against their best health and social interests. It is also contrary to the State's interest because it costs more to house them in nursing homes and hospitals. This bill will help keep the person in his home where he wants to be with his loved ones and his friends. Like Brenner Lum, they do not want to be in hospitals or nursing homes but they had no alternative before this bill. With the passage of this bill, Mr. Speaker, we can help them and make critical beds available for sicker patients.

Personal care services will enable people to live in their own homes by making available periodic custodial care sufficient for their needs. This is a 50-50 Federal/State match so the State does not bear the whole cost.

Mr. Speaker, I would like to especially thank the Chairman of the Finance Committee, Representative Tony Kunimura, and the conferees, Representatives Lacy, Kobayashi and Ige, for teaching me the valuable diplomacy tactics on how to negotiate in conferences. We did not get all that we wanted, but thank God for small favors. It was through their wise guidance and support, 'cool head' main thing, that we prevailed. I learned that it is possible to win the small battles though not necessarily win the war.

I ask my fellow legislators to vote yes on this good bill.

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. 2907-82, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 82-82 on H.B. No. 2312-82, HD 1, SD 1, CD 1:

On motion by Representative Kiyabu, seconded by Representative Morioka

and carried, the report of the Committee was adopted and H.B. No. 2312-82, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY BUDGET", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 83-82 on H.B. No. 2113-82, HD 2, SD 2, CD 1:

On motion by Representative Shito, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2113-82, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2907-82, 2312-82 and 2113-82 had passed Final Reading at 9:00 o'clock p.m.

Conf. Com. Rep. No. 84-82 on H.B. No. 3078-82, HD 1, SD 1, CD 2:

On motion by Representative Blair, seconded by Representative Baker and carried, the report of the Committee was adopted and H.B. No. 3078-82, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 86-82 on S.B. No. 2829-82, HD 1, CD 1:

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and S.B. No. 2829-82, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 89-82 on S.B. No. 732, SD 1, HD 1, CD 2:

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and S.B. No. 732, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3078-82 and S.B. Nos. 2829-82 and 732 had passed Final Reading at 9:01 o'clock p.m.

Stand. Com. Rep. No. 878-82 on S.B. No. 2173-82 on Third Reading:

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

Stand. Com. Rep. No. 879-82 on S.B. No. 2607-82, SD 2, on Third Reading:

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and S.B. No. 2607-82, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2607-82 had passed Third Reading at 9:02 o'clock p.m.

Stand. Com. Rep. No. 1045-82 on S.B. No. 2909-82, SD 1, on Third Reading:

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and S.B. No. 2909-82, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF AN INTER-ISLAND ELECTRICAL POWER CABLE", having been read throughout, passed Third Reading by a vote of 51 ayes.

Stand. Com. Rep. No. 1046-82 on S.B. No. 2201-82, SD 1, on Third Reading:

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and S.B. No. 2201-82, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2909-82 and 2201-82 had passed Third Reading at 9:03 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

On motion by Representative Stanley,

seconded by Representative Rohlfing and carried, the following resolutions (H.R. Nos. 440 to 464) were adopted:

A resolution (H.R. No. 440) congratulating and commending Wendy Yamashita on being named Presidential Scholar and National Foundation for Advancement in Arts Finalist was jointly offered by Representatives Chun, Okamura, Aki, Albano, Anderson, Andrews, Baker, Blair, de Heer, Dods, Fukunaga, D. Hagino, G. Hagino, Hashimoto, Hirono, Honda, Ige, Ikeda, Isbell, Kamali'i, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Levin, Liu, Marumoto, Matsuura, Medeiros, Monahan, Morioka, Nakamura, Nakasato, Narvaes, Sakamoto, Say, Segawa, Shito, Takamine, Takitani, Taniguchi, Toguchi, Tungpalan, Waihee, Wong and Yamada.

A resolution (H.R. No. 441) extending heartfelt sympathy to the family of the late Dr. Judson Linsley "Lin" Gressitt and his wife Margaret Kriete "Peg" Gressitt was jointly offered by Representatives Baker, Aki, Albano, Anderson, Andrews, Blair, Chun, de Heer, Dods, Fukunaga, D. Hagino, G. Hagino, Hashimoto, Hirono, Honda, Ige, Ikeda, Isbell, Kamali'i, Kawakami, Kihano, Kiyabu, Kobayashi, Kunimura, Lacy, Levin, Liu, Marumoto, Matsuura, Medeiros, Monahan, Morioka, Nakamura, Nakasato, Narvaes, Okamura, Rohlfing, Sakamoto, Say, Segawa, Shito, Stanley, Takamine, Takitani, Taniguchi, Toguchi, Tungpalan, Waihee, Wong, Yamada and Peters.

A resolution (H.R. No. 442) congratulating Mr. Jerry Y. Shimoda upon receiving a certificate of recognition at Japan's Natural Park Systems 50th anniversary celebration, and commending his efforts to improve our National Park System was jointly offered by Representatives Isbell, Levin, Takamine, Segawa, Matsuura, Aki, Albano, Anderson, Andrews, Baker, Blair, Chun, de Heer, Dods, Fukunaga, G. Hagino, Hashimoto, Hirono, Ige, Ikeda, Kawakami, Kihano, Kiyabu, Kunimura, Lacy, Liu, Marumoto, Medeiros, Nakamura, Nakasato, Narvaes, Okamura, Say, Shito, Takitani, Taniguchi, Tungpalan, Waihee, Wong and Yamada.

A resolution (H.R. No. 443) commending the Hawaii Community Development Authority (HCDA), its staff, and its Executive Director, Raymond H. Suefuji, for a job well done was jointly offered by Representatives Kunimura, Aki, Albano, Anderson, Andrews, Baker, Blair, Chun,

de Heer, Dods, Fukunaga, D. Hagino, G. Hagino, Hashimoto, Hirono, Honda, Ige, Ikeda, Isbell, Kamali'i, Kawakami, Kihano, Kiyabu, Kobayashi, Lacy, Levin, Liu, Marumoto, Matsuura, Medeiros, Monahan, Morioka, Nakamura, Nakasato, Narvaes, Okamura, Rohlfing, Sakamoto, Say, Segawa, Shito, Stanley, Takamine, Takitani, Taniguchi, Toguchi, Tungpalan, Waihee, Wong, Yamada and Peters.

A resolution (H.R. No. 444) 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 Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 445) 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 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 446) extending appreciation and thanks to the radio stations for their fine coverage of legislative activities throughout the session was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 447) extending appreciation and thanks to KHVH All-News Radio for its splendid coverage of the activities of the Eleventh Legislature, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 448) extending appreciation and thanks to KITV (Channel 4) for its extensive coverage of the activities of the Eleventh Legislature, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 449) extending appreciation and thanks to KHON-Television (Channel 2) for its extensive coverage of the activities of the Eleventh Legislature, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 450) extending appreciation and thanks to KGMB-Television (Channel 9) for its extensive coverage of the activities of the Eleventh Legislature, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 451) extending

appreciation and thanks to KHET Public Television (Channel 11) for its extensive coverage of the activities of the Eleventh Legislature, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 452) extending appreciation and thanks to the Honolulu Star-Bulletin for its extensive coverage of the activities of the Eleventh Legislature, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 453) extending appreciation and thanks to the Honolulu Advertiser for its splendid coverage of the activities of the Eleventh Legislature, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 454) extending appreciation and thanks to the United Press International (UPI) for its extensive and splendid coverage of the activities of the Eleventh Legislature, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 455) extending appreciation and thanks to the Associated Press (AP) for its extensive and splendid coverage of the activities of the Eleventh Legislature, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 456) extending appreciation and thanks to the Honolulu Police Department for its fine and efficient service rendered to the House of Representatives, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 457) 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 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 458) expressing appreciation and thanks to the Capitol Security Force for excellent service rendered to this House throughout the Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 459) expressing appreciation and thanks to the Pineapple Growers Association of Hawaii for supplying pineapple juice to the House of Representatives, Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 460) extending sincere gratitude and thanks to the Honolulu Council of Churches, the Honpa Hongwanji Mission and the Catholic Diocese was jointly offered by Representatives Yamada, Kamali'i and Stanley.

A resolution (H.R. No. 461) authorizing the Speaker of the House of Representatives, Eleventh Legislature of the State of Hawaii, Regular Session of 1982, 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 Yamada, Kamali'i, Kihano, Morioka, Rohlfing and Stanley.

A resolution (H.R. No. 462) relating to standing and special committees authorized to conduct hearings during the interim between the adjournment of the Regular Session of 1982 and the convening of the Regular Session of 1983, was jointly offered by Representatives Yamada, Kamali'i, Kihano, Morioka, Rohlfing and Stanley.

A resolution (H.R. No. 463) authorizing and empowering the Speaker of the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, to expend such sum or sums from the funds appropriated for legislative and other expenses of the Eleventh Legislature, Regular Session of 1982; to contract, hire or employ such personnel and assistance; and to do or cause to be done such other duties, all for the purposes of completing the work of the Eleventh Legislature, Regular Session of 1982, subsequent to the adjournment thereof, including the carrying out of any official legislative business in the interim between the 1982 and 1983 sessions, up to and including January 19, 1983, 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 Yamada, Kamali'i, Kihano, Morioka, Rohlfing and Stanley.

A resolution (H.R. No. 464) authorizing

and directing the Committee on the Journal to compile and print the Journal of the House of Representatives of the Regular Session of 1982, was jointly offered by Representatives Yamada, Kamali'i, Kihano, Morioka, Rohlfing and Stanley.

STANDING COMMITTEE REPORTS

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1055-82) recommending that H.R. No. 311 be adopted.

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.R. No. 311, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO PREPARE A PROPOSAL TO STRENGTHEN THE SKILLS AND COMPETENCY OF ALL PROSPECTIVE TEACHERS IN THE UNIVERSITY'S DEGREE PROGRAMS IN EDUCATION IN DEALING MORE EFFECTIVELY WITH STUDENTS WITH BEHAVIORAL AND ATTITUDINAL PROBLEMS", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1056-82) recommending that H.R. No. 298, HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.R. No. 298, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF MODIFYING THE MEDICAL ASSISTANCE PROGRAM TO MAKE ELIGIBLE ELDERLY PERSONS WHO MEET THE MEDICAL ASSISTANCE INCOME STANDARD BUT WHO DO NOT MEET THE PRESENT RESOURCE STANDARD BECAUSE THEY OWN THEIR HOMES", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1057-82) recommending that H.R. No. 290 be adopted.

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.R. No. 290, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF A STATE-WIDE CHILD CARE RESOURCE AND REFERRAL SYSTEM AND CHILD CARE TRAINING COMPONENT FOR PROVIDERS AND FAMILIES", was

adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1058-82) recommending that H.R. No. 59 be adopted.

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and H.R. No. 59, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE ACQUISITION OF THE KAMALUMALU SITE NEAR KAILUA-KONA, HI., FOR A STATE PARK", was adopted.

Representative Kunimura, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 1059-82) recommending that S.C.R. No. 39 be adopted.

On motion by Representative Kiyabu, seconded by Representative Morioka and carried, the report of the Committee was adopted and S.C.R. No. 39, entitled: "SENATE CONCURRENT RESOLUTION URGING EMPLOYERS TO DEVELOP POLICIES TO RETAIN, HIRE, AND PROMOTE OLDER WORKERS", was adopted.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 725 was taken from the Clerk's desk.

On motion by Representative Sakamoto, seconded by Representative Fukunaga and carried, H.B. No. 725, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", 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. 725 had passed Final Reading at 9:05 o'clock p.m.

At 9:06 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:25 o'clock p.m.

By unanimous consent, H.B. No. 1100, HD 1, was taken from the Clerk's desk.

On motion by Representative Taniguchi, seconded by Representative Nakamura

and carried, H.B. No. 1100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEE FOR CIVIL IDENTIFICATION CERTIFICATE", 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. 1100 had passed Final Reading at 9:26 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Stanley, seconded by Representative Rohlfing and carried, the rules were suspended for the purpose of recalling and reconsidering action taken previously on a certain Senate bill.

RECONSIDERATION OF ACTION TAKEN

Representative Kunimura requested that the Senate of the State of Hawaii return Senate Bill No. 2198-82 which passed Third Reading in the House on April 14, 1982, seconded by Representative Kiyabu and carried.

Representative Kunimura then moved that the House reconsider its action taken on April 14, 1982 in passing said bill on Third Reading, seconded by Representative Kiyabu and carried.

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, S.B. No. 2198-82, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COMPENSATION CLAIMS ADJUSTMENTS", having been read throughout, passed Third Reading by a vote of 51 ayes.

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

"Mr. Speaker, is this on Final Reading or on Third Reading?"

The Chair answered:

"It's Third Reading."

The Chair then directed the Clerk to note that S.B. No. 2198-82 had passed Third Reading at 9:27 o'clock p.m.

At 9:28 o'clock p.m., Representative Kiyabu 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.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 776 to 796) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 776) 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. 2113-82, HD 2, was adopted by the Senate; and House Bill No. 2113-82, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 777) 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. 2312-82, HD 1, was adopted by the Senate; and House Bill No. 2312-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 778) 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. 2359-82, HD 1, was adopted by the Senate; and House Bill No. 2359-82, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 779) 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. 2559-82, HD 1, was adopted by the Senate; and House Bill No. 2559-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 780) 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. 2679-82, was adopted by the Senate; and House Bill No. 2679-82, SD 1, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 781) 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. 2838-82, HD 1, was adopted by the Senate; and House Bill No. 2838-82, HD 1, SD 1, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 782) 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. 2907-82, HD 2, was adopted by the Senate; and House Bill No. 2907-82, HD 2, SD 2, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 783) 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. 2947-82, HD 2, was adopted by the Senate; and House Bill No. 2947-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 784) 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. 3136-82, HD 2, was adopted by the Senate; and House Bill No. 3136-82, HD 2, SD 1, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 785) 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. 732, SD 1, was adopted by the Senate; and Senate Bill No. 732, SD 1, HD 1, CD 2, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 786) informing the House that the amendments proposed by the House to Senate Bill No. 1308, SD 2, were agreed to by the

Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 787) 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. 2269-82, SD 2, was adopted by the Senate; and Senate Bill No. 2269-82, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 788) 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. 2434-82, SD 2, was adopted by the Senate; and Senate Bill No. 2434-82, SD 2, HD 2, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 789) informing the House that the amendments proposed by the House to Senate Bill No. 2470-82, SD 2, were agreed to by the Senate, and said bill, as thus amended, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 790) 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. 2759-82, SD 1, was adopted by the Senate; and Senate Bill No. 2759-82, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 791) 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. 2760-82, SD 2, was adopted by the Senate; and Senate Bill No. 2760-82, SD 1, HD 1, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 792) 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. 2829-82, was adopted by the Senate; and Senate Bill No. 2829-82, HD 1, CD 1, passed Final Reading in the Senate

on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 793) 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. 2904-82, SD 1, was adopted by the Senate; and Senate Bill No. 2904-82, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 794) 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. 2926-82, SD 1, was adopted by the Senate; and Senate Bill No. 2926-82, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 795) 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. 2978-82, SD 1, was adopted by the Senate; and Senate Bill No. 2978-82, SD 1, HD 2, CD 1, passed Final Reading in the Senate on April 28, 1982, was placed on file.

A communication from the Senate (Sen. Com. No. 796) informing the House that the Senate has this day completed its business and is ready to adjourn sine die, was placed on file.

DEFERRED MATTERS FROM EARLIER ON THE CALENDAR

Conf. Com. Rep. No. 74-82 on S.B. No. 2760-82, SD 2, HD 1, CD 1:

Representative Kunimura moved that the report of the Committee be adopted and S.B. No. 2760-82, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

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

"Mr. Speaker, this bill really is quite a simple bill. It proposes to float special purpose revenue

bonds in the sum of \$2.5 million, or so much thereof, as may be necessary for the construction of a new store and, Mr. Speaker, I believe this bill, while it is well intended, contravenes the clear intent of the 1978 Constitutional Convention which provided the constitutional provisions under which this bill proposes to be enacted.

Mr. Speaker, I won't speak at great length on this, but I would like to quote for the record the proceedings of the Constitutional Convention of Hawaii, Committee of the Whole debates for the date of September 6, 1978. It can be found at page 479. Mr. Speaker, these comments made this day in regards to the constitutional provisions that were adopted and under which this bill seeks to find authority are as follows, and I quote from Delegate Burgess: 'We can't use special purpose revenue bonds just to start a new store. Liberty House, for example, couldn't just go out and issue special purpose revenue bonds. It has to be for a public purpose. The Legislature have to specifically say that this type of venture serves the public purpose.'

And, Mr. Speaker, I think it is very clear that Mr. Burgess had a good deal of foresight in making those remarks and I think it is pretty clear that, if you look at not just that one statement but the proceedings as a whole, that he knew the potential abuses which revenue bonds could be put to and, unfortunately, we were fulfilling his worst fears, I believe.

Also, Mr. Speaker, I think in those states where revenue bonds have been issued for retail stores, and it has happened in other jurisdictions, it has been under the rubric of commercial revenue bonds rather than industrial revenue bonds. My understanding is that the Con-Con specifically excluded that language in adopting the constitutional provisions. Therefore, Mr. Speaker, I think that if we do, and I suspect we will, adopt this bill tonight that, in all probability, the bond counsel will not allow the bonds to be floated and we are really wasting a lot of time here.

What troubles me is the implication that, somehow, a public purpose attached is to facilitate the construction of a retail store for a particular corporation. Mr. Speaker, I think it is pretty well established that constructing a store isn't going to increase the amount of retail trade that occurs in the State of Hawaii. Rather, Mr. Speaker, it will just divide it up so that while we are helping, perhaps one retail

outlet or one retail chain, we do so at the detriment of other retail outlets, as the pie will be sliced a little thinner for them, so I really don't see the public purpose in that.

It has also been suggested that this is a way that this Legislature can go on record as helping small business. On the contrary, Mr. Speaker, this helps a small business but only at the expense of a number of other small businesses and I would, therefore, hope that my colleagues would not make the error that Delegate Burgess had foreseen that we might, but rather, that we would show the wisdom to keep the bill here and not embarrass ourselves by having the bond counsel explain to us the meaning of the constitutional provisions."

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

"This bill came to me in a very strange manner. It was referred to the Committee on Finance and believe me, Mr. Speaker, if that lady that called me on the telephone, many people refer to her as Rose Komori or something -- I wouldn't know her from Eve because I don't think I ever met her. But I was told that the House was anti-small business and she got assurance in the Senate that the help that the Senate was willing to give to small business is going to find its demise in the House of Representatives. So, I immediately requested my assigned administrative assistant to look into this matter, and this bill came over from the other house mutilated -- everything that made reference to small business was amended to read 'agriculture.' We had enough bills in the House hoppers, and if we could produce a pound of sugar for every bill, we would have enough sugar to be coming out of our ears, and papayas and orchids and vegetables. This is truly an agricultural year.

But certainly, Mr. Speaker, I have been here, again if I may say so, almost 20 years and I have never seen the Legislature lift one finger for small business, and I felt it was about time since we weretaking so many new directions, that we start anyway, and I was forewarned by people more knowledgeable. I was never a member of the Con-Con in 1978 and not being even near the Con-Con because I didn't want to be accused of trying to influence

the Con-Con. And I stayed away from Honolulu during the Con-Con, particularly during the Con-Con, because I didn't want any accusations.

So, Mr. Speaker, this bill went over for \$20 million and was cut down to \$2.5 million. This bill is only a test case, whether what Mr. Burgess read into the record at the Constitutional Convention will hold water in court or not, and Mr. Speaker, if this body is going to act as judge and jury for every matter we pass out of this Legislature, then we don't need the third branch of government. We only need to decide whether it is constitutional or not, but many measures, Mr. Speaker, even those that we pass tonight may have some constitutional imperfections.

Mr. Speaker, I just want to assure you that I don't know this lady, but I only know one thing, that the Legislature of the State of Hawaii, as long as I have known it, have been a very, very poor friend, or poor supporter, of small business, and this is the reason why this matter is before the floor here this evening. And I would like to request, Mr. Speaker, that a roll call vote, when we are ready to vote, be called on this bill."

Representative Waihee then rose and stated:

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

I, initially, was sort of inclined to go along with issuing revenue bonds for retailing businesses. However, since the constitutional question came popping up, I decided to research the Journals and my notes of the very convention of which I was a part of, and it was through my research, Mr. Speaker, that I discovered that we specifically excluded commercial enterprises -- retailing in particular -- from the use of these bonds.

It would be against myself and against my own integrity to vote for something that I know that we excluded from the Constitution so I must, tonight, vote against this bill.

Thank you."

Representative Anderson then rose on a point of information and asked whether or not the Chairman of the Committee on Consumer Protection and Commerce would yield to a question to which Representative Blair answered in the affirmative.

Representative Anderson asked:

"Mr. Speaker, I am trying to find out for my own information, since this is an industrial special purpose bond, if, in fact, the contractor was to take the permit for the bond rather than a commercial retail outlet, would that then be a legal entity for that particular bond?"

Representative Blair replied:

"I will waive my usual fee, Mr. Speaker, and answer the question, that I believe it probably would not get around the constitutional problem."

Representative Anderson thanked the Chair.

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

"Mr. Speaker, the issue of whether this bill is for a public purpose or not is debatable and if we are going to let this bill die during the session, I am very sure that the succeeding session will be faced again with the same problem, so to end once and for all the problems that the succeeding sessions may face, I think it is just proper that we should approve this bill at this time so that it will be brought to court for the issue of constitutionality.

So, for this reason, Mr. Speaker, I urge that my colleagues will vote in favor of this bill.

Thank you."

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

"Mr. Speaker, my two colleagues, both lawyers, understand very well that a public purpose could be extended as long as you want to find where it is, and there could be a public purpose for this bill. People can be employed by small business and they pay taxes -- that's public purpose. If my colleagues will look a little bit farther than their noses, they can find a public purpose.

We are all here tonight to help people. We help utilities; we help the sugar industry; we help everybody except these small business people. They employ people. We help hospitals. What for a public purpose? Because they serve the people. Don't the little business not serve the people? I would like my two colleagues to answer that.

I ask my fellow legislators to vote yes on this bill."

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

"Mr. Speaker, I hadn't intended to make an address on this particular measure and I will be very brief, and I do with reluctance in the sense that I agree that, over the years, the State of Hawaii and the Legislature, as part of that governmental image, has tended to be against, or appeared to be negative to small business.

Small business is all of us, though, and I would not ask this body to write a special purpose industrial bond or enterprise bond for my law firm because I think that we all fit into a milieu where we have to cope, free enterprise-wise, or at least through associations, or groups, and unfortunately, this bill has the application to one particular business. It doesn't talk about the small business associations in this State; it doesn't set up standards for the application of such bonds; it doesn't say all businesses who have x number of employees who will provide so much revenue to this State to provide so much employment, who pay so much taxes or whatever, shall have special enterprise bonds. Unfortunately, it is programmed and channeled to one business. I think that is unfortunate because if we were going to do it right, we would broaden that to have a classification which would stand up constitutionally. And as my colleague from the Majority side have already pointed out, there are some very real questionable constitutional aspects to this bill.

I would like to join with the remarks that have already been given to this body by Representative Blair and Representative Waihee asking that we vote this bill down as a measure for special interest rather than general interest legislation.

Thank you, Mr. Speaker."

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

"Mr. Speaker, this is just a terrible bill. I spoke against this on Third Reading as well as its accompanying measure, and I think my comments there are apropos for this evening.

There have been some comments here that, in the area of special purpose revenue bonds, this body is merely acting as a conduit.

Mr. Speaker, our decision-making process dealing with special purpose revenue bonds is very much in the area of policy. We have no idea where this enterprise will be putting their new store. We have no idea whether or not it will be serving a special public purpose to help the people of this State. For all we know, this money may be used for another floor at Ala Moana or Pearl Ridge, and no one can tell me here that to help an enterprise build an extension or another store, or have the possibility of using funds for those areas, is a special public purpose that will benefit people in this State.

Furthermore, Mr. Speaker, perhaps, if the idea is sound, we need time to work on what other perimeters and the conditions under which such bonds can be issued to help small business and the people in this State. I think the Federal government, in recent years, has shown a reluctance to extend the privilege of having the income from these bonds being non-taxable. We have seen abuses in other states and I think by this bill, we may very well be adding to those types of cases, and in the long run, before we are able to really set up a process and a mechanism to issue such bonds, if such bonds are constitutional, we may be hurting small business in the end. The Federal government could very well come in with regulations that would take away the privilege of having the income from these bonds being non-taxable and, as such, making them useful to small business.

Mr. Speaker, the public purpose is something not to be ignored or to be treated casually. That is what we are here for -- to consider carefully what, in fact, will help the people of this State, whether it's a bill that deals with crime or a bill that deals with the issuance of special purpose revenue bonds."

"Mr. Speaker, I rise on a point of inquiry. Am I correct to understand that this bill requires two-thirds approval of this House for passage?"

The Chair answered:

"That is correct."

Representative Liu thanked the Chair.

Representative Kunimura then rose and stated:

"Inferences were made here on the floor, Mr. Speaker, that this is rather a special interest rather than a general purpose bill. It is sad to note that the requirement, Mr. Speaker, in our statutes requires that the bill name the beneficiary for which the bond is going to be floated, and that is the only reason why the name of this particular establishment is in this bill.

But I would like to assure you, Mr. Speaker, that no other group, groups, Chambers of Commerces, or individuals, have made application to have their particular interests incorporated in this bill and, therefore, the only reason why there is only one name in this particular bill is because of that one particular reason, that one person called and showed interest, and an investigation showed that they were interested and they needed a particular bill to have it floated.

This is a Senate bill, and I am told that there was a House bill that was introduced here. But I cannot, you know, idly sit here and have innuendos cast on this bill. Dammit, if this House want to vote it down, vote it down. Okay? I have no particular interest in this bill, but I have one interest I would like to establish for the record, that it is about time we do something for small business because small business happen to be the largest employer and the largest taxpayer, collectively, in the State of Hawaii."

Representative Kamali'i then rose to speak against the bill, stating:

"Mr. Speaker, throughout this session, I have voted against the issuance of so-called special purpose revenue bonds. There was a persistent nagging in my mind and conscience about funding mechanisms which seem to represent no risk to the State but offered a kind of bonanza in tax and interest breaks for the private sector to meet public needs.

Mr. Speaker, in this bill, we finally have the source of the uneasiness. The authorization of such bonds for strictly private purpose in the name of all the people -- friendship, favoritism, and public intervention for a private enterprise cannot and must not be supported. Even the conference committee report which accompanies this bill worries out loud about the possible unconstitutional nature of this issuance.

Mr. Speaker, just a question should have been enough to have blocked

this bill in committee. However, I can appreciate that this measure seems to straddle with what could be a legitimate cooperation between government and the expansion of private enterprise, the designation of particular geographic areas or employment segments which were deserving of this kind of public assistance in order to encourage economic stability and reduce unemployment. Those public concerns are not met by this measure.

I don't know about my colleagues, Mr. Speaker, but I am stepping out on the Ritz and voting no on this bill. As with everyone else, I have received a number of phone calls demanding my support and if I voted no, I was against small business. That is not true. We should recommit this bill and allow for careful rethinking of how government may take an active and appropriate role in the encouragement of all small businesses and not just the Ritz."

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

"Mr. Speaker, as we consider this measure before us, let us consider these points: (1) that it will not cost the State one penny; (2) that this is a Hawaii-based company which employs Hawaii employees, and it is indeed a small business.

Let us not sit idly by as we watch major mainland conglomerates gobble up our independent Hawaii-based businesses.

For this reason, I shall be voting yes on this measure."

Roll call having been requested, the motion was put by the Chair and S.B. No. 2760-82, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS", having been read throughout, failed to pass Final Reading by a vote of 30 ayes, which was less than two-thirds of all the members to which the House is entitled, to 19 noes, with Representatives Anderson, Andrews, Baker, Blair, Fukunaga, G. Hagino, Kamali'i, Kobayashi, Lacy, Liu, Medeiros, Nakamura, Narvaes, Okamura, Rohlifing, Shito, Takamine, Taniguchi and Waihee voting no, and Representatives Ikeda and Monahan being excused.

Stand. Com. Rep. No. 878-82 on S.B. No. 2173-82 on Third Reading:

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, Stand. Com. Rep. No. 878-82 and S.B. No. 2173-82 were recommitted to the Committee on Finance.

At 9:59 o'clock p.m., Representative Kunimura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

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

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 76, HD 2, as amended by the Senate, was taken from the Clerk's desk.

Representative Matsuura moved that the House agree to the amendments proposed by the Senate to H.B. No. 76, HD 2, seconded by Representative Kunimura and carried.

Representative Matsuura then moved that H.B. No. 76, HD 2, SD 1, having been read throughout, pass Final Reading, seconded by Representative Kunimura.

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

"Mr. Speaker, over a year ago, you and the members of this House gave me this check for one hundred cents to apply to USS Clarice. I didn't throw it away. Although this State check looks counterfeit, I didn't throw it away. I tacked it on my door as a constant reminder of the importance of this bill.

The passage of this bill will initiate the blue revolution for the fishing industry because this bill will provide the enabling legislation for the DLNR to go and acquire a mother ship among the mothball Navy fleet. Now, if you don't believe the impact of this bill, just go to Kewalo Basin and Honolulu Harbor today and you will see some of the fishing vessels that this mother ship will serve.

I urge all of you to vote in favor of this bill, and the passage of this bill will be a full payment of this check.

Thank you."

The motion was put by the Chair and carried, and H.B. No. 76, HD

2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHERIES DEVELOPMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 76 had passed Final Reading at 10:02 o'clock p.m.

By unanimous consent, H.B. No. 329, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Takitani, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 329, HD 1, and H.B. No. 329, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED OR EXEMPT FROM COLLECTIVE BARGAINING", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 329 had passed Final Reading at 10:03 o'clock p.m.

By unanimous consent, H.B. No. 765, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Takitani, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 765, HD 2, and H.B. No. 765, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 765 had passed Final Reading at 10:04 o'clock p.m.

By unanimous consent, H.B. No. 804, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 804, and H.B. No. 804, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE, ESTATE TAXES", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 1515, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Blair, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1515, HD 2, and H.B. No. 1515, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DUTIES OF SAFE DEPOSIT COMPANIES, TRUST COMPANIES, BANKS, ETC.", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 804 and 1515 had passed Final Reading at 10:05 o'clock p.m.

By unanimous consent, H.B. No. 1642, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Dods, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1642, HD 2, and H.B. No. 1642, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AERONAUTICS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1642 had passed Final Reading at 10:06 o'clock p.m.

By unanimous consent, H.B. No. 1949-82, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1949-82, HD 2, and H.B. No. 1949-82, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1949-82 had passed Final Reading at 10:07 o'clock p.m.

By unanimous consent, H.B. No. 1970-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Sakamoto, seconded by Representative Kunimura

and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1970-82, HD 1, and H.B. No. 1970-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1970-82 had passed Final Reading at 10:08 o'clock p.m.

By unanimous consent, H.B. No. 1974-82, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Chun, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1974-82, HD 2, and H.B. No. 1974-82, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PURCHASING", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1974-82 had passed Final Reading at 10:09 o'clock p.m.

By unanimous consent, H.B. No. 2086-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2086-82, HD 1, and H.B. No. 2086-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2095-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Blair, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2095-82, HD 1, and H.B. No. 2095-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE NUMBER PLATES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to

note that H.B. Nos. 2086-82 and 2095-82 had passed Final Reading at 10:10 o'clock p.m.

At 10:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:12 o'clock p.m.

By unanimous consent, H.B. No. 2155-82, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2155-82, HD 2, and H.B. No. 2155-82, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2165-82, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Baker, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2165-82, and H.B. No. 2165-82, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2155-82 and 2165-82 had passed Final Reading at 10:13 o'clock p.m.

By unanimous consent, H.B. No. 2205-82, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2205-82, and H.B. No. 2205-82, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INHERITANCE TAXATION", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Rohlifing voting no.

The Chair directed the Clerk to note that H.B. No. 2205-82 had passed

Final Reading at 10:14 o'clock p.m.

By unanimous consent, H.B. No. 2206-82, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2206-82, and H.B. No. 2206-82, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2210-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Aki, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2210-82, HD 1, and H.B. No. 2210-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHER EDUCATION LOAN FUND", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2206-82 and 2210-82 had passed Final Reading at 10:15 o'clock p.m.

By unanimous consent, H.B. No. 2240-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Chun, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2240-82, HD 1, and H.B. No. 2240-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN IN FOSTER CARE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2240-82 had passed Final Reading at 10:16 o'clock p.m.

By unanimous consent, H.B. No. 2241-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kunimura, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2241-82, HD 1, and H.B. No. 2241-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RECOVERY OF MONEY OWED TO THE STATE", having been read throughout, passed Final Reading by a vote of 51 ayes.

By unanimous consent, H.B. No. 2244-82, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Chun, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2244-82, HD 2, and H.B. No. 2244-82, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERAN'S RIGHTS AND BENEFITS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2241-82 and 2244-82 had passed Final Reading at 10:17 o'clock p.m.

By unanimous consent, H.B. No. 2336-82, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative G. Hagino, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2336-82, HD 2, and H.B. No. 2336-82, HD 2, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2336-82 had passed Final Reading at 10:19 o'clock p.m.

By unanimous consent, H.B. No. 2355-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Nakamura moved that the House agree to the amendments proposed by the Senate to H.B. No. 2355-82, HD 1, seconded by Representative Taniguchi and carried.

At 10:20 o'clock p.m., Representative

Rohlfing asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 10:25 o'clock p.m., the motion was put by the Chair and carried, and H.B. No. 2355-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", 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 H.B. No. 2355-82 had passed Final Reading at 10:25 o'clock p.m.

By unanimous consent, H.B. No. 2430-82, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Hirono, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2430-82, and H.B. No. 2430-82, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2430-82 had passed Final Reading at 10:26 o'clock p.m.

By unanimous consent, H.B. No. 2438-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Sakamoto, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2438-82, HD 1, and H.B. No. 2438-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENCOURAGEMENT OF FEDERALLY CERTIFIED DEVELOPMENT COMPANIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2438-82 had passed Final Reading at 10:27 o'clock p.m.

By unanimous consent, H.B. No. 2561-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kunimura,

seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2561-82, HD 1, and H.B. No. 2561-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2561-82 had passed Final Reading at 10:27 o'clock p.m.

By unanimous consent, H.B. No. 2640-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Takitani, seconded by Representative Taniguchi and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2640-82, HD 1, and H.B. No. 2640-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ALOHA STADIUM", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Dods voting no.

By unanimous consent, H.B. No. 2674-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Nakamura, seconded by Representative Kunimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2674-82, HD 1, and H.B. No. 2674-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2640-82 and 2674-82 had passed Final Reading at 10:30 o'clock p.m.

By unanimous consent, H.B. No. 2742-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Dods, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2742-82, HD 1, and H.B. No. 2742-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDIT FOR CHILD PASSENGER RESTRAINT SYSTEMS", having been read throughout, passed Final Reading

by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2742-82 had passed Final Reading at 10:31 o'clock p.m.

By unanimous consent, H.B. No. 2765-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Toguchi, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2765-82, HD 1, and H.B. No. 2765-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SCHOOLS SPECIAL FEES AND CHARGES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2765-82 had passed Final Reading at 10:32 o'clock p.m.

By unanimous consent, H.B. No. 2879-82, HD 2, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Toguchi, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2879-82, HD 2, and H.B. No. 2879-82, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO FEES AND CHARGES COLLECTED FROM THE USERS OF SCHOOL FACILITIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2879-82 had passed Final Reading at 10:33 o'clock p.m.

By unanimous consent, H.B. No. 2969-82, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Sakamoto, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2969-82, and H.B. No. 2969-82, SD 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 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2969-82 had passed

Final Reading at 10:34 o'clock p.m.

By unanimous consent, H.B. No. 3178-82, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Shito, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3178-82, HD 1, and H.B. No. 3178-82, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING BY COUNTIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 3178-82 had passed Final Reading at 10:35 o'clock p.m.

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

Upon reconvening at 11:09 o'clock p.m., the following late introductions were made to the members of the House:

Representative Anderson introduced his cousins, Bill and Rosemary Young, who were seated in the gallery.

Representative Narvaes introduced Henry Awana who was seated in the gallery.

At this time, Representative Kamali'i rose to make her closing remarks, stating:

"Mr. Speaker, there is a predictable sadness which accompanies the end of the legislative session. The intensity, long hours, and the personal closeness with colleagues and dedicated staffers will be missed. This personal sense of loss, however, is tinged with a deeper sorrow this year. I have felt a profound exhaustion of will and spirit in this chamber which cannot be traced to long hours, late nights and long hearings. The exhaustion is of purpose and of direction.

We have become too representative of the people, speaking only for them and never to them. When we convened in January, I spoke of the terrible uneasiness which I sensed in Hawaii, an uncertainty about what we are or want to become. There is a physical displacement for some, the result of the enormous construction and building which has occurred over the last twenty years. But even more telling is the subtle displacement which seems

to be happening -- the diminished hope or belief that we can truly grapple with our problems and find resolutions which will reflect our values and respect our opinions.

I believe that wavering was the hallmark of our efforts this session. We just seemed to miss the mark, to take only a half step in the right direction. Rather than a water resources agency, we established an advisory commission. Rather than general tax reform, we passed another rebate. Rather than re-examine the quality of our State Plan, we tried to enact functional documents which carry no legal weight.

Also, on the edge of doing what demands to be done, we may attempt to justify ourselves by saying that we are only mirrors to our citizens, but our responsibility, our obligation and function, is greater than that. We are supposed to be leaders. The critical difference between adequate representation and general leadership is the ability in persuasiveness -- to allow people to see beyond themselves, to put aside the mirror and to see others. Perhaps that is the basic blunder.

Even if these are difficult times, Mr. Speaker, with insecurities about possible war, economic instability, major changes in the national mood, events occur with startling suddenness. Two weeks ago, most of us had never even heard of Falkland Islands which left worry that we might set off a world war over the invasion of Argentina. And that is the problem. A sense of always being unprepared, of being caught off-guard, of starting to laugh about the past absurdity of very serious issues. From that confusion, we begin to lose effectiveness, to feel that we can't decide or determine anything, to begin to lose hope.

Mr. Speaker, I refuse to believe that. Decency, courtesy and common commitments can and will be reasserted. Hawaii's heart is simply too large to be closed off and our regard for each other, Mr. Speaker, is simply too deep to be ignored for too long. Maybe we just need to be reminded, to know again that what we do matters and that we don't, and what we don't do may even be more important. I hope so. We are so near doing what is required, so near to making that kind of difference which truly offers hope for the future.

I know that I will continue, Mr.

Speaker, to make that effort and whether it occurs in this House next year or elsewhere, we must only be certain of one thing, that we never regret having cared and having tried even when we failed.

On behalf of my caucus, I thank you, Mr. Speaker, for the many kindnesses that you have given me, the Minority Leader; the Minority Floor Leader, and to our members; and to the chairmen of the respective committees, I also say 'mahalo.'

Thank you."

Representative Lacy then rose and stated:

"Mr. Speaker, since the reapportionment may change people's minds in the coming weeks, I wanted to, as the oldest member of the House, wish everyone good luck, whatever their choice might be, and I want to thank the chairmen of the committees and yourself for kindnesses and for the challenges of this session and for the previous one as well.

Thank you and good luck."

The Chair then stated:

"Before we close, the Chair has some observations that I would like to share with all of you, and in doing so, I wish to acknowledge the great deal of gratitude and pride, hard work and dedication, to all of you -- the honorable members of this House, your offices, the staff members alike.

While the accomplishments of this session will be analyzed over the next few months, it is immediately apparent that despite the fiscal constraints, many other constraints and resulting pressures, I say, unequivocally, the public interest has been served before any other.

The Chair recognizes that complex problems and issues defy easy answers. It is one thing to talk about problems but quite another to develop workable solutions.

The Chair would also like to note that in our efforts to make this institution more accessible to the public, its processes itself has become more complex. The session's additional complications were created due to outside factors, quite a few of which were mentioned by the Minority Leader, such as national economic policies and changing political alliances that all of us, as members of this House, are very familiar with.

However, the Chair is very proud of this House for the manner in which its members continued to work together, to act with reason, responsibility and mutual respect.

With greatest admiration, the Chair extends 'mahalo' to all of you for the work completed over the past few months, extends to each and every one of you, my very best wishes in the months ahead."

ADJOURNMENT

Representative Stanley moved that the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, adjourn Sine Die, seconded by Representative Rohlfing and carried.

At 11:22 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, adjourned Sine Die.

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

Gov. Msg. No. 12 transmitting copies of the State's C.I.P. Status Report - Construction Summary, prepared by the Department of Planning and Economic Development.

Gov. Msg. No. 13 transmitting copies of the Annual Report for the Public Utilities Commission for the Fiscal Year 1980-1981.

Gov. Msg. No. 14 transmitting copies of the Hawaii Coastal Zone Management Program 1981 Annual Report.

Gov. Msg. No. 15 informing the House that on April 20, 1982, he signed the following bills into law:

House Bill No. 1964-82 as Act 4, entitled: "RELATING TO VITAL STATISTICS";

House Bill No. 2178-82 as Act 5, entitled: "RELATING TO AQUATIC RESOURCES AND WILDLIFE";

House Bill No. 2208-82 as Act 6, entitled: "RELATING TO THE USE OF QUALIFIED STATE APPRAISERS AS WELL AS INDEPENDENT APPRAISERS TO DETERMINE THE VALUE OF REMNANTS";

House Bill No. 2333-82 as Act 7, entitled: "RELATING TO THE LEGISLATIVE REFERENCE BUREAU";

House Bill No. 2507-82 as Act 8, entitled: "RELATING TO TRIALS";

House Bill No. 2822-82 as Act 9, entitled: "RELATING TO OFFENSES RELATED TO DRUGS AND INTOXICATING COMPOUNDS";

House Bill No. 2934-82 as Act 10, entitled: "RELATING TO THE HAWAII BANK ACT OF 1931".

Gov. Msg. No. 16 informing the House that on April 22, 1982, he signed the following bill into law:

House Bill No. 2018-82 as Act 11, entitled: "RELATING TO APPLICABILITY OF GENERAL INSURANCE LAW";

and on April 23, 1982, he signed the following bills into law:

House Bill No. 1042 as Act 12, entitled: "RELATING TO THE FILING OF FINANCING STATEMENTS BY

CONSIGNORS AND LESSORS UNDER THE UNIFORM COMMERCIAL CODE";

House Bill No. 1094 as Act 13, entitled: "RELATING TO INSPECTION OF VEHICLES";

House Bill No. 2028-82 as Act 14, entitled: "RELATING TO HOTELS";

House Bill No. 2029-82 as Act 15, entitled: "RELATING TO BILLIARDS AND BOWLING ALLEYS";

House Bill No. 2097-82 as Act 16, entitled: "RELATING TO FAIR HOUSING";

House Bill No. 2167-82 as Act 17, entitled: "RELATING TO PROPHYLAXIS FOR THE PREVENTION OF BLINDNESS IN THE NEWBORN";

House Bill No. 2170-82 as Act 18, entitled: "RELATING TO SMOKING IN PUBLIC PLACES";

House Bill No. 2172-82 as Act 19, entitled: "RELATING TO SOLID WASTE DISPOSAL";

House Bill No. 2173-82 as Act 20, entitled: "RELATING TO EMPLOYMENT SECURITY";

House Bill No. 2191-82 as Act 21, entitled: "RELATING TO SOLICITATION OF FUNDS FROM THE PUBLIC";

House Bill No. 2203-82 as Act 22, entitled: "RELATING TO TAXATION";

House Bill No. 2204-82 as Act 23, entitled: "RELATING TO TAXATION";

House Bill No. 2224-82 as Act 24, entitled: "RELATING TO BOARDS AND COMMISSIONS";

House Bill No. 2247-82 as Act 25, entitled: "RELATING TO TAXATION";

House Bill No. 2334-82 as Act 26, entitled: "RELATING TO DISCRIMINATORY PRICING IN SUPPLYING LIQUOR";

House Bill No. 2339-82 as Act 27, entitled: "RELATING TO THE JURISDICTION OF THE HAWAII PUBLIC EMPLOYMENT RELATIONS BOARD";

Senate Bill No. 2376-82 as Act 28, entitled: "RELATING TO TIME LIMITATIONS";

House Bill No. 2405-82 as Act 29,

entitled: "RELATING TO DIS-CLOSURE OF FINANCE COSTS";

House Bill No. 2562-82 as Act 30, entitled: "RELATING TO DEPOSITS OF PUBLIC FUNDS";

House Bill No. 2848-82 as Act 31, entitled: "RELATING TO SICK LEAVE EXCEPTIONS";

House Bill No. 2935-82 as Act 32, entitled: "RELATING TO BRANCH BANKS";

House Bill No. 3030-82 as Act 33, entitled: "RELATING TO DENTISTRY".

Gov. Msg. No. 17 informing the House that on April 26, 1982, he signed the following bills into law:

House Bill No. 3142-82 as Act 34, entitled: "RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM";

House Bill No. 34 as Act 35, entitled: "RELATING TO GIFTED CHILDREN";

House Bill No. 2105-82 as Act 36, entitled: "RELATING TO THE TOWING OF ABANDONED VEHICLES";

House Bill No. 2175-82 as Act 37, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 2232-82 as Act 38, entitled: "RELATING TO THE DRIVING OF MOPEDS";

House Bill No. 2406-82 as Act 39, entitled: "RELATING TO INTOXICATING LIQUOR";

House Bill No. 2697-82 as Act 40, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 2902-82 as Act 41, entitled: "RELATING TO SAFETY DEPOSIT BOXES";

House Bill No. 3124-82 as Act 42, entitled: "RELATING TO AUTHORIZED ABSENCE FROM A PSYCHIATRIC FACILITY";

Senate Bill No. 2257-82 as Act 43, entitled: "RELATING TO INHERITANCE TAXATION";

Senate Bill No. 2377-82 as Act 44, entitled: "RELATING TO THE HAWAII PENAL CODE";

Senate Bill No. 2520-82 as Act 45, entitled: "RELATING TO NOTARIES PUBLIC";

Senate Bill No. 2993-82 as Act 46, entitled: "RELATING TO FATHER DAMIEN DEVEUSTER DAY";

House Bill No. 3133-82 as Act 47, entitled: "RELATING TO THE FUNDING OF COUNTY EMERGENCY MEDICAL SERVICES DEFICITS";

House Bill No. 2629-82 as Act 48, entitled: "RELATING TO CUSTODIAL INTERFERENCE".

Gov. Msg. No. 18 informing the House that on April 28, 1982, he signed the following bills into law:

Senate Bill No. 2345-82 as Act 49, entitled: "RELATING TO FAMILY COURTS";

Senate Bill No. 2475-82 as Act 50, entitled: "RELATING TO NAMES";

Senate Bill No. 2523-82 as Act 51, entitled: "RELATING TO WORKERS' COMPENSATION";

Senate Bill No. 2528-82 as Act 52, entitled: "RELATING TO WORKERS' COMPENSATION";

House Bill No. 3109-82 as Act 53, entitled: "RELATING TO THE ENVIRONMENT".

Gov. Msg. No. 19 informing the House that on May 1, 1982, he signed the following bills into law:

House Bill No. 3119-82 as Act 54, entitled: "RELATING TO RESIDENTIAL GROUP LIVING";

Senate Bill No. 505 as Act 55, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 2137-82 as Act 56, entitled: "RELATING TO MOTOR VEHICLE INSURANCE";

Senate Bill No. 2190-82 as Act 57, entitled: "RELATING TO THE CRIMINAL JUSTICE INFORMATION DATA CENTER".

Gov. Msg. No. 20 informing the House that on May 4, 1982, he signed the following bills into law:

Senate Bill No. 2213-82 as Act 58, entitled: "RELATING TO EMPLOYMENT SECURITY";

Senate Bill No. 2530-82 as Act 59, entitled: "RELATING TO WORKERS' COMPENSATION".

Gov. Msg. No. 21 transmitting copies of the report of the Governor's Hawaii White House Conference on Children and Youth which represents an effort to identify and address many of the issues affecting children and youth in Hawaii, and serves as a reference and resource guide for decision makers and program planners.

Gov. Msg. No. 22 informing the House that he signed the following bills into law on the dates indicated:

May 5, 1982

House Bill No. 2511-82 as Act 60, entitled: "RELATING TO COMPLIANCE RESOLUTION";

House Bill No. 2679-82 as Act 61, entitled: "MAKING APPROPRIATIONS FOR COUNSEL AND OTHER SERVICES FOR INDIGENT DEFENDANTS IN CRIMINAL AND RELATED CASES";

May 10, 1982

Senate Bill No. 2814-82 as Act 62, entitled: "RELATING TO PUBLIC LANDS";

May 12, 1982

House Bill No. 1948-82 as Act 63, entitled: "RELATING TO AGRICULTURE";

May 13, 1982

House Bill No. 2198-82 as Act 64, entitled: "RELATING TO THE BOARD OF DENTAL EXAMINERS";

House Bill No. 2407-82 as Act 65, entitled: "RELATING TO LIQUOR LICENSE";

Senate Bill No. 594 as Act 66, entitled: "RELATING TO CEMETERIES AND MORTUARIES";

Senate Bill No. 2180-82 as Act 67, entitled: "RELATING TO MEDICAL ASSISTANCE";

Senate Bill No. 2189-82 as Act 68, entitled: "RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL";

Senate Bill No. 2228-82 as Act 69, entitled: "RELATING TO PUBLIC UTILITIES";

Senate Bill No. 2245-82 as Act 70, entitled: "RELATING TO RECIPROCAL ENFORCEMENT OF SUPPORT".

Gov. Msg. No. 23 transmitting copies of a research study entitled,

Hawaii's Income and Expenditure Accounts: 1958 to 1980, funded by the State according to Part III of Act 214, Session Laws of Hawaii 1979, and carried out by the Department of Planning and Economic Development in cooperation with the Research Corporation of the University of Hawaii.

Gov. Msg. No. 24 informing the House that on May 14, 1982, he signed the following bills into law:

House Bill No. 2158-82 as Act 71, entitled: "RELATING TO GENERAL OBLIGATION BONDS OF THE STATE OF HAWAII";

House Bill No. 2400-82 as Act 72, entitled: "RELATING TO THE INHERITANCE TAX";

Senate Bill No. 2288-82 as Act 73, entitled: "RELATING TO THE DEPARTMENT OF AGRICULTURE";

Senate Bill No. 2366-82 as Act 74, entitled: "RELATING TO CAMPAIGN SPENDING REPORT";

Senate Bill No. 2382-82 as Act 75, entitled: "RELATING TO DENTISTRY";

Senate Bill No. 2389-82 as Act 76, entitled: "RELATING TO INTOXICATING LIQUOR";

Senate Bill No. 2401-82 as Act 77, entitled: "RELATING TO CHILD ABUSE AND NEGLECT";

Senate Bill No. 2477-82 as Act 78, entitled: "RELATING TO MOTOR VEHICLE REPAIRS";

Senate Bill No. 2496-82 as Act 79, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

Senate Bill No. 2517-82 as Act 80, entitled: "RELATING TO HEALTH";

Senate Bill No. 2566-82 as Act 81, entitled: "RELATING TO APPEALS BY THE STATE IN CRIMINAL CASES";

Senate Bill No. 2646-82 as Act 82, entitled: "RELATING TO PATIENTS' COMPENSATION FUND";

Senate Bill No. 2756-82 as Act 83, entitled: "RELATING TO THE 1984 HAWAII STATEHOOD SILVER JUBILEE";

Senate Bill No. 2869-82 as Act 84, entitled: "RELATING TO THE SUPPORT OF CHILDREN";

Senate Bill No. 2947-82 as Act 85, entitled: "RELATING TO THE FILIPINO

75TH ANNIVERSARY COMMISSION".

Gov. Msg. No. 25 informing the House that on May 15, 1982, he signed the following bills into law:

Senate Bill No. 561 as Act 86, entitled: "RELATING TO THE REMOVAL OF SAND";

Senate Bill No. 2144-82 as Act 87, entitled: "RELATING TO DRUGS";

Senate Bill No. 2160-82 as Act 88, entitled: "RELATING TO DELINQUENT MONEYS";

Senate Bill No. 2224-82 as Act 89, entitled: "RELATING TO THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT";

Senate Bill No. 2261-82 as Act 90, entitled: "RELATING TO TRANSPORTATION";

Senate Bill No. 2334-82 as Act 91, entitled: "PROVIDING PENALTIES FOR VIOLATIONS OF CHAPTER 290 RELATING TO ABANDONED VEHICLES";

House Bill No. 2438-82 as Act 92, entitled: "RELATING TO THE ENCOURAGEMENT OF FEDERALLY CERTIFIED DEVELOPMENT COMPANIES";

Senate Bill No. 2524-82 as Act 93, entitled: "RELATING TO WORKERS' COMPENSATION";

Senate Bill No. 2615-82 as Act 94, entitled: "RELATING TO THEFT OF UTILITY SERVICES";

Senate Bill No. 2636-82 as Act 95, entitled: "RELATING TO INFORMED CONSENT";

Senate Bill No. 2643-82 as Act 96, entitled: "RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND";

Senate Bill No. 2696-82 as Act 97, entitled: "RELATING TO CONSUMER COOPERATIVE ASSOCIATIONS";

Senate Bill No. 2913-82 as Act 98, entitled: "RELATING TO WORKERS' COMPENSATION".

Gov. Msg. No. 26 informing the House that on May 19, 1982, he signed the following bills into law:

Senate Bill No. 536 as Act 99, entitled: "RELATING TO PUBLIC ASSISTANCE";

Senate Bill No. 2600-82 as Act 100,

entitled: "RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT";

Senate Bill No. 2624-82 as Act 101, entitled: "RELATING TO THE GRAND JURY COUNSEL";

Senate Bill No. 2890-82 as Act 102, entitled: "RELATING TO COLLECTIVE BARGAINING".

Gov. Msg. No. 27 informing the House that on May 24, 1982, he signed the following bills into law:

Senate Bill No. 1308 as Act 103, entitled: "RELATING TO ENVIRONMENTAL PROTECTION";

Senate Bill No. 2183-82 as Act 104, entitled: "RELATING TO LONG-TERM CARE FACILITIES";

Senate Bill No. 2304-82 as Act 105, entitled: "RELATING TO LOBBYING";

Senate Bill No. 2970-82 as Act 106, entitled: "RELATING TO THE UNIVERSITY OF HAWAII";

House Bill No. 790 as Act 107, entitled: "RELATING TO HOUSING";

House Bill No. 2010-82 as Act 108, entitled: "RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 2176-82 as Act 109, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 2295-82 as Act 110, entitled: "RELATING TO THE HAWAII REGULATORY LICENSING REFORM ACT";

House Bill No. 2318-82 as Act 111, entitled: "RELATING TO INTAKE SERVICE CENTERS";

House Bill No. 2444-82 as Act 112, entitled: "RELATING TO DEATH";

House Bill No. 2826-82 as Act 113, entitled: "RELATING TO WAIMANO TRAINING SCHOOL AND HOSPITAL";

House Bill No. 2890-82 as Act 114, entitled: "RELATING TO THE INDUSTRIAL LOAN COMPANY GUARANTY ACT".

Gov. Msg. No. 28 informing the House that on May 26, 1982, he signed the following bills into law:

Senate Bill No. 1447 as Act 115,

entitled: "RELATING TO EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 2674-82 as Act 116, entitled: "RELATING TO TRAINING, EDUCATION, TRAINING AND WORK PROGRAMS FOR COMMITTED PERSONS";

House Bill No. 76 as Act 117, entitled: "RELATING TO FISHERIES DEVELOPMENT";

House Bill No. 473 as Act 118, entitled: "RELATING TO HOUSING";

House Bill No. 765 as Act 119, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

House Bill No. 804 as Act 120, entitled: "RELATING TO INHERITANCE, ESTATE TAXES";

House Bill No. 1970-82 as Act 121, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 2057-82 as Act 122, entitled: "RELATING TO DRUGS";

House Bill No. 2215-82 as Act 123, entitled: "RELATING TO DOMESTIC ABUSE";

House Bill No. 2606-82 as Act 124, entitled: "RELATING TO COMMITTED PERSONS, FURLOUGH, EMPLOYMENT";

House Bill No. 2674-82 as Act 125, entitled: "RELATING TO CAMPAIGN SPENDING";

House Bill No. 2813-82 as Act 126, entitled: "RELATING TO COASTAL ZONE MANAGEMENT";

Gov. Msg. No. 29 informing the House that on May 27, 1982, he signed the following bills into law:

Senate Bill No. 65 as Act 127, entitled: "RELATING TO LAND TRUSTS";

Senate Bill No. 1697 as Act 128, entitled: "RELATING TO JOB-SHARING IN THE DEPARTMENT OF EDUCATION";

Senate Bill No. 2759-82 as Act 129, entitled: "RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR";

Senate Bill No. 2816-82 as Act 130, entitled: "RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE";

House Bill No. 2331-82 as Act 131, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 2430-82 as Act 132, entitled: "RELATING TO TAXATION";

House Bill No. 2446-82 as Act 133, entitled: "RELATING TO BEAUTY CULTURE";

House Bill No. 2742-82 as Act 134, entitled: "RELATING TO TAX CREDIT FOR CHILD PASSENGER RESTRAINT SYSTEMS";

House Bill No. 2815-82 as Act 135, entitled: "RELATING TO THE REGISTRATION OF VEHICLES";

House Bill No. 2933-82 as Act 136, entitled: "RELATING TO INTEREST ON CREDIT CARDS";

House Bill No. 2971-82 as Act 137, entitled: "RELATING TO STATE POLICY CONCERNING THE UTILIZATION OF VOLUNTEER SERVICES";

Gov. Msg. No. 30 informing the House that on May 28, 1982, he signed the following bills into law:

Senate Bill No. 2350-82 as Act 138, entitled: "RELATING TO PUBLIC SCHOOLS";

Senate Bill No. 2353-82 as Act 139, entitled: "RELATING TO THE JOB SHARING PILOT PROJECT IN THE PUBLIC LIBRARY SYSTEM";

Senate Bill No. 2467-82 as Act 140, entitled: "RELATING TO FIREARMS AND AMMUNITION";

Senate Bill No. 2765-82 as Act 141, entitled: "RELATING TO PUBLIC CONTRACTS";

Senate Bill No. 2909-82 as Act 142, entitled: "RELATING TO THE DEVELOPMENT OF AN INTER-ISLAND ELECTRICAL POWER CABLE";

House Bill No. 161 as Act 143, entitled: "RELATING TO WEIGHT OF BREAD";

House Bill No. 1100 as Act 144, entitled: "RELATING TO FEE FOR IDENTIFICATION CERTIFICATE";

House Bill No. 1558 as Act 145, entitled: "RELATING TO PRECINCT OFFICIAL COMPENSATION";

House Bill No. 1642 as Act 146, entitled: "RELATING TO AERONAUTICS";

House Bill No. 2071-82 as Act 147, entitled: "RELATING TO STATUTORY REVISION; AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS";

House Bill No. 2148-82 as Act 148, entitled: "AMENDING CHAPTER 142, HAWAII REVISED STATUTES, RELATING TO ANIMALS, BRANDS, AND FINES";

House Bill No. 2149-82 as Act 149, entitled: "RELATING TO BRANDS AND AMENDING SECTION 142-41, HAWAII REVISED STATUTES";

House Bill No. 2870-82 as Act 150, entitled: "RELATING TO SENSITIVITY-AWARENESS GROUPS".

Gov. Msg. No. 31 informing the House that he signed the following bills into law on the dates indicated:

May 28, 1982

Senate Bill No. 2198-82 as Act 151, entitled: "MAKING APPROPRIATIONS FOR COMPENSATION CLAIMS ADJUSTMENTS";

Senate Bill No. 2607-82 as Act 152, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";

May 29, 1982

Senate Bill No. 2919-82 as Act 153, entitled: "RELATING TO SECURITY FOR SPECIAL PURPOSE REVENUE BONDS";

House Bill No. 2550-82 as Act 154, entitled: "RELATING TO SAVINGS AND LOAN ASSOCIATIONS";

House Bill No. 2561-82 as Act 155, entitled: "RELATING TO MANAGEMENT OF STATE FUNDS";

House Bill No. 2684-82 as Act 156, entitled: "RELATING TO THE HAWAII HOUSING AUTHORITY";

House Bill No. 2907-82 as Act 157, entitled: "RELATING TO PUBLIC ASSISTANCE".

Gov. Msg. No. 32 informing the House that on June 1, 1982, he signed the following bills into law:

Senate Bill No. 2561-82 as Act 158, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

House Bill No. 329 as Act 159, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES EXCLUDED OR EXEMPT FROM COLLECTIVE BARGAINING";

House Bill No. 1653 as Act 160, entitled: "RELATING TO THE REQUIREMENTS FOR AMENDMENT OF THE DECLARATION AND BYLAWS OF CONDOMINIUM ASSOCIATIONS UNDER THE HORIZONTAL PROPERTY ACT";

House Bill No. 2155-82 as Act 161, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 2192-82 as Act 162, entitled: "RELATING TO CORPORATIONS";

House Bill No. 2220-82 as Act 163, entitled: "RELATING TO REGULATION OF EMPLOYMENT AGENCIES";

House Bill No. 2540-82 as Act 164, entitled: "RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS".

Gov. Msg. No. 33 informing the House that on June 5, 1982, he signed the following bills into law:

Senate Bill No. 1287 as Act 165, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 2145-82 as Act 166, entitled: "RELATING TO RIDE-SHARING";

Senate Bill No. 2513-82 as Act 167, entitled: "RELATING TO PUBLIC UTILITIES: FRANCHISE TAX";

Senate Bill No. 2550-82 as Act 168, entitled: "RELATING TO FIREARMS";

Senate Bill No. 2642-82 as Act 169, entitled: "RELATING TO THE JUVENILE JUSTICE INTERAGENCY BOARD";

Senate Bill No. 2904-82 as Act 170, entitled: "RELATING TO A WATER COMMISSION AND FORMULATION OF A STATE WATER CODE";

House Bill No. 1944-82 as Act 171, entitled: "RELATING TO THE HAWAII CODE OF MILITARY JUSTICE";

House Bill No. 2096-82 as Act 172, entitled: "RELATING TO NON-RESIDENT VEHICLE PERMITS";

House Bill No. 2190-82 as Act 173,
entitled: "RELATING TO THE
HAWAII MOTOR VEHICLE ACCIDENT
REPARATIONS ACT";

House Bill No. 2193-82 as Act 174,
entitled: "RELATING TO PUBLIC
AGENCY MEETINGS AND RECORDS";

House Bill No. 2196-82 as Act 175,
entitled: "RELATING TO THE
CONTRACTORS LICENSE LAW";

House Bill No. 2210-82 as Act 176,
entitled: "RELATING TO THE STATE
HIGHER EDUCATION LOAN FUND";

House Bill No. 2244-82 as Act 177,
entitled: "RELATING TO VETERAN'S
RIGHTS AND BENEFITS";

House Bill No. 2270-82 as Act 178,
entitled: "RELATING TO THE HAWAII
MOTOR VEHICLE ACCIDENT REPARA-
TIONS ACT";

House Bill No. 2571-82 as Act 179;
entitled: "RELATING TO EMPLOYMENT
OF ATTORNEYS";

House Bill No. 2849-82 as Act 180,
entitled: "RELATING TO THE PUBLIC
EMPLOYEES HEALTH FUND";

House Bill No. 2980-82 as Act 181,
entitled: "RELATING TO PROFESSIONAL
CORPORATIONS";

House Bill No. 3016-82 as Act 182,
entitled: "RELATING TO BIRTH
CERTIFICATES";

House Bill No. 3072-82 as Act 183,
entitled: "RELATING TO INTOXICAT-
ING LIQUOR".

Gov. Msg. No. 34 informing the House
that on June 9, 1982, he signed the
following bills into law:

Senate Bill No. 2926-82 as Act 184,
entitled: "RELATING TO RELEASE
OF MATCHING STATE FUNDS";

House Bill No. 1882 as Act 185,
entitled: "RELATING TO PROTEC-
TION OF INSTREAM USES OF WATER";

House Bill No. 3078-82 as Act 186,
entitled: "RELATING TO TIME
SHARING";

House Bill No. 2125-82 as Act 187,
entitled: "RELATING TO PLAIN
LANGUAGE IN CONSUMER TRANS-
ACTIONS";

House Bill No. 2161-82 as Act 188,
entitled: "RELATING TO PRIVATE
TRADE, VOCATIONAL AND

TECHNICAL SCHOOLS";

House Bill No. 2206-82 as Act 189,
entitled: "RELATING TO GENERAL
EXCISE TAX";

House Bill No. 2385-82 as Act 190,
entitled: "RELATING TO CIVIL
LIABILITY IN MOTOR VEHICLE
ACCIDENT REPARATIONS";

House Bill No. 2888-82 as Act 191,
entitled: "RELATING TO TIME
SHARING".

Gov. Msg. No. 35 informing the House
that on June 10, 1982, he signed the
following bills into law:

Senate Bill No. 1925 as Act 192,
entitled: "RELATING TO EMPLOYER-
EMPLOYEE RELATIONSHIPS";

Senate Bill No. 2527-82 as Act 193,
entitled: "RELATING TO WORKERS'
COMPENSATION";

Senate Bill No. 2531-82 as Act 194,
entitled: "RELATING TO EMPLOYER-
EMPLOYEE RELATIONSHIPS";

House Bill No. 1971-82 as Act 195,
entitled: "RELATING TO HAWAIIAN
AFFAIRS";

House Bill No. 2166-82 as Act 196,
entitled: "RELATING TO COUNTY/
STATE HOSPITAL SYSTEM";

House Bill No. 2177-82 as Act 197,
entitled: "RELATING TO FOREST
AND WATER RESERVE ZONES";

House Bill No. 2332-82 as Act 198,
entitled: "RELATING TO PUBLIC
LAND LEASES FOR AGRICULTURAL
USE";

House Bill No. 2241-82 as Act 199,
entitled: "RELATING TO RECOVERY
OF MONEY OWED TO THE STATE";

Senate Bill No. 2682-82 as Act 200,
entitled: "RELATING TO MENTAL
HEALTH";

Senate Bill No. 2470-82 as Act 201,
entitled: "RELATING TO THE DEPART-
MENT OF HEALTH";

House Bill No. 2271-82 as Act 202,
entitled: "RELATING TO LEASES OF
PUBLIC LANDS";

Senate Bill No. 2399-82 as Act 203,
entitled: "RELATING TO THE DEPART-
MENT OF REGULATORY AGENCIES";

House Bill No. 2669-82 as Act 204,
entitled: "RELATING TO EXECUTIVE

DEPARTMENTS";

House Bill No. 2489-82 as Act 205, entitled: "RELATING TO ELECTRICIANS".

Gov. Msg. No. 36 returning House Bill No. 2205-82 without his approval, together with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 10, 1982

STATEMENT OF OBJECTIONS
TO HOUSE BILL No. 2205-82

Honorable Members
Eleventh 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. 2205-82, entitled 'A Bill for an Act Relating to Inheritance Taxation.

The purpose of the bill is to require all persons who are required to file an inheritance tax return to fully complete the return, including the computation of the taxes due, and to pay the taxes due thereon at the time of filing.

An identical measure, being Senate Bill No. 2257-82, was also passed by the Legislature and was approved by me on April 26, 1982, as Act 43. Accordingly, the approval of House Bill No. 2205-82 is no longer necessary, since this bill would only duplicate the provisions of Act 43.

For the foregoing reason, I am returning House Bill No. 2205-82 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, 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. 2205-82, entitled 'A Bill for an Act Relating to Inheritance Taxation', passed by the Legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 2205-82 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. 2205-82 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 10th day of June, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 37 returning House Bill No. 2811-82, without his approval, together with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 10, 1982

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2811-82

Honorable Members
Eleventh 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. 2811-82, entitled 'A Bill for an Act Relating to the Composition of the Board of Trustees for the Employees' Retirement System of the State of Hawaii.'

The purpose of House Bill No. 2811-82 is to permit police officers and firefighters to serve on the Board of Trustees of the Employees' Retirement System by including them within the meaning of the term 'general employees' for purposes of HRS, Section 88-24. However, House Bill No. 2811-82 is substantially identical to item 2 of section 2 of S.B. No. 1287, which was also passed by the 1982 Legislature,

and approval of both bills would constitute approval of duplicate measures. Since it is my intention to approve and sign Senate Bill No. 1287, I am returning House Bill No. 2811-82 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his disapproval of any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2811-82, entitled 'A Bill for an Act Relating to the Composition of the Board of Trustees for the Employees' Retirement System of the State of Hawaii,' passed by the Legislature, was presented to the governor within the foregoing period; and

WHEREAS, House Bill No. 2811-82 is substantially identical to item 2 of section 2 of Senate Bill No. 1287; and

WHEREAS, my signing of Senate Bill No. 1287 into law will render House Bill No. 2811-82 unnecessary;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my intention to return House Bill No. 2811-82 with my objections thereon to the Legislature of Hawaii as provided for by said Section 16 of Article III of the Constitution of the State of Hawaii.

DONE at State Capitol,
Honolulu, State of Hawaii,
this 10th day of June, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 38 transmitting his statement of objections to Senate Bill No. 2868-82 which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 12, 1982

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2868-82

Honorable Members
Eleventh Legislature
State of Hawaii

Pursuant to Section 16, Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2868-82, entitled 'A Bill for an Act Relating to Income Taxation.'

This bill adds a new section to HRS chapter 235, to: (1) exclude income generated by a trust having a situs in the State of Hawaii and whose trust corpus consists of intangible property; (2) allow a credit for income taxes paid to another state by a Hawaii resident on income generated by a trust having a situs in another state whose corpus consists of tangible property; and (3) restrict its application only to those states having taxing provisions corresponding with the changes proposed in this bill.

The rationale behind the proposed changes is to eliminate the inequity which may result from the exposure of non-resident trust beneficiaries to double taxation in their state of domicile and the State of Hawaii upon income generated by a trust having a situs in the State of Hawaii.

The exclusion from taxable income of non-resident trust beneficiaries of trust income generated by trusts having situs in Hawaii, whose corpus consists of intangible property, is contrary to Hawaii law (In the Matter of the Tax Appeals of Scott McCormac, Vari McKinley, aka, Vari McCormac, and Mayor H. McKinley, Jr., Supreme Court Case No. 7343, decision issued on January 15, 1982), and to the great weight of authority on this issue.

Moreover, the exclusion from taxable income of income generated by intangible property as proposed in Senate Bill 2868-82 would also have a serious impact upon the taxation of Hawaii's land trusts. Pursuant to Section 558-7, H.R.S., the beneficial interest in a land trust may be deemed to be personal property. Personal property is synonymous with intangible property and under the bill, income generated from the personal property in a land trust would be exempt from the assessment of net income taxes. Thus, rental

income generated by real property placed into a land trust with a situs in Hawaii would be exempt from Hawaii net income taxes, if received by non-resident lessors, while resident lessors would continue to be subject to assessment of net income taxes on receipt of identical rental income. This will create an inequitable taxing situation for resident lessors and will allow non-resident lessors an unwarranted tax windfall.

In addition, the proposal to allow a credit to Hawaii residents for taxes paid in another state on trust income generated in another state is unnecessary in view of Section 235-55(a), H.R.S., which already allows such tax credit. Further, the proposal to limit the application of income exclusion and tax credit to states having corresponding provisions would not accomplish the objections sought, since the problem of double taxation would not arise in a state having corresponding provisions.

Finally, the changes proposed in Senate Bill 2868-82 may greatly reduce the general fund revenues of the State by severely restricting the State's tax base.

In view of the foregoing, it is my opinion that S.B. No. 2868-82 would not serve the best interests of the State of Hawaii. Therefore, I am returning Senate Bill No. 2868-82 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his disapproval of any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2868-82, entitled 'A Bill for an Act Relating to Income Taxation', passed by the Legislature, was presented to the governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2868-82 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. 2868-82 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 12th day of June, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 39 transmitting his statement of objections to Senate Bill No. 2903-82 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 12, 1982

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2903-82

Honorable Members
Eleventh Legislature
State of Hawaii

Pursuant to Section 16, Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2903-82, entitled 'A Bill Relating to Conveyance Tax.'

This bill amends HRS Section 247-6 by repealing that portion of the conveyance tax law which makes it unlawful for any state officer or employee to disclose information contained in a certificate of conveyance.

It is noted that the confidentiality provision was adopted to encourage parties to the transaction to make full disclosure of the terms and the information was to be used exclusively for real property tax assessment purposes. In light of the transfer of the real property taxing functions to the counties, the assessors are prohibited from having access to the information. While it is true that the name of the parties, location of the property and description of the property may be available from other sources, the

selling price, other than by way of the conveyance tax certificate, is not so readily available. Repeal of the confidentiality restriction, in toto, may hamper, rather than assist, the assessors because the parties involved may be hesitant to make full disclosure of their terms in the absence of an assurance of privacy. Rather than to repeal the confidentiality restriction, therefore, it is preferable that the section be amended to include the assessors of real property as parties to whom the disclosure may be made but only for the purpose of assessing real property taxes. The information can then be used by the assessors to verify the selling price as determined by interpolation from the revenue stamps attached to the document filed for recordation.

For the foregoing reasons, I am returning Senate Bill No. 2903-82 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his disapproval of any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2903-82, entitled 'A Bill Relating to Conveyance Tax,' passed by the Legislature, was presented to the governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2903-82 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. 2903-82 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 12th day of June, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 40 informing the House that he signed the following bills into law on the dates indicated:

June 12, 1982

Senate Bill No. 2379-82 as Act 206,
entitled: "RELATING TO SENTENCING";

House Bill No. 2017-82 as Act 207,
entitled: "RELATING TO REGULATION
OF EMPLOYMENT AGENCIES";

House Bill No. 2026-82 as Act 208,
entitled: "RELATING TO PUBLIC
SHOWS";

House Bill No. 2027-82 as Act 209,
entitled: "RELATING TO PEDDLING
CAKE";

House Bill No. 2092-82 as Act 210,
entitled: "RELATING TO MOTOR
VEHICLE SAFETY RESPONSIBILITY
ACT";

House Bill No. 2199-82 as Act 211,
entitled: "RELATING TO THE LANDLORD-
TENANT CODE";

House Bill No. 2240-82 as Act 212,
entitled: "RELATING TO CHILDREN
IN FOSTER CARE";

House Bill No. 2313-82 as Act 213,
entitled: "RELATING TO THE DRIVER
EDUCATION AND TRAINING FUND";

House Bill No. 2316-82 as Act 214,
entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2447-82 as Act 215,
entitled: "RELATING TO THE BOARDS
OF DISPENSING OPTICIANS";

House Bill No. 2451-82 as Act 216,
entitled: "RELATING TO THE DEPART-
MENT OF SOCIAL SERVICES AND
HOUSING";

House Bill No. 2573-82 as Act 217,
entitled: "RELATING TO LAND USE
WITHIN AGRICULTURAL DISTRICTS";

House Bill No. 2585-82 as Act 218,
entitled: "RELATING TO CHILD
ABUSE";

House Bill No. 2624-82 as Act 219,
entitled: "RELATING TO FOREST AND
WATER RESERVE ZONES";

House Bill No. 2733-82 as Act 220,
entitled: "RELATING TO REAL
PROPERTY LEASES";

House Bill No. 2751-82 as Act 221,
entitled: "RELATING TO ARRESTS
GENERALLY";

House Bill No. 2889-82 as Act 222,
entitled: "RELATING TO PUBLIC
UTILITIES";

House Bill No. 2947-82 as Act 223,
entitled: "MAKING AN APPRO-
PRIATION FOR AN AQUACULTURE
AND LIVE-STOCK FEEDS PRODUCTION
PROGRAM";

House Bill No. 2969-82 as Act 224,
entitled: "RELATING TO THE OFFICE
OF HAWAIIAN AFFAIRS";

House Bill No. 3053-82 as Act 225,
entitled: "RELATING TO INDUSTRIAL
LOAN COMPANIES";

House Bill No. 3091-82 as Act 226,
entitled: "RELATING TO ELECTION
REGISTRATION FOR THE OFFICE OF
HAWAIIAN AFFAIRS";

House Bill No. 3140-82 as Act 227,
entitled: "RELATING TO MEDICINE
AND SURGERY";

House Bill No. 3143-82 as Act 228,
entitled: "RELATING TO THE HAWAII
COMMUNITY DEVELOPMENT AUTHORITY";

June 14, 1982

Senate Bill No. 2271-82 as Act 229,
entitled: "RELATING TO THE PENAL
CODE";

Senate Bill No. 2269-82 as Act 230,
entitled: "RELATING TO THE ESTABLISH-
MENT OF A CRIMINAL JUSTICE TRAIN-
ING FUND";

House Bill No. 2359-82 as Act 231,
entitled: "RELATING TO WITNESS
SECURITY AND PROTECTION";

House Bill No. 2355-82 as Act 232,
entitled: "RELATING TO THE PENAL
CODE";

House Bill No. 2598-82 as Act 233,
entitled: "TO AMEND SECTION
708-833.5, HAWAII REVISED STATUTES,
RELATING TO SHOPLIFTING";

House Bill No. 2165-82 as Act 234,
entitled: "RELATING TO LOW-LEVEL
RADIOACTIVE WASTE MANAGEMENT";

House Bill No. 2640-82 as Act 235,
entitled: "RELATING TO ALOHA
STADIUM";

House Bill No. 2031-82 as Act 236,
entitled: "RELATING TO COUNTY
LICENSES";

House Bill No. 2095-82 as Act 237,
entitled: "RELATING TO VEHICLE
NUMBER PLATES";

House Bill No. 2154-82 as Act 238,
entitled: "RELATING TO COMPULSORY
SCHOOL ATTENDANCE";

House Bill No. 2194-82 as Act 239,
entitled: "RELATING TO BOARDS
AND COMMISSIONS";

House Bill No. 2197-82 as Act 240,
entitled: "RELATING TO THE BOARD
OF DENTAL EXAMINERS";

House Bill No. 2243-82 as Act 241,
entitled: "RELATING TO ELDERLY
ABUSE OR NEGLECT";

House Bill No. 2445-82 as Act 242,
entitled: "RELATING TO THE UNIFORM
SECURITIES ACT (MODIFIED)";

House Bill No. 2477-82 as Act 243,
entitled: "RELATING TO SOLID WASTE
DISPOSAL";

House Bill No. 2564-82 as Act 244,
entitled: "RELATING TO CREATION
OF SPECIAL HANDLING FEES FOR
REVIEW OF CORPORATION AND
PARTNERSHIP DOCUMENTS";

House Bill No. 2682-82 as Act 245,
entitled: "RELATING TO HEALTH
PLANNING";

House Bill No. 2750-82 as Act 246,
entitled: "RELATING TO PENAL CODE";

House Bill No. 2936-82 as Act 247,
entitled: "RELATING TO INDUSTRIAL
LOAN COMPANIES";

House Bill No. 2975-82 as Act 248,
entitled: "RELATING TO THE DRIVER
IMPROVEMENT PROGRAM";

House Bill No. 3092-82 as Act 249,
entitled: "RELATING TO ELECTIONS";

House Bill No. 3136-82 as Act 250,
entitled: "RELATING TO THE ALOHA
TOWER DEVELOPMENT CORPORATION";

Gov. Msg. No. 41 transmitting his
statement of objections to Senate Bill No.
2309-82 which he has returned to the
Senate without his approval and which
reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 14, 1982

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2309-82

Honorable Members
Eleventh Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2309-82, entitled 'A Bill for an Act Relating to Special Purpose Revenue Bonds.'

The purpose of this bill is to amend HRS Chapter 39A, relating to special purpose revenue bonds, by expressly defining 'industrial enterprise' to include any enterprise engaged in selling goods or services at retail or wholesale.

Article VII, Section 12, of the Hawaii State Constitution permits the issuance of special purpose revenue bonds to finance facilities of or for, or to loan the proceeds of such bonds to assist the following four basic categories of enterprises and programs: (1) manufacturing, processing and industrial enterprises, (2) utilities serving the general public, (3) health care facilities provided to the public by not-for-profit corporations, and (4) low- and moderate-income government housing programs. Part V of HRS Chapter 39A contains the enabling legislation for industrial enterprise special purpose revenue bonds. Senate Bill No. 2309-82 seeks to 'clarify' that retailing and wholesaling are industrial enterprises for purpose of such Part V.

However, retailing and wholesaling are not industrial enterprises within the meaning of Article VII, Section 12, of the Hawaii State Constitution. The word 'industrial' in the phrase 'manufacturing, processing and industrial enterprises' should be read in conjunction with 'manufacturing' and 'processing'. A close study of the reports on the proceedings of the Constitutional Convention of Hawaii of 1978 discloses that the 'manufacturing, processing and industrial enterprises' category was referred to by several delegates generally as manufacturing. Moreover, the constitutional history of the special purpose revenue bond provision clearly indicates that it was the Constitutional Convention's intent that special purpose revenue

bonds for manufacturing, processing and industrial purposes be used for very limited purposes. 'Retailing' is the selling of goods to ultimate consumers in small quantities. 'Wholesaling' is the selling of goods or commodities in quantity for resale. Based upon the foregoing, it is my opinion that retailing and wholesaling activities do not fall within the scope of 'manufacturing, processing and industrial enterprises.'

Because S.B. No. 2309-82 would expand the scope of Article VII, Section 12, of the Hawaii State Constitution, and would broaden the use of special purpose revenue bonds for purposes other than those intended by the Constitution, it appears that the bill is unconstitutional.

For the foregoing reasons, I am returning Senate Bill No. 2309-82 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his disapproval of any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2309-82, entitled 'A Bill for an Act Relating to Special Purpose Revenue Bonds,' passed by the Legislature, was presented to the governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2309-82 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. 2309-82 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 14th day of June, 1982.

/s/ George R. Ariyoshi
GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 42 informing the House that on June 15, 1982, he signed the following bills into law:

Senate Bill No. 2147-82 as Act 251, entitled: "RELATING TO TRAFFIC VIOLATIONS";

Senate Bill No. 2978-82 as Act 252, entitled: "RELATING TO THE HAWAII CANCER COMMISSION".

Gov. Msg. No. 43 informing the House that on June 16, 1982, he signed the following bills into law:

Senate Bill No. 544 as Act 253, entitled: "RELATING TO TAXATION";

House Bill No. 1949-82 as Act 254, entitled: "RELATING TO LOANS";

House Bill No. 2336-82 as Act 255, entitled: "MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT";

House Bill No. 2377-82 as Act 256, entitled: "RELATING TO THE HAWAII RIGHT TO FARM ACT";

House Bill No. 2565-82 as Act 257, entitled: "RELATING TO AGRICULTURAL COOP ASSOCIATION";

House Bill No. 2408-82 as Act 258, entitled: "RELATING TO CREDIT UNIONS";

House Bill No. 3117-82 as Act 259, entitled: "RELATING TO HOUSING COOPERATIVES";

House Bill No. 1963-82 as Act 260, entitled: "RELATING TO THE DONATION OF FOOD";

House Bill No. 2767-82 as Act 261, entitled: "RELATING TO EDUCATION".

Gov. Msg. No. 44 informing the House that on June 17, 1982, he signed the following bills into law:

Senate Bill No. 732 as Act 262, entitled: "RELATING TO STATE BONDS";

Senate Bill No. 2829-82 as Act 263, entitled: "RELATING TO CAPITAL IMPROVEMENT PROJECTS";

House Bill No. 2070-82 as Act 264, entitled: "MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1981 TO JUNE 30, 1983.

House Bill No. 2086-82 as Act 265,

entitled: "RELATING TO THE INCOME TAX";

House Bill No. 2230-82 as Act 266, entitled: "RELATING TO ELECTRICITY GENERATED FROM NON-FOSSIL FUELS";

House Bill No. 2312-82 as Act 267, entitled: "RELATING TO THE JUDICIARY BUDGET";

House Bill No. 2559-82 as Act 268, entitled: "MAKING AN APPROPRIATION FOR PAYMENT OF SETTLEMENT BETWEEN THE STATE OF HAWAII AND DILLINGHAM CORPORATION DBA HAWAIIAN DREDGING AND CONSTRUCTION COMPANY";

House Bill No. 2778-82 as Act 269, entitled: "RELATING TO EXCEPTIONAL CHILDREN";

House Bill No. 2866-82 as Act 270, entitled: "RELATING TO REAL ESTATE BROKERS AND SALESMEN";

House Bill No. 2879-82 as Act 271, entitled: "RELATING TO FEES AND CHARGES COLLECTED FROM THE USERS OF SCHOOL FACILITIES".

Gov. Msg. No. 45 transmitting his statement of objections to Senate Bill No. 2297-82 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 17, 1982

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2297-82

Honorable Members
Eleventh Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2297-82, entitled 'A Bill for an Act Relating to the Judiciary.'

The purpose of Senate Bill No. 2297-82 is to provide a second law clerk for each judge of the intermediate court of appeals to increase the productivity of the court and thereby reduce the appellate case backlog.

Section 2 of the bill appropriates \$67,674 for the purposes of the Act and thereby makes S.B. No. 2297-82 an appropriation bill subject to Article VII, Section 9 of the State Constitution. Article VII, Section 9 provides in perti-

ment part that:

'In any such session in which the Legislature submits to the governor a supplemental appropriations bill, no other appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until such supplemental appropriations bill shall have been transmitted to the governor.'

The supplemental appropriations bill, H.B. No. 2070-82, was passed on final reading on April 28, 1982, whereas S.B. No. 2297-82 was passed on final reading by the Legislature earlier on April 14, 1982. Therefore, it appears that the passage of S.B. No. 2297-82 was in violation of Article VII, Section 9 of the State Constitution.

Although I have no objection to the provisions of S.B. No. 2297-82, because the passage of S.B. No. 2297-82 prior to submission of the supplemental appropriations bill to the governor violates Article VII, Section 9 of the State Constitution and renders the bill invalid, I am returning S.B. No. 2297-82 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his disapproval of any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2297-82, entitled 'A Bill for an Act Relating to the Judiciary,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2297-82 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. 2297-82 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, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 46 transmitting his statement of objections to Senate Bill No. 2638-82 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII EXECUTIVE CHAMBERS

June 17, 1982

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2638-82

Honorable Members
Eleventh 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. 2638-82, entitled 'A Bill for an Act Relating to Sales and Transfer of Real Property Situated in Hazardous Areas.'

The purpose of this bill is to require seller, lessor, broker or agent of real property located in special flood hazard areas to timely notify prospective buyers, lessees or tenants that the property lies within the boundaries of a designated flood hazard area. Exempted from the notice requirement are lease and rental agreements which have a term of less than one year.

This Administration is not opposed to the requirement of notifying prospective buyers, lessees and tenants that the property in question lies within the boundaries of designated flood hazard area before such person occupies or acquires interest in the property. However, this bill fails to designate the agency that will be responsible for enforcing this provision and the bill also fails to provide what recourse that agency has if the seller, lessor, broker, and/or agency fails to pay the fine.

Because of these objections, I am returning Senate Bill No. 2638-82 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 disapproval of any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2638-82, entitled 'A Bill for an Act Relating to Sales and Transfer of Real Property Situated in Hazardous Areas' passed by the Legislature was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2638-82 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. 2638-82 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, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 47 transmitting his statement of objections to Senate Bill No. 2866-82 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 17, 1982

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2866-82

Honorable Members
Eleventh Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2866-82, entitled 'A Bill for an Act Relating to the Hawaii Housing Authority.'

The purpose of this bill is to amend Chapter 516, Hawaii Revised Statutes, to allow the Hawaii Housing Authority (HHA) to issue \$75 million in taxable revenue bonds to finance the acquisition of the fee title to leasehold properties converted under the Land Reform Act.

It is my opinion that S.B. No. 2866-82 is unconstitutional.

Article VII, Section 9 of the Hawaii State Constitution provides, in part:

In each regular session in an even-numbered year, at such time as may be provided by law, the governor may submit to the Legislature a bill to amend any appropriation for operating expenditures of the current fiscal biennium, to be known as the supplemental appropriations bill, and bills to amend any appropriations for capital expenditures of the current fiscal biennium, and at the same time the governor shall submit a bill or bills to provide for any added revenues or borrowings that such amendments may require. In each regular session in an even-numbered year, bills may be introduced in the Legislature to amend any appropriation act or bond authorization act of the current fiscal biennium or prior fiscal periods. In any such session in which the Legislature submits to the governor a supplemental appropriations bill, no other appropriation bill, except bills recommended by the governor for immediate passage, or to cover the expenses of the Legislature, shall be passed on final reading until such supplemental appropriations bill shall have been transmitted to the governor. (Emphasis added)

An 'appropriation bill' has been defined as a bill stipulating an amount, manner and purpose of various items of expenditure. A.G. Op. Nos. 73-3 and 72-6.

Although no express words of appropriation are found in S.B. No. 2866-82, Section 2 thereof expressly states that the \$75 million revenue bonds are authorized for the purpose of undertaking and maintaining the fee acquisition loan program established by Section 1. As a matter of practice, language substantially similar to Section 2 found in other legislation relative to revenue

bonds (e.g. Acts 13, 14, 15, and 16, S.S.L.H. 1981) has been interpreted by the Department of Budget and Finance and the State's bond counsel to contain an 'implied appropriation.'

At the 1981 legislative session, four revenue bond bills passed final reading before the passage of the appropriation bill. Such bills contained bond authorization language similar to Section 2 and lacked express appropriation language. Fearing a violation of the above-noted constitutional provision, the Legislature re-enacted all four revenue bond bills at the 1981 special session.

In light of the foregoing and in the interest of consistency, I am constrained by past practice to state that the subject bill should be deemed to be an 'appropriation bill' within the meaning of Article VII, Section 9 of the Hawaii State Constitution.

The subject bill passed final reading on April 5, 1982, and the supplemental appropriations bill (H.B. No. 2070-82) passed final reading on April 28, 1982. Since the subject bill is deemed to be an 'appropriation bill' within the meaning of the constitutional provision noted hereinabove, the bill is unconstitutional, not having been recommended by me as Governor for immediate passage.

For the foregoing reasons, I am returning Senate Bill No. 2866-82 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his disapproval of any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2866-82; entitled 'A Bill for an Act Relating to the Hawaii Housing Authority,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2866-82 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. 2866-82 with my objections 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, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 48 informing the House that on June 18, 1982, he signed the following bills into law:

House Bill No. 725 as Act 272,
entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 2163-82 as Act 273,
entitled: "RELATING TO THE EXECUTIVE DEPARTMENT'S";

House Bill No. 2560-82 as Act 274,
entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

Senate Bill No. 2201-82 as Act 275,
entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 791 as Act 276,
entitled: "RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM";

House Bill No. 2113-82 as Act 277,
entitled: "RELATING TO HOUSING";

House Bill No. 2201-82 as Act 278,
entitled: "RELATING TO HOUSING";

House Bill No. 3121-82 as Act 279,
entitled: "RELATING TO STATE AND COUNTY HOUSING LOAN PROGRAMS";

House Bill No. 1974-82 as Act 280,
entitled: "RELATING TO PUBLIC PURCHASING";

House Bill No. 2183-82 as Act 281,
entitled: "RELATING TO MARINE AFFAIRS COORDINATION";

House Bill No. 2348-82 as Act 282,

entitled: "RELATING TO METAL AND GEM DEALERS";

House Bill No. 2838-82 as Act 283, entitled: "RELATING TO THE HAWAII HOUSING AUTHORITY";

House Bill No. 3178-82 as Act 284, entitled: "RELATING TO HOUSING BY COUNTIES";

House Bill No. 1988-82 as Act 285, entitled: "RELATING TO INDIVIDUAL HOUSING ACCOUNTS";

House Bill No. 2765-82 as Act 286, entitled: "RELATING TO PUBLIC SCHOOLS SPECIAL FEES AND CHARGES";

House Bill No. 2836-82 as Act 287, entitled: "RELATING TO MORTGAGE SERVICING";

Senate Bill No. 400 as Act 288, entitled: "RELATING TO INTEREST".

Gov. Msg. No. 49 returning House Bill No. 2817-82, without his approval, together with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 18, 1982

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2817-82

Honorable Members
Eleventh 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. 2817-82, entitled 'A Bill for an Act Relating to Off-Road Vehicles.'

This bill requires the various county departments of finance to register all off-road vehicles which do not operate on public highways. It also requires the director of finance to set an annual 'tax fee' for the registration of off-road vehicles.

It appears that the underlying purpose for this bill is to aid in the identification of off-road vehicles which have been lost or stolen. Since off-road vehicles are not now required to be registered, it is often very difficult to identify these vehicles and to effectuate the return of such vehicles to their owners when the vehicles are found or recovered.

Although the intent of the bill is meritorious, there are several problems with the bill, the more prominent ones being the lack of a definition for the term 'off-road motorized vehicle', the apparent unintentional applicability to 'off-road motorized vehicles' of the state vehicle weight tax, and a conflict in the powers granted to the county councils and the county directors of finance.

The term 'motorized vehicle' is used throughout the bill to describe off-road and other types of vehicles. Since there is no definition of the term 'motorized vehicle', there is vagueness as to the applicability of the bill.

Section 249-33, HRS, provides that all vehicles defined in Section 249-1, except as otherwise provided in Sections 249-3 through 249-6, are subject to an annual state vehicle weight tax. Under this bill, 'off-road motorized vehicles' is defined in Section 249-1 but not excepted in Sections 249-3 through 249-6, and thus would be subject to the weight tax, yet the intent of the bill apparently is to provide only for the registration of 'off-road motorized vehicles' and not to provide for the imposition of a weight tax.

The provision in the bill for a 'tax fee' to be determined by the various county directors of finance poses another problem in view of Section 249-13, HRS, which provides that the county council determines the rates upon which motor vehicles will be taxed. Thus, a conflict would be created with respect to the power to determine the rate of motor vehicle tax, insofar as off-road vehicles are concerned. Additionally, if the 'tax fee' is considered a 'fee', this bill would conflict with Sections 62-34 and 70-87, HRS, which presently authorize the county councils to fix fees and charges for official services.

For the foregoing reasons, I am returning House Bill No. 2817-82 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 disapproval of any bill presented to him less than ten days before adjourn-

ment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2817-82, entitled 'A Bill for an Act Relating to Off-Road Vehicles' passed by the Legislature was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2817-82 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. 2817-82 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, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 50 returning House Bill No. 2869-82, without his approval, together with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 18, 1982

STATEMENT OF OBJECTIONS
TO HOUSE BILL NO. 2869-82

Honorable Members
Eleventh 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. 2869-82, entitled 'A Bill for an Act Relating to Housing.'

The purpose of this bill is to clarify Act 229, Session Laws of Hawaii, 1981, the 'ohana zoning' statute. The bill initially requires that the ohana zoning program comply with the zoning provisions of the counties, applicable to residential use. The bill is not applicable to lots or parcels of land which are restricted by duly recorded

covenants or lease provisions in leases with terms of fifteen years or more prohibiting such additional dwelling units. It also requires the counties to establish by ordinance the procedures for the designation of residential districts or areas which are found to be conforming. Further, the designation process must include prior public notice and a public hearing for property owners within the proposed designated district or area.

Although the intent of this bill is to allow the counties flexibility in implementing ohana zoning, I feel that the present bill fails to accomplish this objective and would, instead, make the implementation of ohana zoning unworkable.

For example, the bill is ambiguous in defining the counties' responsibilities. The bill fails to specify who is to determine that no prohibitive covenants or lease provisions exist and, therefore, could be interpreted to impose an affirmative duty upon the counties to warrant against the existence of such restrictions. Under such circumstances, in addition to the time and expense involved in making such determinations, the possible liability for errors would be unduly burdensome to the counties.

Further, the requirements of prior public notice and public hearing to property owners residing in the designated district or area appear superfluous in that no discretion is conferred upon the counties with reference to the designation process, where zoning provisions are met, public facilities are adequate and private covenants are non-existent.

For the foregoing reasons, I am returning House Bill No. 2869-82 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. 2869-82, entitled 'A Bill for an Act Relating to

Housing' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2869-82 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. 2869-82 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, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 51 transmitting his statement of objections to Senate Bill No. 2346-82 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 18, 1982

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2346-82

Honorable Members
Eleventh Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, Senate Bill No. 2346-82, entitled 'A Bill for an Act Relating to Educational Fees', is herewith returned without my approval.

This bill is intended to compel the federal government to assume a larger share of the costs of educating the children of non-resident, federal civilian and active duty military personnel in our public schools. The measure requires the federal government to choose between increasing present levels of federal funds so as to meet one-half the costs of providing for these children's education, or assuming, pursuant to existing federal mandate, the responsibility of educating these youngsters itself.

If the federal government were to refuse or fail to effect either of these options, under the proposed measure, the State is precluded from using any of its tax revenues to fund the education of these children. Effectively, these children will be denied access to our public schools, and a basic education.

It is because this bill contemplates and countenances such a drastic consequence that I am returning the measure, unsigned.

While I wholeheartedly agree that every effort must be made and every avenue explored to restore our impact aid funding to more realistic levels than are presently provided, I cannot endorse any means aimed at effecting such a goal which might even suggest jeopardizing the education of any child who lives in Hawaii.

The Legislature's attempt to isolate and pursue the pertinent issues and concerns, as well as the federal government's responsibilities under existing federal laws, are to be commended. Clearly, the federal government itself has already recognized the fiscal burdens which increased federal activity in a strategically placed state such as ours imposes upon the local education system. Moreover, the federal government has acknowledged its financial responsibility for the education of the affected children by adopting the Impact Aid law with its provisions for federal funding and the establishment of federally operated schools. Yet, there is no avoiding the very real possibility that, while we debated who should be responsible for providing funds for the education of these children, the affected children may well be without a basic education.

I am unwilling to risk this possibility.

For the foregoing reasons, therefore, I am returning this 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, 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. 2346-82, entitled 'A Bill for an Act Relating to Educational Fees', passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2346-82 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. 2346-82 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, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 52 transmitting his statement of objections to Senate Bill No. 2388-82 which he has returned to the Senate without his approval and which reads as follows:

"STATE OF HAWAII
EXECUTIVE CHAMBERS

June 18, 1982

STATEMENT OF OBJECTIONS
TO SENATE BILL NO. 2388-82

Honorable Members
Eleventh Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2388-82, 'A Bill for an Act Relating to Horizontal Property Regimes.'

The purposes of Senate Bill No. 2388-82 are to amend: Section 514A-3, to redefine 'apartment' as used in the chapter and to amend the definition of 'apartment owner'; Section 514A-14, pertaining to change in the designation of parking stalls; Section 514A-82, to provide for staggered terms for members of the board and by adding a new sub-

section to provide that bylaws shall include penalties chargeable against persons for violation of covenants, conditions, restrictions, bylaws and administrative rules and to authorize the board to adopt rules and regulations to implement this new subsection; Section 514A-89, to provide that the consent of the percentage of apartment owners necessary to amend the declaration must be obtained before certain works prohibited by the section can be undertaken (currently, the law requires unanimous consent of all owners); Section 514A-94, pertaining to the recovery of expenses and costs for collection of delinquent assessments, foreclosure of liens, enforcement of declarations, bylaws, etc., by providing that such expenses and costs are recoverable unless deemed unreasonable by the court (the law currently provides that reasonable expenses and costs are recoverable), and the section is also amended to add tenants, employees of owners, and any other person who may in any manner use the property, as potential defendants under the section; Sections 514A-11 and 514A-81, concerning amendments to declarations and bylaws; and Section 514A-90(a), to provide that all assessments made by the association but unpaid for the share of the common expenses chargeable to any apartment and expenses recoverable under Section 514A-94 shall constitute a lien on the apartment prior to all other liens, except taxes and assessments imposed by governmental authority or mortgages recorded prior in time to the association's lien provided for in this section. Prior to this amendment, Section 514A-90(a) provided that association assessments shall constitute a lien prior to all others except taxes and assessments imposed by governmental authority and mortgages of record.

I note that under certain statutory provisions, such as Section 403-98, H.R.S. (requiring commercial banks to obtain a first lien on real property when making a loan on the security of real estate) and Section 407-83, H.R.S. (requiring savings and loan associations to obtain a first lien on real property, if the loan is a real estate loan), lenders are required to obtain first liens on their mortgage loans but Senate Bill No. 2388-82 does not adequately provide a procedure by which the lender can determine the priority of liens to insure that its mortgage constitutes a first lien.

Senate Bill No. 2388-82 would require a lender to take precautionary steps to insure that its loan is secured by a first lien on the real property. In order to do this, the lender may be forced to obtain certifications through the moment of mortgage recording from each condominium

association. The lender would have to be assured that the certification is furnished by an authorized party. If the certification does not contain the most current charges, the lender's mortgage lien would be subordinated to the assessment lien because the statute does not give the association the authority to subordinate its lien. In short, it may not be possible for the lender to assure the paramount status of its lien. Also, the cost incurred by the lending institutions will undoubtedly be passed on to the borrower, thus increasing the cost of purchasing condominiums in this State.

Finally, Senate Bill No. 2388-82 does not amend Section 514A-90(b) which provides that upon foreclosure of the mortgage the acquirer of title or his successors and assignees are not liable for the share of the common expenses or assessments which became due prior to the acquisition of title to the apartment. Amendment to Section 514A-90(a) without a corresponding amendment to Section 514A-90(b) creates an ambiguity regarding the priority of liens in the case of condominiums subject to foreclosure proceedings.

For the foregoing reasons, I am returning Senate Bill No. 2388-82 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. 2388-82, entitled 'A Bill for an Act Relating to Horizontal Property Regimes' passed by the Legislature was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2388-82 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. 2388-82 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, 1982.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI
Governor of Hawaii"

Gov. Msg. No. 53 informing the House that on June 22, 1982, he signed the following bills into law:

House Bill No. 1515 as Act 289,
entitled: "RELATING TO DUTIES OF
SAFE DEPOSIT COMPANIES, TRUST
COMPANIES, BANKS, ETC.";

House Bill No. 1521 as Act 290,
entitled: "RELATING TO TAKE-OVER
BIDS";

House Bill No. 1553 as Act 291,
entitled: "RELATING TO MERGERS
OR CONSOLIDATIONS";

House Bill No. 509 as Act 292,
entitled: "RELATING TO INSURANCE";

House Bill No. 1488 as Act 293,
entitled: "RELATING TO INSURANCE";

House Bill No. 1489 as Act 294,
entitled: "RELATING TO INSURANCE".

Gov. Msg. No. 54 informing the House that on July 2, 1982, he signed the following bills into law:

Senate Bill No. 262 as Act 295,
entitled: "RELATING TO DELINQUENT
PENALTIES FOR LATE RENEWAL OF
MOTOR VEHICLE REGISTRATIONS";

House Bill No. 2434-82 as Act 296,
entitled: "RELATING TO INTOXICATING
LIQUOR".

DEPARTMENTAL COMMUNICATION RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Dept. Com. No. 3 from Claire Y. Nakayama, Acting Special Assistant to the Chancellor and UHM Legislative Coordinator, acknowledging receipt of House Resolution No. 169, requesting the University of Hawaii and the Hawaii Housing Authority

to offer their expertise on the after-hours gerontology program for elderly housing projects to the neighbor isles to enable their emulation of the successful Oahu model in the counties of Kauai, Maui and Hawaii.

MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT
OF THE LEGISLATURE SINE DIE

Misc. Com. No. 10 from Arthur McCormack, acknowledging receipt of a copy of House Resolution.

Misc. Com. No. 11 from Anne Higgins, Special Assistant to the President and Director of Correspondence, acknowledging receipt of House Resolution No. 207 and House Concurrent Resolution No. 101.

Misc. Com. No. 12 from Russell E. Dickenson, Director, United States Department of the Interior, National Park Service, acknowledging receipt of a copy of House Concurrent Resolution No. 141, commending Leimomi Mo'okini Lum for the operation and management of the Mo'okini Heiau.

Misc. Com. No. 13 from Lester C. Cingcade, Administrative Director of the Courts, transmitting reports concerning intercepted wire communications for the calendar years 1980 and 1981, pursuant to Section 803-47, Hawaii Revised Statutes.

Misc. Com. No. 14 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of a document sent to Senator Matsunaga relating to the Pacific Islands friendship treaties.

Misc. Com. No. 15 from Daniel Craig, Legislative Assistant to Senator Inouye, acknowledging receipt of House Resolution No. 372, requesting that the U.S. Senate advise and consent to the U.S. Pacific Islands friendship treaties.

Misc. Com. No. 16 from Molly Y. Blaisdell, Public Affairs Director, Hawaii League of Savings Associations, acknowledging receipt of House Resolution No. 144.

Misc. Com. No. 17 from +John J. Scanlan, Apostolic Administrator, Roman Catholic Diocese of Honolulu, acknowledging receipt of a copy of House Resolution No. 460.

Misc. Com. No. 18 from David M. Peters, Executive Assistant to Senator Inouye, acknowledging receipt of House Resolution No. 189, requesting that the Department of the Navy and RIMPAC terminate the use of Kaho'olawe as a bombing target.

Misc. Com. No. 19 from David M. Peters, Executive Assistant to Senator Inouye, acknowledging receipt of House Resolution No. 398, acknowledging and commending Alu Like, Inc., for its distinguished work in the Hawaiian community.

Misc. Com. No. 20 from Wilson S. Johnson, President, National Federation of Independent Business, acknowledging receipt of a copy of House Resolution No. 345, authorizing the establishment of a Small Business Advisory Committee.

Misc. Com. No. 21 from the Honorable Daniel K. Inouye, U.S. Senator, acknowledging receipt of a copy of House Concurrent Resolution No. 174 relative to the Fifth Annual "Augustfest" held in Honokaa.

Misc. Com. No. 22 from the Honorable Daniel K. Inouye, U.S. Senator, acknowledging receipt of copies of House Resolution Nos. 195, 226 and 248.

Misc. Com. No. 23 from the Honorable Daniel K. Inouye, U.S. Senator, acknowledging receipt of a copy of House Resolution No. 365, requesting the U.S. Congress to amend the Federal Clean Water Act by eliminating the requirement of a national pollutant discharge elimination system permit for water release from reservoirs.

Misc. Com. No. 24 from Phyllis Jeffrey, Administrative Assistant to Premier Buchanan, acknowledging receipt of copies of House Resolution No. 360 and House Concurrent Resolution No. 158.

Misc. Com. No. 25 from the Honorable Daniel K. Inouye, U.S. Senator, acknowledging receipt of House Resolution No. 252, requesting Congress to amend the tax law to provide for the establishment of individual housing accounts to assist first-time home buyers.

Misc. Com. No. 26 from the Honorable Daniel K. Inouye, U.S. Senator, responding to a communication regarding the Central, Western, and South Pacific Fisheries Development Act.

Misc. Com. No. 27 from the Honorable James M. Lee, P.C., M.L.A., Premier, Prince Edward Island, acknowledging receipt of copies of House Resolution No. 360 and House Concurrent Resolution No. 158.

Misc. Com. No. 28 from the Honorable Clement J. Zablocki, Member of Congress (Wisconsin), acknowledging receipt of a copy of House Resolution No. 294, regarding the Caribbean Basin Initiative.

Misc. Com. No. 29 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution No. 226, and House Concurrent Resolution Nos. 195, 189, 180 and 174.

Misc. Com. No. 30 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of House Resolution Nos. 398, 365, 348, 294, 252 and 248.

Misc. Com. No. 31 from the Honorable Howard H. Baker, Jr., U.S. Senator, acknowledging receipt of a copy of House Resolution No. 294, regarding the Caribbean Basin Initiative.

Misc. Com. No. 32 from Walter B. Jones, Member of Congress (North Carolina), acknowledging receipt of a copy of House Resolution regarding the Central, Western and South Pacific Fisheries Development Act through fiscal year 1985.

Misc. Com. No. 33 from Anne Higgins, Special Assistant to the President and Director of Correspondence, acknowledging receipt of House Resolution No. 108.

Misc. Com. No. 34 from the Minister of Defense, Wellington, New Zealand, acknowledging receipt of a copy of House Resolution No. 189, relating to the use of Kaho'olawe Island as a bombing target.

Misc. Com. No. 35 from W.R. Bennett, Premier, Province of British Columbia, acknowledging receipt of a copy of House Concurrent Resolution No. 158, relating to the proposed Canada-Hawaii Trade Association.

Misc. Com. No. 36 from Bill Alberger, Chairman, United States International Trade Commission, acknowledging receipt of a copy of House Resolution No. 294, relating to the Caribbean Basin Initiative and the possibility of public hearings in Hawaii by the U.S. International Trade Commission.

Misc. Com. No. 37 from Kaoru "Kay" Murakami acknowledging receipt of a copy of House Resolution No. 430.

Misc. Com. No. 38 from John R. Pingree, Legislative Assistant to Senator Inouye, acknowledging receipt of a copy of House Resolution No. 180.

Misc. Com. No. 39 from Silvana Silva Leahy, Political Affairs Officer, Centre for Disarmament, United Nations, acknowledging receipt of House Resolution No. 108.

Misc. Com. No. 40 from Sonia F. Crow, Regional Administrator, U.S. Environmental Protection Agency, acknowledging receipt of a copy of House Resolution No. 245, urging the EPA and the Hawaii State Department of Health to consider reducing or eliminating water quality standards for sugar producers on Hawaii's Hilo coast.

Misc. Com. No. 41 from Walter Minaai, President, Hilo Lions Club, acknowledging receipt of a copy of House Resolution No. 430.

Misc. Com. No. 42 from John Argue, Executive Assistant, Northwest Territories Commissioner, acknowledging receipt of copies of House Concurrent Resolution No. 158, and House Resolution No. 360.

Misc. Com. No. 43 from Richard Hatfield, Premier of New Brunswick, acknowledging receipt of a copy of House Concurrent Resolution regarding the broadening of economic trade relations between Canada and Hawaii.

Misc. Com. No. 44 from Howard Pawley, Premier of Manitoba, acknowledging receipt of copies of House Resolution No. 360, and House Concurrent Resolution No. 158, regarding economic trade relations between Canada and Hawaii.

Misc. Com. No. 45 from Gilles R. Tremblay, Avocat, Chef de Cabinet Adjoint a L'Administration, acknowledging receipt of a copy of House Concurrent Resolution encouraging acceleration and broadening of economic trade relations between Canada and Hawaii.

Misc. Com. No. 46 from Anne Higgins, Special Assistant to the President and Director of Correspondence, acknowledging receipt of House Resolution Nos. 189, 226, 252 and 294.

Misc. Com. No. 47 from the Honorable Charles H. Percy, U.S. Senator, acknowledging receipt of a copy of House Resolution No. 374; requesting that the United States Senate advise and consent to the United States Pacific Islands friendship treaties.

Misc. Com. No. 48 from Russell E. Dickenson, Director, United States Department of the Interior, acknowledging receipt of House Resolution No. 442, congratulating Mr. Jerry Shimoda of the National Park Service for his recent commendation from the government of Japan.

Misc. Com. No. 49 from William G. Davis, Premier of Ontario, Canada, acknowledging receipt of a copy of House Concurrent Resolution encouraging broadened economic trade relations between Canada and Hawaii.