

## FORTY-SIXTH DAY

Friday, March 30, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:35 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Colin Correa representing St. Theresa's Church, after which the Roll was called showing all members present with the exception of Representative Baker, who was excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Fourth and Forty-Fifth Days.

On motion by Representative Segawa, seconded by Representative Marumoto and carried, reading of the Journals were dispensed with and the Journals of the Forty-Fourth and Forty-Fifth Days were approved.

At this time, Representative Menor introduced Brownie Troop No. 126 and their chaperones, Mrs. Charlene Ogami and Mrs. Faye Toyama; and Junior Brownie Troop 191 who were supervised by Mrs. Marie Tomita and Mr. and Mrs. Charles Ayle.

Representative Menor also introduced the family of Gary Fletcher. Representative Menor noted that Gary Fletcher is his legislative researcher.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 265 to 282; 284; 286 to 291) and concurrent resolutions (H.C.R. Nos. 100 to 113) were disposed of as follows:

H.R. Nos.      Referred to:

- 264      Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 265      Committee on Judiciary, then to the Committee on Finance
- 266      Committee on Tourism, then to the Committee on Finance
- 267      Committee on Transpor-

tation, then to the Committee on Finance

- 268      Committee on Judiciary
- 269      Committee on Consumer Protection and Commerce
- 270      Committee on Education, then to the Committee on Finance
- 271      Committee on Finance
- 272      Committee on Human Services, then to the Committee on Finance
- 273      Committee on Energy, Ecology and Environmental Protection, then to the Committee on Finance
- 274      Committee on Public Employment and Government Operations then to the Committee on Finance
- 275      Committee on Energy, Ecology and Environmental Protection
- 276      Jointly to the Committees on Energy, Ecology and Environmental Protection; and Health, then to the Committee on Finance
- 277      Jointly to the Committees on Energy, Ecology and Environmental Protection; and Agriculture, then to the Committee on Finance
- 278      Committee on Ocean and Marine Resources
- 279      Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 280      Committees on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 281      Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 282      Jointly to the Committees on Health; and Human Services; then to the Committee on Finance
- 284      Committee on Corrections and Rehabilitation, then to the Committee on Finance
- 286      Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Energy, Ecology and Environmental Pro-

- tection
- 287 Committee on Health, then to the Committee on Finance
- 288 Committee on Transportation, then to the Committee on Finance
- 289 Committee on Transportation, then to the Committee on Finance
- 290 Committee on Transportation, then to the Committee on Finance
- 291 Jointly to the Committees on Tourism and Judiciary, then to the Committee on Finance
- H.C.R. Nos.
- 99 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 100 Committee on Transportation, then to the Committee on Finance
- 101 Committee on Corrections and Rehabilitation, then to the Committee on Finance
- 102 Committee on Finance
- 103 Committee on Energy, Ecology and Environmental Protection, then to the Committee on Finance
- 104 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 105 Committee on Energy, Ecology and Environmental Protection
- 106 Jointly to the Committees on Energy, Ecology and Environmental Protection; and Health, then to the Committee on Finance
- 107 Jointly to the Committees on Energy, Ecology and Environmental Protection; and Agriculture, then to the Committee on Finance
- 108 Committee on Ocean and Marine Resources
- 109 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 110 Committee on Water, Land Use, Development and Hawaiian

- Affairs, then to the Committee on Finance
- 111 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 112 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Energy, Ecology and Environmental Protection
- 113 Jointly to the Committees on Tourism and Judiciary, then to the Committee on Finance

#### COMMITTEE REASSIGNMENTS

Senate Bill No. 2184-84 was jointly re-referred to the Committees on Water, Land Use, Development and Hawaiian Affairs; Energy, Ecology and Environmental Protection; and State General Planning.

#### STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 634) recommending that H.R. No. 32, as amended in HD1 be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.R. No. 32, HD1 entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO IDENTIFY AND EVALUATE ALTERNATIVE MEANS FOR THE ESTABLISHMENT OF EQUITABLE AGRICULTURAL IRRIGATION RATES", was referred to the Committee on Finance.

Representatives Matsuura, Hagino and Hashimoto, for the Committees on Ocean and Marine Resources; and Higher Education and the Arts; and Education, presented a joint report (Stand. Com. Rep. No. 635-84) recommending that H.R. No. 154 be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Hagino and carried, the joint report of the Committees was adopted and H.R. No. 154 entitled: "HOUSE RESOLUTION CONCERNING MARINE EDUCATION", was referred to the Committee on Finance.

Representatives Matsuura, Hagino and Hashimoto, for the Committees on Ocean and Marine Resources; Higher Education and the Arts; and Educa-

tion, presented a joint report (Stand. Com. Rep. No. 636-84) recommending that H.C.R. No. 63 be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Hagino and carried, the joint report of the Committees was adopted and H.C.R. No. 63 entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING MARINE EDUCATION", was referred to the Committee on Finance.

#### SUSPENSION OF RULES

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

#### STANDING COMMITTEE REPORTS

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 637-84) recommending that S.B. No. 1546-84, SD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1546-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO SERVICE FEES", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 638-84) recommending that S.B. No. 2183-84, SD2, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2183-84, SD2 entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 639-84) recommending that S.B. No. 1525-84, SD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B.

No. 1525-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that S.B. Nos. 1546-84, 2183-84 and 1525-84 had passed Third Reading at 11:43 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 640-84) recommending that S.B. No. 1520-84, SD2, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1520-84, SD2 entitled: "A BILL FOR AN ACT RELATING TO A STATE-WIDE TRANSITION TO WORK SYSTEM", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 641-84) recommending that S.B. No. 1503-84, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1503-84 entitled: "A BILL FOR AN ACT RELATING TO GASOLINE", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 642-84) recommending that S.B. No. 1675-84, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1675-84 entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that S.B. Nos. 1520-84, 1503-84 and 1675-84 had passed Third Reading at 11:44 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 643-84) recommending that S.B. No. 1509-84, SD1, HD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1509-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 644-84) recommending that S.B. No. 2213-84, HD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2213-84, HD1 entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 645-84) recommending that S.B. No. 1718-84, SD1, HD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1718-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that S.B. Nos. 1509-84, 2213-84 and 1718-84 had passed Third Reading at 11:45 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 646-84) recommending that S.B. No. 2251-84, SD1, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 646-84 on S.B. NO. 2251-84, SD1, HD1 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2251-84, SD1, HD1 were made available to the members of the House at 11:30 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 647-84) recommending that S.B. No. 2249-84, SD2, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 647-84 on S.B. No. 2249-84, SD2, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2249-84, SD2, HD2 were made available to the members of the House at 11:30 o'clock a.m.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 648-84) recommending that S.B. No. 2072-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 2072-84, SD1, HD1 entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 9, OF THE HAWAII CONSTITUTION TO PROVIDE FOR THE METHOD OF PAYMENT OF LEGISLATIVE SALARIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 649-84) recommending that S.B. No. 1729-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 1729-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 650-84) recommending that S.B. No. 1732-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No.

1732-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 651-84) recommending that S.B. No. 784, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 784, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 652-84) recommending that S.B. No. 2203-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 2203-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 653-84) recommending that S.B. No. 2206-84, SD21, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 2206-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2072-84, SD1, HD1; 1729-84, SD1, HD1; 1732-84, SD1, HD1; 784, SD1, HD1, 2203-84, SD1 HD1; and 2206-84, SD1, HD1 were made available to the members of the House at 11:30 o'clock a.m.

Representative Stanley, for the Committee on Judiciary, presented a

report (Stand. Com. Rep. No. 654-84) recommending that S.B. No. 1733-84, SD1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 1733-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 655-84) recommending that S.B. No. 2208-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 2208-84 entitled: "A BILL FOR AN ACT RELATING TO CONGRESSIONAL DISTRICTS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 656-84) recommending that S.B. No. 1726-84, SD1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 1726-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 657-84) recommending that S.B. No. 2085-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 2085-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 658-84) recommending that S.B. No. 1874-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1874-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 659-84) recommending that S.B. No. 1740-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1740-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO NURSING", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2085-84, SD1, HD1; 1874-84, SD1, HD1; and 1740-84, SD1, HD1 were made available to the members of the House at 11:30 o'clock a.m.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 660-84) recommending that S.B. No. 1560-84, SD1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1560-84 entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF MEDICAL EXAMINERS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 661-84) recommending that S.B. No. 1565-84, SD1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1565-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 662-84) recommending that S.B. No. 1555-84, SD1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1555-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF VETERINARY MEDICINE", passed Second Reading and was placed on the calendar for Third Reading.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 313 to 316) and concurrent resolutions (H.C.R. Nos. 121 to 124) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 313) requesting an analysis of the determination of the full avoided cost value of renewable energy sold to a utility was jointly offered by Representatives Okamura and Kiyabu-Saballa.

A resolution (H.R. No. 314) recognizing May, 1984 as Better Hearing and Speech Month was jointly offered by Representatives Dang, Chun, Albano, Andrews, Apo, Blair, Crozier, Graulty, Hagino, Hashimoto, Hee, Hirono, Ikeda, Isbell, Jones, Kihano, Kim, Kiyabu-Saballa, Leong, Levin, Marumoto, Matsuura, Medeiros, Menor, Morgado, Nakasato, Nakata, Okamura, Rohlfing, Say, Shito, Souki, Stanley, Tam, Taniguchi, Tom, Wong and Yoshimura.

A resolution (H.R. No. 315) requesting Hawaii's utility companies to take greater efforts to encourage the development of alternate energy sources was jointly offered by Representatives Okamura, Kiyabu-Saballa and Shito.

A resolution (H.R. No. 316) recognizing April 29 -- May 5, 1984 as Law Week 1984 was jointly offered by

Representatives Dang, Tom, Hirono, Chun, Grauly, Levin, Rohlfing, Hagino, Taniguchi, Stanley, Menor, Blair, Albano, Andrews, Apo, Crozier, Hashimoto, Hee, Ikeda, Isbell, Jones, Kihano, Kim, Kiyabu-Saballa, Leong, Marumoto, Matsuura, Medeiros, Morgado, Nakasato, Nakata, Okamura, Say, Shito, Souki, Tam, Wong and Yoshimura.

A concurrent resolution (H.C.R. No. 121) requesting Hawaii's utility companies to take greater efforts to encourage the development of alternate energy sources was jointly offered by Representatives Okamura, Shito and Kiyabu-Saballa.

A concurrent resolution (H.C.R. No. 122) requesting an analysis of the determination of the full avoided cost value of renewable energy sold to a utility was jointly offered by Representatives Okamura and Kiyabu-Saballa.

A concurrent resolution (H.C.R. No. 123) recognizing May, 1984 as Better Hearing and Speech Month was jointly offered by Representatives Dang, Chun, Albano, Andrews, Apo, Blair, Crozier, Grauly, Hagino, Hashimoto, Hee, Hirono, Ikeda, Isbell, Jones, Kihano, Kim, Kiyabu-Saballa, Leong, Levin, Marumoto, Matsuura, Menor, Morgado, Nakasato, Nakata, Okamura, Rohlfing, Say, Shito, Souki, Stanley, Tam, Taniguchi, Tom, Wong and Yoshimura.

A concurrent resolution (H.C.R. No. 124) recognizing April 29 -- May 5, 1984 as Law Week 1984 was jointly offered by Representatives Dang, Tom, Hirono, Chun, Grauly, Levin, Rohlfing, Hagino, Taniguchi, Stanley, Menor, Blair, Albano, Andrews, Apo, Crozier, Hashimoto, Hee, Ikeda, Isbell, Jones, Kihano, Kim, Kiyabu-Saballa, Leong, Marumoto, Matsuura, Medeiros, Morgado, Nakasato, Nakata, Okamura, Say, Shito, Souki, Tam, Wong and Yoshimura.

### THIRD READING

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

#### S.B. No. 1871-84:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1871-84 entitled:

"A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

#### S.B. No. 1553-84, SD1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1553-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that S.B. Nos. 1871-84 and 1553-84 had passed Third Reading at 11:49 o'clock a.m.

#### S.B. No. 1951-84:

On motion by Representative Takamine, seconded by Representative Stanley and carried, S.B. No. 1951-84 entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

#### S.B. No. 1786-84, SD1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, S.B. No. 1786-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that S.B. No. 1951-84 and 1786-84 had passed Third Reading at 11:50 o'clock a.m.

#### S.B. No. 1507-84, SD1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, S.B. No. 1507-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

#### S.B. No. 1950-84, SD2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, S.B. No. 1950-84, SD2 entitled: "A BILL FOR

AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS", passed Third Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that S.B. Nos. 1507-84 and 1950-84, SD2 had passed Third Reading at 11:51 o'clock p.m.

S.B. No. 1757-84, SD1:

Representative Kiyabu moved that S.B. No. 1757-84, SD1 pass Third Reading, seconded by Representative Kawakami.

Representative Rohlfing rose to speak in favor of the bill with reservations stating:

"Mr. Speaker, I just want to note that some concern or at least some question as to whether this is the best method of dealing with this particular problem. I must confess I am not sure why we are basically expressing an intent which could probably best be expressed by repealing of the entire provisions with respect to the unitary tax. If we're going to do this, I think we should send a clear message to the business community to encourage investments in Hawaii and not sort of go half-way in keeping in the books the law that's already there and apparently waiting for the Tax Review Commission or somebody else to make a final position - I'm really not too sure.

"But it does raise some questions as to whether this is the best way to deal with this problem. On the other hand, I wish to indicate that we are strongly in favor of the intent and purpose, which is to send the message that Hawaii does want investments from overseas in our community, and that's why I'll be voting for the bill."

At 11:53 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 11:55 o'clock a.m.

The motion to pass S.B. No. 1757-84, SD1 on Third Reading was put by the Chair and carried by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that S.B. No. 1757-84 had passed Third Reading at 11:55 o'clock

a.m.

At 11:55 o'clock a.m., at the request of Representative Kiyabu, the Chair declared a recess, subject to the call of the Chair.

The House of Representative reconvened at 12:01 o'clock p.m.

#### DISPOSITIONS OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 212, HD1, SD1, was taken from the Clerk's desk.

On motion by Representative Albano, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 212, HD1, and H.B. No. 212, HD1, SD1, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Baker being excused.

The Chair directed the Clerk to note that H.B. No. 212 had passed Final Reading at 12:02 o'clock p.m.

#### ANNOUNCEMENTS

At this time, the Chair stated:

"It is our intentions to come back at 8:00 o'clock tonight."

Representative Marumoto rose and stated:

"Tomorrow will be the start of the annual Easter Seals telethon on Channel 2. Every year, many legislators and council people have very generously given of their time to serve on the panels and help raise money for Easter Seals. We feel it's a very good charity in that 96% of the money raised by Easter Seals does stay in the State for our children, and for our handicapped population.

"This year, we will have Councilman Kahanu serving on the panel, as well as Senator Gerald Machida and Senator Milton Holt. Representing the House will be Representative Whitney Anderson, Representative Clarice Hashimoto and Representative Marvin Dang. I hope that we will be watching them tomorrow at 6 p.m. and give them all of our support. Thank you very much."

Representative Dang rose and stated:

"Related to what Representative



Marumoto said, I would issue a challenge to Representative Hashimoto and Anderson to see who can raise more money tomorrow."

Representative Anderson rose and stated:

"I just found out that we're supposed to stay on the phones for an hour. So if I called all of my friends, that would be two calls. So if everybody has some extra friends, give me their phone numbers -- I need them."

Representative Stanley rose and stated:

"Mr. Speaker, I'd like you to inform Representative Anderson that I will call him."

Representative Hashimoto rose and stated:

"Mr. Speaker, I accept Representative Dang's challenge."

Representative Levin rose and stated:

"Mr. Speaker, not to be left out on the telethon, the Representatives who spoke, their telephones will be so busy -- for those who cannot get through, they can call me between 11 and 12 on Sunday. I'll be representing the Big Island, also at the telethon."

At 12:17 o'clock p.m., the Chair declared the House in recess until 8:00 o'clock p.m.

#### EVENING SESSION

The House of Representatives reconvened at 9:44 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 663-84) recommending that S.B. No. 1872-84, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1872-84, HD1 entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the

calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 664-84) recommending that S.B. No. 1745-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1745-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 665-84) recommending that S.B. No. 1815-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1815-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 666-84) recommending that S.B. No. 1835-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1835-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", passed Second Reading and was placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 667-84) recommending that S.B. No. 1846-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B.

No. 1846-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 1872-84, HD1; 1745-84, SD1, HD1; 1815-84, SD1, HD1; 1835-84, SD1, HD1; and 1846-84, SD1, HD1 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 668-84) recommending that S.B. No. 1551-84, SD2, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 668-84 on S.B. No. 1551-84, SD2, HD1 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1551-84, SD2, HD1 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 669-84) recommending that S.B. No. 1629-84, SD1, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 669-84 on S.B. No. 1629-84, SD1, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1629-84, SD1, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 670-84) recommending that S.B. No. 905, SD2, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 670-84 on S.B. No. 905, SD2, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 905, SD2, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a

report (Stand. Com. Rep. No. 671-84) recommending that S.B. No. 1115, SD2, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 671-84 on S.B. No. 1115, SD2, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1115, SD2, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 672-84) recommending that S.B. No. 1577-84, SD1, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 672-84 on S.B. No. 1577-84, SD1, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1577-84, SD1, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 673-84) recommending that S.B. No. 139, SD1, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 673-84 on S.B. No. 139, SD1, HD1 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 139, SD1, HD1 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 674-84) recommending that S.B. No. 20, SD1, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 674-84 on S.B. No. 20, SD1, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 20, SD1, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 675-84) recommending that S.B. No. 2209-84, SD2, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 675-84 on S.B. No. 2209-84, SD2, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2209-84, SD2, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 676-84) recommending that S.B. No. 2125-84, SD2, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 676-84 on S.B. No. 2125-84, SD2, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2125-84, SD2, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 677-84) recommending that S.B. No. 785, SD1, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 677-84 on S.B. No. 785, SD1, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 785, SD1, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 678-84) recommending that S.B. No. 1541-84, as amended in HD, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 678-84 on S.B. No. 1541-84, HD1 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1541-84, HD1 were made available to the members of the House at 9:44 o'clock p.m.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 679-84) recommending that S.B. No. 29, SD1, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 679-84 on S.B. No. 29, SD1, HD1 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 29, SD1, HD1 were made available to the members of the House at 9:44 o'clock p.m.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 680-84) recommending that S.B. No. 1540-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1540-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 681-84) recommending that S.B. No. 1877-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1877-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 682) recommending that S.B. No. 1702-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1702-84, SD1, HD1 entitled: "A BILL FOR AN

ACT RELATING TO MOTOR VEHICLE INSURANCE", passed Second Reading and was placed on the calendar for Third Reading, with Representatives Bunda and Jones registering no votes.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 683-84) recommending that S.B. No. 2087-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 2087-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO INTEREST", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 684-84) recommending that S.B. No. 1867-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1867-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 685-84) recommending that S.B. No. 1868-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1868-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 686-84) recommending that S.B. No. 1694-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for

Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1694-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 1540-84, SD1, HD1; 1877-84, SD1, HD1; 1702-84, SD1, HD1; 2087-84, SD1, HD1; 1867-84, SD1, HD1; 1868-84, SD1, HD1; and 1694-84, SD1, HD1 were made available to the members of the House at 9:44 o'clock p.m.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 687-84) recommending that S.B. No. 1562-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 1562-84 entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 688-84) recommending that S.B. No. 2157-84, SD1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 2157-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Stanley and Baker, for the Committees on Judiciary and Health, presented a joint report (Stand. Com. Rep. No. 689-84) recommending that S.B. No. 761, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Chun and carried, the joint report of

the Committees was adopted and S.B. No. 761, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 690-84) recommending that S.B. No. 1725-84, SD1, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 690-84 on S.B. No. 1725-84, SD1, HD1 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1725-84, SD1, HD1 were made available to the members of the House at 9:44 o'clock p.m.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 691-84) recommending that S.B. No. 1854-84, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 1854-84, HD1 entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATING COMMITTEES", passed Second Reading and was placed on the calendar for Third Reading, with Representative Hagino voting no.

The Chair directed the Clerk to note that printed copies of S.B. No. 1854-84, HD1 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 692-84) recommending that S.B. No. 1841-84, SD2, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 692-84 on S.B. No. 1841-84, SD2, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1841-84, SD2, HD2 were made available to the members of the House at 9:44 o'clock p.m.

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

693-84) recommending that S.B. No. 285, SD1, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 693-84 on S.B. No. 285, SD1, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 285, SD1, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 694-84) recommending that S.B. No. 423, SD2, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 694-84 on S.B. No. 423, SD2, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 423, SD2, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 695-84) recommending that S.B. No. 2248-84, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 695-84 on S.B. No. 2248-84, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2248-84, HD2 were made available to the members of the House at 9:44 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 696-84) recommending that S.B. No. 1734-84, SD1, HD1 pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 697-84) recommending that S.B. No. 941, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative

Kawakami and carried, the report of the majority of the Committee was adopted and S.B. No. 941, HD1 entitled: "A BILL FOR AN ACT RELATING TO USE TAX OVERPAYMENTS BY GENERAL MOTORS DEALERSHIPS", passed Second Reading and was placed on the calendar for Third Reading, with Representatives Gaulty, Hagino, Hee and Hirono registering no votes.

At 9:54 o'clock p.m., at the request of Representative Kiyabu, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:55 o'clock p.m.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 698-84) recommending that S.B. No. 1744-84, SD1, HD1 pass Third Reading.

By unanimous consent, action was deferred one day.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 699-84) recommending that S.B. No. 1890-84, SD1, HD1 pass Third Reading.

By unanimous consent, action was deferred one day.

At 9:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:28 o'clock p.m.

Representatives Baker and Okamura, for the Committees on Health; and Energy, Ecology and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 700-84) recommending that S.B. No. 1512-84, SD1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chun, seconded by Representative Okamura and carried, the joint report of the Committees was adopted and S.B. No. 1512-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Hashimoto and Stanley, for the Committees on Education and Judiciary, presented a joint report (Stand. Com. Rep. No.

701-84) recommending that S.B. No. 2205-84, SD2, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hee, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and S.B. No. 2205-84, SD2, HD1 entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION", passed Second Reading and was placed on the calendar for Third Reading.

Representative Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 702-84) recommending that S.B. No. 1517-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chun, seconded by Representative Gaulty and carried, the report of the Committee was adopted and S.B. No. 1517-84 entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Baker and Stanley, for the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 703-84) recommending that S.B. No. 934, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chun, seconded by Representative Stanley and carried, the joint report of the Committees was adopted and S.B. No. 934, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Baker and Stanley, for the majority of the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 704-84) recommending that S.B. No. 1516-84, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chun, seconded by Representative Stanley and carried, the joint report of the majority of the Committees was adopted and S.B. No. 1516-84, HD1 entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS", passed Second Reading and was placed on the calendar for Third Reading, with Representative Gaulty registering a no vote.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2205-84, SD2, HD1; 934, SD1, HD1 and 1516-84, HD1 were made available to the members of the House at 10:28 o'clock p.m.

Representatives Taniguchi and Shito, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 705-84) recommending that S.B. No. 2056-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Shito and carried, the joint report of the Committees was adopted and S.B. No. 2056-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Honda, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 706-84) recommending that S.B. No. 1450, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Hirono and carried, the report of the Committee was adopted and S.B. No. 1450, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO PAROLE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Hagino, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 707-84) recommending that S.B. No. 1765-84, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hagino, seconded by Representative Apo and carried, the report of the Committee was adopted and S.B. No. 1765-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Okamura and Say, for the Committees on Energy, Ecology and Environmental Protection; and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 708-84) recommending that S.B. No.

1878-84, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Okamura, seconded by Representative Say and carried, the joint report of the Committees was adopted and S.B. No. 1878-84, HD1 entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII", passed Second Reading and was placed on the calendar for Third Reading.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 709-84) recommending that S.B. No. 300, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, the report of the Committee was adopted and S.B. No. 300, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO VEHICLE ALARM SYSTEMS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 710-84) recommending that S.B. No. 2243-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, the report of the Committee was adopted and S.B. No. 2243-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO HARBORS", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2056-84, SD1, HD1; 1450, SD1, HD1; 1878-84, HD1; 300, SD1, HD1; and 2243-84, SD1, HD1 were made available to the members of the House at 10:28 o'clock p.m.

Representatives Taniguchi and Shito, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 711-84) recommending that S.B. No. 1693-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative

Taniguchi, seconded by Representative Shito and carried, the joint report of the Committees was adopted and S.B. No. 1693-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Taniguchi and Shito, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 712-84) recommending that S.B. No. 2049-84, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Shito and carried, the joint report of the Committees was adopted and S.B. No. 2049-84, HD1 entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Taniguchi, Hashimoto and Ige, for the Committees on Transportation; Education and Human Services, presented a joint report (Stand. Com. Rep. No. 713-84) recommending that S.B. No. 1766-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Hee and carried, the joint report of the Committees was adopted and S.B. No. 1766-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 714-84) recommending that S.B. No. 2073-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 2073-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SALARIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the

Committee on Judiciary, presented a report (Stand. Com. Rep. No. 715-84) recommending that S.B. No. 2193-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 2193-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO REFORM OF CHAPTER 804", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Stanley, Shito and Hirono, for the majority of the Committees on Judiciary; Consumer Protection and Commerce and Housing, presented a joint report (Stand. Com. Rep. No. 716-84) recommending that S.B. No. 328, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Shito and carried, the joint report of the Committees was adopted and S.B. No. 328, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 1693-84, SD1, HD1; 2049-84, HD1; 1766-84, SD1, HD1; 2073-84, SD1, HD1; 2193-84, SD1, HD1; and 328, SD1, HD1 were made available to the members of the House at 10:28 o'clock p.m.

At 10:36 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 10:40 o'clock p.m.

Representative Hirono, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 717-84) recommending that S.B. No. 2057-84, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hirono, seconded by Representative Tam and carried, the report of the Committee was adopted and S.B. No. 2057-84, HD1 entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES", passed Second Reading and was placed on the



calendar for Third Reading.

Representatives Hirono and Shito, for the Committees on Housing and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 718-84) recommending that S.B. No. 1704-84, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hirono, seconded by Representative Shito and carried, the joint report of the Committees was adopted and S.B. No. 1704-84 entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Say, Okamura and Andrews, for the majority of the Committees on Water, Land Use, Development and Hawaiian Affairs; Energy, Ecology and Environmental Protection; and State General Planning, presented a joint report (Stand. Com. Rep. No. 719-84) recommending that S.B. No. 2184-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Say moved that the report of the majority of the Committees be adopted and that S.B. No. 2184-84, SD1, HD1 pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Okamura.

Representative Hee offered the following amendment to S.B. No. 2184-84, SD1, HD1:

"SECTION 1. Senate Bill No. 2184-84, SD1, HD1, is amended by deleting SECTION 3 on pages 6 and 7 and by renumbering SECTION 4, 5, 6 to 3, 4, 5, respectively."

At 10:43 o'clock p.m., the Chair declared a recess for the purpose of distributing the amendment to the members of the House.

The House of Representatives reconvened at 11:20 o'clock p.m.

Representative Hee moved that the amendment be adopted, seconded by Representative Ikeda.

Representative Hee rose and stated:

"Mr. Speaker and members of this House, as I stated in the caucus a few minutes ago, Section 3 of S.B. No. 2184-84, SD1, HD1, on page 6, line 18, which reads: 'Notwithstanding

the provisions of Section 205-5.2, Hawaii Revised Statutes, regarding county-by-county assessment of areas with geothermal potential, the Board of Land and Natural Resources shall separately conduct an assessment of the area described on maps attached to the Board of Land and Natural Resources decision and order, dated February 25, 1983, which was the subject of a conservation district use permit. The assessment shall be in accordance with all provisions of Act 296, Session Laws of Hawaii 1983, regarding the procedures and standards for designation of an area as a geothermal resource subzone. The Board of Land and Natural Resources shall make its determination regarding the designation of all or any portion of the-  
abovementioned area, as a geothermal resource subzone, on or before December 31, 1984.'

"Mr. Speaker and members of this House, the original house draft 1, which we were given two days ago, section 3 reads what section 4 now reads on page 7: 'If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.' What was section 3 in the original house draft 1, the severable section, is now section 4 of the bill before us.

"Members of this House, section 3, in my view, as I stated in the caucus was mysteriously put in. We did not discuss this at the three decision making sessions. As I stated, everyone, in my view, has worked hard and up-front with respect to trying to find the correct and proper language which 'we can all live with', with respect to grandfathering in Thermal Power.

"What has effectively happened is section 3, in my view, now undercuts the intent of Act 296 which we passed last year, which allowed for sub-zoning in conservation lands and thereby effectively allowing Campbell, the landowner, and Truman Pacific, the developer, some assurance that conservation lands would now become a permitted use for geothermal development. It was, in my view, the intent of the committees involved to take care and look after grandfathering in Thermal Power, and to also, delete any reference to Campbell or Truman Pacific.

"This section 3 was put in, not at the request of any committee member - was not asked to be amended in this form and the committee members were not told. While I respect the view that we are all accountable to every piece of legislation, underscored and not, in every bill that we review, in light of the bigger picture of the thousands upon thousands of reading materials that we are handed in my short tenure as a representative of the people, I have found that we have dealt with the underscored material because it has been an assumption on my part, perhaps a wrong one in view of this particular bill, that those are the additions, corrections, deletions of any bill, resolution. That this section 3 is new language, and as such, new language should have been underscored, or at the very least, the committee members in good faith who have acted up-front with the committee chairman, we should have been told that an addition which points to Campbell and Truman Pacific was now being added. A decision which may affect the on-going litigation on the Volcano Community Association in its injunction against Truman Pacific and Campbell. A decision which says 'the priority of subzoning in 296 will go to conservation lands according to the decision and order dated February 25, 1983 which was the BLNR decision with respect to Campbell, specifically - that they shall be given priority on subzoning and that this shall be done before December 31, 1984, which in essence, in my view, says that by December 31, 1984, there shall or there shall not be a subzone where according to Truman Pacific and-

Campbell, there are some vents in the East Rift zone as a potential of geothermal development.

"I point out to you that in the discussion in the caucus that Campbell, Truman Pacific, Thermal Power and Barnwell are not the only geothermal developers in the state, that in fact there are other conservation lands on Maui, at Umekahame, that are also being considered. I point out to you that to leave this section in and pass this bill as it reads undercuts Act 296 which calls for a county by county assessment of all areas in the state. Irrespective of the fact that, yes, there is an East Rift zone, irrespective of that because that was not the language in 296. That this now directs 296 to say, 'you will.' It is the intent of Senate Bill 2184-84 to look at the conservation district of which there is an injunction filed by the people to

the developers of Truman Pacific and Campbell. That to leave this in, Mr. Speaker, and members of this House, is to say, 'beware, beware of the subsections which are put in, not underscored.' Be responsible, yes, I accept that - be responsible but also to watch out because this was not the intent of the committee at any time. This was put in and we were not told of it, and in fact, other amendments which we asked to be deleted and amended were never taken place.

"I ask the members of this House to be accountable to open government, to good government - to be accountable to the people, to be accountable to themselves in the intent of this bill which was to grandfather Thermal Power and Barnwell and not to deal with conservation land, not to deal with Truman Pacific or Campbell Estate. I ask the members to be accountable to themselves and I ask the members to show their colors. Thank you, Mr. Speaker."

Representative Rohlfing rose and stated:

"Mr. Speaker, I will try to be very brief, and I wish to speak in favor of the amendment.

"Mr. Speaker, I wish to have the remarks of the Representative from Molokai with respect to the procedure that brought this bill before us in this manner to be incorporated in the Journal as my own.

"Mr. Speaker, everyone knows from last year, that was around this chamber, who sat in this body, that we are dealing with a very sensitive subject when we get to the question of geothermal development. And Mr. Speaker, therefore, one would have hoped that the matter would have been given full and open and complete consideration by this body as well as the body across the hall, the other side of this building, with respect to the details of far reaching legislation.

"This is not solely an issue for the people of the island of Hawaii or Maui. It is a statewide resource. Surely it has an impact beyond what it has on Oahu today, on the Big Island, and potentially on Maui. But this is a matter of major concern to the people of this state, and, therefore, if we are going to legislate and legislate intelligently, then I think that when a bill is produced and normally as we look through these bills, we check for those little parentheses and the underlinings and so forth - that last minute, you have

a total new section of very great significance appear in the bill raises some very grave questions as to what we're doing here and how we are proceeding. And it is in that light, Mr. Speaker, that I firmly, strongly support the amendment which has been proposed on this floor because it will, not as a matter of substance per se, because you could be for that provision or against it, but as a matter of notice to the members of this body in voting on the bills before us, to give and be consistent with the idea that we know what we're voting on in committee and when it comes before this floor. At this point, it's very difficult to amend the bill, but enacting this amendment we will clarify something that would, otherwise, come around the back corner. Thank you, Mr. Speaker."

Representative Blair rose and requested that his remarks against the amendment be inserted in the Journal "in the interest of time", and the Chair "so ordered."

Representative Ikeda rose and stated:

"I would like to request that speech. I would like to hear these remarks against."

The Chair answered:

"The Chair has ruled, Representative Ikeda."

Representative Ikeda continued:

"I rise on a point of inquiry."

The Chair instructed Representative Ikeda to state her inquiry and Representative Ikeda continued:

"Mr. Speaker, I think it behooves us tonight, to find out, and since we don't know what the remarks against the amendment are about, and we're speaking of technicalities here, specifically how a bill is drafted - I'm not an attorney, I'm just a member of the House and I read the bill and I look for the changes and look specifically for changes and sort of gloss over what I think is already in the statutes unless it has great bearing on the entire bill. Mr. Speaker, if we are going to deviate from the Ramseyer method and not underline substantive information, new information in the bill, how then are the members of this House supposed to determine whether it's new or not?"

The Chair replied:

"Representative Ikeda, the Chair has ruled in the past for the purpose of saving time on this floor by way of allowing individual members to insert their remarks, either for or against, into the Journal after review . . ."

Representative Ikeda interrupted saying:

"No, Mr. Speaker . . ."

The Chair continued:

"And that courtesy I have allowed to Representative Blair. Certainly that decision is consistent by the way in which all of you are treated here."

Representative Ikeda replied:

"I am not questioning that decision, Mr. Speaker. My point of inquiry is specifically, if we do not adhere to Ramseyer, meaning underlining new material, how then are we supposed to know what new material is in there? What method are we to follow?"

The Chair allowed the majority leader to answer. Representative Blair rose and stated:

"I'll take that as a question addressed to me and I'll answer it very briefly to say that the bill, as drafted, is consistent with the Ramseyer format. We probably don't have enough time to go into the Ramseyer format but there's nothing contrary to the Ramseyer format in the way the bill was drafted. And that is the basic tenor of the remarks that I'll be inserting in the Journal, consistent with my statements in the open caucus. Thank you."

The remarks of Representative Blair are as follows:

"The Ramseyer format provides that when words or punctuation are being deleted, from an existing provision of the Hawaii Revised Statutes, they are bracketed. It also provides that when new words or punctuation are being added to an existing provision of the Hawaii Revised Statutes, they are underlined. The key phrase is 'from an existing provision of the Hawaii Revised Statutes.'

"Section 3 of this bill is not underlined, because it stands on its own. There is no need for underlining because there is no need to differentiate existing material from new material. There is no need for brackets, to differentiate deleted

material from retained material.

"Using the logic of the previous speakers, we would underline the entire chapter when a new chapter is created. We do not. In fact, page 78 of the Sixth Edition of the Hawaii Legislative Drafting Manual, at section 4.a. provides:

- "4. New Material  
a. Material in a bill proposing a new chapter, new part, or new subpart need not be under-scored."

"If this is true for new statutory material, it is even more true of material which is not statutory. In support of which proposition I refer the previous speakers to page 84 of the Sixth Edition of the Hawaii Legislative Drafting Manual, section 7. Ramseyer bracketing and underlining only applies to statutory material.

"Thus, on two grounds, underlining section 3 of this Bill would not have been appropriate and this Bill, as drafted, followed the Ramseyer format: 1) Section 3 is not statutory language and 2) Section 3, being composed entirely of new material, stands on its own. There is no need to differentiate between new material and existing language.

"Finally, Mr. Speaker, I vehemently object to any suggestion that the lack to underlining in Section 3 was an attempt to hide the provision. Nobody would try to 'hide' eighteen lines of material in a bill being considered by three committees.

"While the press of legislative work makes it necessary for all members to adopt various timesaving devices, it does not justify blaming others for one's own oversights. Thank you, Mr. Speaker."

Representative Hee rose on a point of personal privilege stating:

"Mr. Speaker, the language in section 3, which I am proposing to delete, I find repulsive. After we have gone through many, many hours of hearings and decision making processes, after we had gone through last year by a vote of 27 to 23 . . .

The Chair interrupted stating:

"Representative Hee, you rose on a point of personal privilege. Am I correct?"

Representative Hee answered:

"Yes."

The Chair stated:

"Please state your point."

Representative Hee continued:

"My point is, Mr. Speaker, that when we look back at Act 296 and the process . . .

The Chair interrupted:

"Representative Hee, I think that the Chair has ruled consistently in the past, in a point of personal privilege you shall show that you have been personally aggrieved."

Representative Hee answered:

"Mr. Speaker, if you allow me to elaborate I will try to show you that I have been personally aggrieved."

The Chair instructed Representative Hee to proceed and Representative Hee continued:

"Mr. Speaker, with respect to the trials and tribulations of Act 296, just passed last year by a vote of 27 to 23, with respect to the juxtaposing of the committee report which aggrieved many of us last year, and with respect to now an insertion . . .

The Chair interrupted stating:

"Representative Hee, you're talking about a measure that was inacted upon by this House last year. That measure is not before this House. You will have to show me that you have been personally aggrieved, tonight."

Representative Hee continued:

"By the addition of section 3 of the bill before us, subsequent to the House draft 1, which did not have the new section 3, is to be consistent with my grievance that nothing has changed with the respect to the drafting of geothermal legislation, that we are again, as a committee, being put before us, legislation which we did not ask for, legislation which was slipped in and legislation which is consistent with how the legislation was passed last year."

The Chair ruled Representative Hee out of order.

Roll call having been requested, the motion was put by the Chair and failed to carry by a vote of 37 noes

to 9 ayes, with Representatives Grauly, Hee, Ikeda, Jones, Kim, Marumoto, Medeiros, Rohlfing and Tam voting no and Representatives Baker, Kiyabu-Saballa, Nakata, Segawa and Wong being excused.

Representative Anderson rose to speak for the bill stating:

"Mr. Speaker, I would like to say that it's not very easy for anyone to stand on this floor and be against your colleagues on a procedure. The principle that a person is sticking up for, and I am not privileged because I do not sit on that committee. I'm speaking on behalf of the bill because last year, I spoke against the bill strictly on the means that it was going to be something that I did not understand and I could not vote for something that I could not understand. We were talking about conservation; we were talking about ag; we were talking about a lot of things. The questions that we asked last year on bill on geothermal I could not honestly say I understood. This year we took a trip to the Big Island; I asked questions and I understood, I thought a lot better of what we were discussing. For that reason, I think that it's very important that this bill pass, but I think that it's everybody's right - if you sit on a particular committee and if you don't believe something, you fight for your right. And for that reason, I would like to commend my fellow colleague, Representative Hee, because he was only fighting for that right which he believes is his, and I may not agree with him as far as what he was - fighting for this evening, only because I do not sit on that committee. If I did and if I thought there was a wrong, believe me fellow colleagues, I would have been with him. And it takes a lot of guts to go ahead and stand up here when you know and believe that you are right, and if you don't have backing. So for that reason, I would like to thank my fellow colleague and I hope that you will all vote aye for the bill. Thank you."

Representative Crozier rose to speak in favor of the bill with reservations stating:

"This afternoon, or during the evening, I talked to two of the three chairmen about this bill and I saluted both of them on how they handled the bill, how they worked with the committee and finally orchestrated this bill through. I was really impressed by the way they did it.

"But to come out with this grey area, I feel short of being insulted. And that salutation that I offered them earlier, I now withdraw."

Representative Hee rose to speak against the bill stating:

"Mr. Speaker, will you ask the committee chairman of Water, Land and Hawaiian Affairs if he will yield to a question?"

The Chair:

"Representative Say, will you yield to a question?"

Representative Say:

"No."

Representative Hee continued:

"Mr. Speaker, will you yield to a question?"

The Chair answered:

"Will you state your question first, Representative Hee?"

Representative Hee stated:

"Mr. Speaker, on page 4 on Senate Bill 2184-84, on line 16, and I quote: 'Such uses as are permitted by county authority, shall be deemed to be reasonable and to promote the effectiveness and objectives of this chapter.' Mr. Speaker, my question is, 'what is reasonable?'

The Chair replied:

"Representative Hee, not being a lawyer, I suspect that your question should be directed to a lawyer. Representative Hee, I am not a member of that committee. You folks had the time to deliberate on this issue. It was before a public hearing, open to the public. As a matter of fact, if I remember correctly, you folks had three decision making opportunities."

Representative Hee:

"That is correct, Mr. Speaker."

The Chair continued:

"This bill has been made available to you folks for that period of time. Now if you ask procedural questions regarding the disposition of a measure before a committee, Representative Hee, I am unable to answer you."

Representative Hee then asked:

"Then, Mr. Speaker, will you ask the Vice Chairman of WLH if he will yield to a question?"

The Chair:

"Representative Matsuura, will you yield to a question?"

Representative Matsuura replied:

"No."

Representative Hee then continued:

"Mr. Speaker, procedurally, can I ask you a question?"

The Chair:

"State your question."

Representative Hee stated:

"Mr. Speaker, we were . . . one of the request by the committee members during the decision making was that this section be deleted. Obviously by the fact that this section has been included, the committee chair apparently felt that this decision need not be heeded, to delete. Mr. Speaker, my question is, as a committee member, do I or do I not have the right, subsequent to the decision making process, to know why this section has been included?"

The Chair answered:

"Representative Hee, again I state for the record, I am not a member of that committee. You folks had deliberations on that matter. You should have cleared it up at that time. If the chairman has a question, if you raise a question as a member of a committee regarding a deletion or any kind of decision, and deletions come by way of decisions, that is up to the committee members there. You being part of that committee, if you weren't persuasive enough to have your view points carried out, then, that's why these words are still here. In other words, you weren't able to convince your fellow members to go along with you."

Representative Hee:

"This was Representative Ikeda's suggestion on which I concurred in. I'm sorry that I did not use my persuasiveness at the committee hearing."

The Chair:

"I'm sorry, too."

At this time, Representative Blair rose and called for the question stating:

"There being six further items, I called the question."

Representative Hee interrupted stating:

"I believe that I have the floor."

The Chair instructed Representative Hee to continue and Representative Hee stated:

"I rise to speak against this bill for several reasons . . ."

Representative Blair interrupted stating:

"Mr. Speaker, a point of parliamentary inquiry."

Representative Hee stated:

"Mr. Speaker, I believe that I have the floor."

Representative Blair continued:

"My point of parliamentary inquiry takes precedence, Mr. Speaker."

The Chair recognized Representative Blair and he continued:

"Mr. Speaker, my point of parliamentary inquiry is in calling the question, I believe that that takes precedence over any further discussion on the bill. We are running out of time."

The Chair replied:

"You are correct."

Representative Rohlfing rose on a point of information and asked:

"Mr. Speaker, do I understand the majority leader's question is that at this point he is calling for the previous question before this body?"

Representative Blair answered:

"The question before the body is whether or not we should vote in favor of passing the bill on Second Reading and be placed on the calendar for Third Reading. I'd like a ruling of the Chair. I believe at this point we should . . ."

The Chair ruled:

"The question before this House."

Representative Rohlfing continued:

"Mr. Speaker, for a clarification, my understanding was that Representative Hee had the floor and raising the question as to whether there's a vote or not, there has been no motion for invoking the previous question. So I don't understand what the Chair's ruling is."

At 11:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:56 o'clock p.m.

Representative Hee rose and stated:

"Mr. Speaker, members of this House, as time is running short, I will withdraw my remarks at this time."

The Chair replied:

"Thank you, Representative Hee."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 2184-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL", passed Second Reading and was placed on the calendar for Third Reading.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 720-84) recommending that S.B. No. 2026-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 2026-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Ige and Hashimoto, for the Committees on Human Services and Education, presented a joint report (Stand. Com. Rep. No. 721-84) recommending that S.B. No. 1575-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Ige, seconded by Representative Hashimoto and carried, the joint report of the Committees was adopted and S.B. No. 1575-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO CHILD

CARE", passed Second Reading and was placed on the calendar for Third Reading, with Representative Anderson registering a no vote.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 722-84) recommending that S.B. No. 2242-84, SD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, the report of the Committee was adopted and S.B. No. 2242-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 723-84) recommending that S.B. No. 2212-84, SD1, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chun, seconded by Representative Grauly and carried, the report of the Committee was adopted and S.B. No. 2212-84, SD1, HD1 entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of S.B. Nos. 2057-84, HD1; 2184-84, SD1, HD1; 2026-84, SD1, HD1; 1575-84, SD1, HD1; and 2212-84, SD1, HD1 were made available to the members of the House at 10:28 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 724-84) recommending that S.B. No. 878, SD2, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 724-84 on S.B. No. 878, SD2, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 878, SD2, HD2 were made available to the members of the House at 10:28 o'clock p.m.

Representative Kiyabu, for the Committee on Finance, presented a

report (Stand. Com. Rep. No. 725-84) recommending that S.B. No. 2119-84, SD2, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 725-84 on S.B. No. 2119-84, SD2, HD2 was deferred until Monday, April 2, 1984, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of

S.B. No. 2119-84, SD2, HD2 were made available to the members of the House at 10:28 o'clock p.m.

#### ADJOURNMENT

At 11:58 o'clock p.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 1:00 o'clock p.m., Monday, April 2, 1984.



## FORTY-SEVENTH DAY

Monday, April 2, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 1:00 o'clock p.m., with the Speaker presiding.

The Divine Blessing was invoked by Mrs. Betty Smith, Christian Science Graduate Nurse of the First Church of Christ Scientist of Honolulu, after which the Roll was called showing all members present with the exception of Representatives Baker, Hee, Kihano, Morgado, Okamura, Rohlfing and Stanley, who were excused.

By unanimous consent, reading of the Journal of the Forty-Sixth Day was deferred.

At this time, the Chair directed the Clerk to note the presence of Representatives Hee, Okamura and Stanley.

## ORDER OF THE DAY

## SUSPENSION OF RULES

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

## UNFINISHED BUSINESS

Stand. Com. Rep. No. 646-84 on S.B. No. 2251-84, SD 1, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2251-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfing being excused.

Stand. Com. Rep. No. 647-84 on S.B. No. 2249-84, SD 2, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2249-84, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read through-

out, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 2251-84 and 2249-84 had passed Third Reading at 1:14 o'clock p.m.

At 1:14 o'clock p.m., Representative Kim asked for a recess and the Chair declared a recess, subject to the call of the Chair.

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

Stand. Com. Rep. No. 668-84 on S.B. No. 1551-84, SD 2, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1551-84, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfing being excused.

Stand. Com. Rep. No. 669-84 on S.B. No. 1629-84, SD 1, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1629-84, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1551-84 and 1629-84 had passed Third Reading at 1:21 o'clock p.m.

Stand. Com. Rep. No. 670-84 on S.B. No. 905, SD 2, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 905, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PRODUCT DEVELOPMENT CORPORATION ACT", having been read throughout, passed

Third Reading by a vote of 46 ayes to 1 no, with Representative Ikeda voting no, and Representatives Baker, Kihano, Morgado and Rohlring being excused.

The Chair directed the Clerk to note that S.B. No. 905 had passed Third Reading at 1:22 o'clock p.m.

Stand. Com. Rep. No. 671-84 on S.B. No. 1115, SD 2, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and S.B. No. 1115, SD 2, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Tungpalan then rose and stated:

"Mr. Speaker, I rise to speak in favor of Senate Bill 1115, SD 2, HD 2, with reservations.

I believe the arbitration panel should be able to select the most reasonable of the final offers in each unresolved item submitted by the parties and issue a final and binding decision incorporating those offers without modification, and it is my hope that this issue by issue decision will be achieved when we go to conference.

Thank you, sir."

Representative Stanley then rose and requested that her remarks, in support of the bill, be entered into the Journal and the Chair, "so ordered."

Representative Stanley's remarks are as follows:

Representative Crozier then rose and stated:

"Mr. Speaker, I would like to speak for the bill, with reservations.

I just have a short comment. This bill allows the policemen to get binding arbitration, but in doing so the firemen lose some of their leverage, and I would like for the policemen to realize that in the future.

Thank you."

Representative Kiyabu-Saballa then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, "so ordered."

Representative Kiyabu-Saballa's remarks are as follows:

"Mr. Speaker, police officers are public servants who under oath have sworn to protect us. They, like firefighters, are directly involved with our safety. Their responsibilities as law enforcement officers make them 'essential employees' on a 24-hour basis. We need the protective services only police officers can provide and should support them in this legislation as an alternative to the strike process.

Our police officers are deserving of our support in Senate Bill 1115, SD 2, HD 2, since they are the ones who risk their lives to protect us. We demand their services 24 hours each day, classify them as 'essential employees' and then say we cannot support them in binding arbitration. We want police officers to satisfy our demands for protection, for aid, for safety, but are unable to give them any satisfactory aid or assistance in their request of us for binding arbitration.

We blame police officers for so-called abuse of the arbitration system that they have been prohibited to use. Is it really their fault? We say that arbitrators need to be local residents of Hawaii to be more favorable and fair to this State -- then are we saying that the last firefighters' arbitration decision is not fair? Again, we are making arguments against them which do not make sense. The system works and we, as legislators, must only decide whether we will respect and support our police officers for binding arbitration. I beseech you as representatives of your individual constituencies to favorably support Senate Bill 1115, SD 2, HD 2. We owe it to our constituents to ensure that the services police officers provide for our own safety and protection continue without disruption."

Representative Albano then rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, "so ordered."

Representative Albano's remarks are as follows:

"Mr. Speaker, I rise to speak in support of Senate Bill 1115, SD 2, HD 2, relating to the collective bargaining process.

As you know, Unit II, representing the firefighters, is the only

representative unit authorized to use binding arbitration procedures to resolve disputed contract terms. The proposed measure before us would extend to the police officers the same binding arbitration procedures previously granted to the fire-fighters.

Mr. Speaker, this bill represents another benchmark in the history of public employment. By eliminating the right to strike, and substituting in its place binding arbitration procedures as requested by the police officers themselves, the Legislature reaffirms its prior placement of trust in these men and women as the 'keepers of peace and order' in our community. The bill also reaffirms the importance of continued and uninterrupted police protection which would, indeed, be jeopardized if any police officer were allowed to strike during heated labor negotiations.

Mr. Speaker, as Chairman of your Public Employment and Government Operations Committee, I am pleased to report that while different viewpoints were presented, and opposite positions were expressed during the course of deliberations, we have here today a bill which may not be totally acceptable to both labor and management. But more important, Mr. Speaker, we have here before us a bill which does not compromise the safety and welfare of our citizens.

I would, at this time, like to reiterate a position expressed by the Public Employment and Government Operations Committee in its Standing Committee Report accompanying amended House version of this bill, and again reinforced by the Finance Committee in its decision to amend the bill further. It is the expressed intent of your Committees that local economic conditions affecting the State of Hawaii and its four counties be seriously considered by an arbitration panel in reaching a decision.

Mr. Speaker, I would like to take this opportunity to thank the Administration's collective bargaining experts, and the police officer and firefighter representatives for their candor and assistance throughout the Committee deliberations. I would also like to extend my sincere appreciation to all Public Employment and Government Operations Committee members for their participation and support during the past few weeks. I am impressed with the members' willingness to objectively weigh all the testimony and information presented before passing out a measure that

best serves the interests of all our residents.

Mr. Speaker, I am proud to be a member of this House, and I urge my colleagues to favorably support Senate Bill No. 1115, SD 2, HD 2."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1115, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfing being excused.

Stand. Com. Rep. No. 672-84 on S.B. No. 1577-84, SD 1, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1577-84, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfing being excused.

Stand. Com. Rep. No. 673-84 on S.B. No. 139, SD 1, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 139, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF PARKS BETWEEN THE STATE AND THE COUNTIES", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1115, 1577-84 and 139 had passed Third Reading at 1:24 o'clock p.m.

Stand. Com. Rep. No. 674-84 on S.B. No. 20, SD 1, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 20, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PAYMENT FOR GOODS AND SERVICES", having been read throughout, passed Third Reading by a vote

of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 675-84 on S.B. No. 2209-84, SD 2, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2209-84, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS, SUBSIDIES, AND PURCHASES OF SERVICE", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 676-84 on S.B. No. 2125-84, SD 2, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2125-84, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PENSIONER'S BONUS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

The Chair directed the Clerk to note that S.B. Nos. 20, 2209-84 and 2125-84 had passed Third Reading at 1:25 o'clock p.m.

Stand. Com. Rep. No. 677-84 on S.B. No. 785, SD 1, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 785, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 678-84 on S.B. No. 1541-84, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1541-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", having been read throughout, passed Third Reading by a vote of 47 ayes, with Represen-

tatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 679-84 on S.B. No. 29, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted and S.B. No. 29, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

The Chair directed the Clerk to note that S.B. Nos. 785, 1541-84 and 29 had passed Third Reading at 1:26 o'clock p.m.

Stand. Com. Rep. No. 690-84 on S.B. No. 1725-84, SD 1, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and S.B. No. 1725-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 692-84 on S.B. No. 1841-84, SD 2, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the majority of the Committee was adopted and S.B. No. 1841-84, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM", having been read throughout, passed Third Reading by a vote of 46 ayes to 1 no, with Representative Levin voting no, and Representatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 693-84 on S.B. No. 285, SD 1, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 285, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATUTE OF LIMITATIONS FOR MOTOR VEHICLE REPARATIONS", having been read throughout, passed Third Reading by a vote of 47 ayes,

with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

The Chair directed the Clerk to note that S.B. Nos. 1725-84, 1841-84 and 285 had passed Third Reading at 1:27 o'clock p.m.

Stand. Com. Rep. No. 694-84 on S.B. No. 423, SD 2, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 423, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 695-84 on S.B. No. 2248-84, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2248-84, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 696-84 on S.B. No. 1734-84, SD 1, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1734-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COSTS AND FEES FOR SERVICE OF PROCESS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

The Chair directed the Clerk to note that S.B. Nos. 423, 2248-84 and 1734-84 had passed Third Reading at 1:28 o'clock p.m.

Stand. Com. Rep. No. 698-84 on S.B. No. 1744-84, SD 1, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of

the majority of the Committee was adopted and S.B. No. 1744-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE", having been read throughout, passed Third Reading by a vote of 46 ayes to 1 no, with Representative Anderson voting no, and Representatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 699-84 on S.B. No. 1890-84, SD 1, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1890-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

The Chair directed the Clerk to note that S.B. Nos. 1744-84 and 1890-84 had passed Third Reading at 1:29 o'clock p.m.

Stand. Com. Rep. No. 724-84 on S.B. No. 878, SD 2, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 878, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII PUBLIC EMPLOYEES HEALTH FUND", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

Stand. Com. Rep. No. 725-84 on S.B. No. 2119-84, SD 2, HD 2:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2119-84, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMPARABLE WORTH", having been read throughout, passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfling being excused.

The Chair directed the Clerk to note that S.B. Nos. 878 and 2119-84 had passed Third Reading at 1:30 o'clock p.m.

## INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 317 to 323) and concurrent resolutions (H.C.R. Nos. 125 and 126) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 317) requesting the Hawaii State Bar Association to suggest improvements to make the foreclosure process more efficient was jointly offered by Representatives Hayes, Andrews, Apo, Bunda, Grauly, Hashimoto, Honda, Ige, Ikeda, Isbell, Jones, Kihano, Kiyabu-Saballa, Lardizabal, Leong, Levin, Matsuura, Medeiros, Menor, Morgado, Nakasato, Say, Segawa, Shito, Stanley, Tam, Taniguchi, Tungpalan and Wong.

A resolution (H.R. No. 318) requesting the United States Department of Transportation and the Army Corps of Engineers to study certain flood control problems and the availability of federal flood insurance was jointly offered by Representatives Hayes, Andrews, Apo, Bunda, Crozier, Dang, Grauly, Hashimoto, Honda, Ige, Ikeda, Isbell, Jones, Kihano, Kim, Kiyabu-Saballa, Lardizabal, Leong, Levin, Matsuura, Medeiros, Menor, Morgado, Nakasato, Say, Segawa, Shito, Stanley, Tam, Tungpalan and Wong.

A resolution (H.R. No. 319) concerning street crime in Waikiki was jointly offered by Representatives Hayes, Nakasato, Andrews, Apo, Bunda, Dang, Grauly, Hashimoto, Hirono, Ige, Ikeda, Jones, Kihano, Kim, Lardizabal, Leong, Matsuura, Medeiros, Menor, Morgado, Nakata, Say, Segawa, Shito, Tam, Taniguchi and Wong.

A resolution (H.R. No. 320) relating to student rights and responsibilities and academic grievance procedures at the University of Hawaii was jointly offered by Representatives Hagino, Apo and Okamura.

A resolution (H.R. No. 321) requesting the Department of Health to review its policies and priorities for immunizing babies at its Well Baby Clinics was jointly offered by Representatives Isbell, Chun, Dang, Hashimoto, Hayes, Honda, Ikeda, Jones, Lardizabal, Levin, Marumoto, Morgado, Nakata, Rohlfing, Takamine, Tam and Wong.

A resolution (H.R. No. 322)

establishing an interim sub-committee to study and recommend legislation to implement the provisions of Article XII, Section 7 of the Hawaii State Constitution relating to traditional and customary rights of native Hawaiians was jointly offered by Representatives Apo, Hee and Wong.

A resolution (H.R. No. 323) requesting the public schools of the State to dedicate the song: "Eia Makou" to the Silver Jubilee Statehood celebration was jointly offered by Representatives Crozier, Leong and Apo.

A concurrent resolution (H.C.R. No. 125) relating to student rights and responsibilities and academic grievance procedures at the University of Hawaii was jointly offered by Representatives Hagino, Apo and Okamura.

A concurrent resolution (H.C.R. No. 126) requesting the public schools of the State to dedicate the song: "Eia Makou" to the Silver Jubilee Statehood celebration was jointly offered by Representatives Crozier, Leong and Apo.

## THIRD READING

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

S.B. No. 1707-84, HD 1:

On motion by Representative Say, seconded by Representative Andrews and carried, S.B. No. 1707-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", passed Third Reading by a vote of 47 ayes, with Representatives Baker, Kihano, Morgado and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 1707-84 had passed Third Reading at 1:30 o'clock p.m.

S.B. No. 2180-84, HD 1:

Representative Say moved that S.B. No. 2180-84, HD 1, having been read throughout, pass Third Reading, seconded by Representative Andrews.

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

"Mr. Speaker, Senate Bill 2180-84,

HD 1, relating to coastal zone management includes a passage beginning on line 22 of page 8 and continuing to line 2 of page 9 which states: 'Such a finding of consistency does not preclude concurrent processing where a general plan or zoning amendment may also be required.'

Taken within the contents of the overall bill, this passage basically states that if a proposed development is inconsistent with the general plans and zoning of a county, that the operator would be allowed to request an amendment to these general plans and zoning at the same time that he seeks approval for his project. Such a concurrent processing of a request for approval of a project and a general plan or zoning amendment opens the door for private special interest to unduly influence the planning and zoning process.

The purpose of general plans and zoning is to recognize and state the major problems and opportunities concerning the social, economic and environmental needs of the community, and to set forth the desired sequence, patterns and characteristics of future developments. These plans are approved with public input and are meant to provide for the public good. General plans and zoning should not be changed on the basis of requests for approval of specific projects.

In closing, I wish to state that I am not convinced that under this bill special interest would not play a major role in pushing for a general plan and zoning amendments in order to allow approval of a proposed development. I believe that approvals for development should be based on existing plans and zoning. If these current plans and zoning are not in the public interest, the amendment should be made before a specific development is approved. We need to show the protection of Hawaii's unique and limited coastal resources and fulfillment of the present and future recreational needs of Hawaii's people. Because I believe the present form of the bill undermines the idea behind the planning process, I oppose the bill.

Thank you."

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

"Mr. Speaker, I believe that this bill violates the spirit and intent of the planning process. We have a

State General Plan; we are in the process of adopting functional plans, and at the City or the County level, this general plan, development plans and land zoning.

I have no objections to concurrent processing of SMA permits with zoning; however, to make it concurrent with the general plan, I believe, shortens the planning process. It makes general planning, rather than a long range planning tool, just another step in the zoning process. There is not the looking ahead over several years to decide whether whatever is being applied for is in the best interest of the State, of the County, and of the particular area. That is what the planning process is about.

The zoning process is the level at which specifics are laid out and I believe that it is at that level that the concurrent processing is reasonable. However, to do it at an earlier stage really does, in my opinion, violate the planning principles, the planning process.

Thank you, Mr. Speaker."

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

"Mr. Speaker and members of this House, what this bill does is that it allows for the additional desecration of the environment with respect to the shoreline.

During the public hearings which has been held with respect to Senate Bill 2180-84, HD 1, we had a planning commissioner, former planning commissioner and presently Council member of the Maui County Council, who testified that when the limit of this bill was at \$25,000, what the developers did in Kaanapali was to incrementally put in sidewalks and walls less than \$25,000, and as the planning commissioner. . . as the former planning commissioner, he saw this as a circumvention of the law.

The intent of the law is very clear, members of this House, and we are here to set policy and we expect that such policy should be adhered to and not circumvented as in the case with these resort developers.

Mr. Speaker, this bill originally intended to raise the value from \$25,000 to \$65,000. Two years ago, it was raised, and this bill intended to raise it to \$100,000 but with the objection of the committee members, it was kept at \$65,000.

Mr. Speaker and members of this House, on page 4, item (xiii), on line 19, in Senate Bill 2180-84, HD 1, a new section is added that reads: 'Installation of underground utility lines and appurtenant aboveground fixtures less than four feet in height along existing corridors;' are to be added. Mr. Speaker and members of this House, when you take into account the total picture of laying these underground utility lines and installing fixtures less than four feet in height, and taking into account with the concurrent processing on page 8 of Senate Bill 2180-84, HD 1, the overall picture, in my view, is this: The landowner can now subdivide his property without an SMA. The landowner can now lay underground utility lines and construct appurtenant fixtures less than four feet in height along the existing corridors. Most structures less than four feet in height, members, in my view, are fire hydrants. There are also junction boxes for electrical lines that are under ground. They can be cleaned out for the existing sewer lines. They can be curbing; they can be gutters; they can be roads along existing corridors.

At no time in this deliberation was the existing corridor established. Is that a driveway? Is that a dirt road? Is that an existing road? Is that a footpath? At no time was the existing corridor established. But the inclusion of laying of underground utility lines and fire hydrants, for example, and if they are over four feet in height, I guess we are going to have to kind of sink um in the ground. And laying of these so-called curbing and gutters along existing corridors, as if to say such a finding of consistency does not preclude concurrent processing where a general plan or zoning amendment may also be required says this in my view, that the landowner can now go ahead and subdivide his land. He can now go ahead and lay the electrical lines, the fire hydrants, and then he can now go ahead to the planning commission and say, hey look, can we ease down this land concurrently, inasmuch as there is some vested rights with respect to what I have done with my property.

Mr. Speaker and members of this House, I would like to read you the Senate Journal, Standing Committee Report of 1973, from the Committee on Ecology, Environment and Recreation on Senate Bill No. 929, and it reads: 'Coastal areas throughout the nation have been subjected to the pressures for residential, commercial and

recreational uses which often result in negative ecological and social impacts. In response to concerns for means to preserve and protect the shoreline and coastal waters, the United States Congress enacted Public Law 92-583. This Act authorizes and encourages coastal states like Hawaii to develop plans of coastal management. Your Committee finds that this bill reflects a move toward implementing the Act.'

Mr. Speaker and members of this House, I do not intend to infer in any way that a coastal area should not be developed. What I mean to re-establish, at this point, is this -- that there have been circumventions of our coastal shorelines, and SMA permits have been abused and continue to be abused. And in my home on Molokai, I can point to you tangible examples where minor permits, and that is what this bill talks about -- shoreline management minor permits are being abused and the guys that hope that no one will find out, and that such cumulative. . . cumulative impact is what needs to be clarified, and not this carte blanche laying of utility lines and construction of structures less than four feet and concurrent processing.

We have a process that is already set in Hawaii. It is a good process in spite of its abuses, and I would recommend to the members that they vote this bill down.

Thank you, Mr. Speaker."

Representative Andrews then rose to speak in favor of Senate Bill 2180-84, HD 1, stating:

"Mr. Speaker, Senate Bill 2180-84, HD 1, is another step in our State's ongoing process to relieve the little man from the excessive delays and cost of the over regulation that exist in our State today.

Senate Bill 2180-84 originated in this body with Act 126 of the 1982 Legislature. Act 126 requested a review of the coastal zone management act of 1977. This review was requested in light of the increasing awareness that over regulation does little to protect the environment but places immense roadblocks in the way of diversification of our economy and forces a continued reliance on those industries that place an ever increasing burden on our coastal areas.

The Director of the Department of Planning and Economic Development says this best in his introduction to



the report from which Senate Bill 2180-84 was written. I quote: 'Unchecked, regulatory programs can result in an overwhelming burden to economic development. With this premise, I believe that this assessment of the coastal zone management law is particularly timely. In this way, we can assure that its orientation provides the much needed perspective to streamline and simplify the permit process to help economic growth while preserving the environment which makes Hawaii a desirable place to live.'

In the final analysis, Senate Bill 2180-84 makes changes to the coastal zone management act in ways that mostly make changes to assist the little guy in his plight to survive the continued burdens of excessive government regulation.

The major changes made were: (1) Additional exemptions which include the installation of underground utilities; land subdivision of four or fewer parcels with no associated construction activity; improvements to existing single-family residences; and non-structural improvements to commercial structures; (2) It clarifies 'emergency permits' to allow reconstruction of structures damaged by natural hazards. This is to alleviate the problems that came about to the residents of Kauai, Waianae, and Ewa Beach during Hurricane Iwa; and (3) It clarifies that concurrent processing is permitted. This process is already occurring in every county except there is some questions regarding this on the island of Hawaii.

Mr. Speaker, these changes have little effect on major developers, who, even with the changes proposed today will always come under the scrutiny by way of the C.Z.M. process.

Mr. Speaker, your Committee on Water, Land Use, Development and Hawaiian Affairs recognizes how over regulation places immense burdens on the little guy. Not only with the passage of Senate Bill 2180-84, but this Committee also passed out a bill which I support and is supported by those troubled by the amendments proposed here today. This is Senate Bill 1890-84 which, in the words of the Senate Committee Report -- 'The subdivision, if developed, is to be exempt from zoning, construction, subdivision, and development standards of all statutes, ordinances, charter provisions, and rules of any governmental agency. . .'

This bill addresses the concerns of

a small village on the Big Island. A small village that got caught up in the excessive and over-burdening regulations of government.

Mr. Speaker, I remind you that it is people like this -- the ones who cannot afford the attorneys and high priced consultants -- who suffer the most every time we add a new layer of regulation.

This bill, Senate Bill 2180-84, HD 1, provides for the discretion on the part of the counties to assist this little man when there will be no adverse environmental impact to our shoreline areas.

Mr. Speaker, Senate Bill 2180-84, HD 1, is a good bill, and does nothing to distract from our environmental concerns while it takes steps to relieve some regulatory control from those who are hurt by it most.

Thank you, Mr. Speaker."

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

"Mr. Speaker, I feel that it is premature for us to pass these recommendations at this time. In the 1983 legislative session, at the request of leadership, a resolution was submitted as part of the Majority package to have the EEE Committee do a comprehensive review on the C.Z.M. and to report back its findings.

During the interim, the Committee attempted, on numerous occasions, to hold such a hearing and was told by the Department of Planning and Economic Development that they were not through with the report and that we should put it off.

The report was submitted to us during this session. Most of us, if not all of us, have not really had a chance to thoroughly review that report. I had a chance to glance at it when this bill came up for hearing.

In one of the recommendations which is to increase the dollar amount from \$65,000 to \$100,000, it states in the report for this recommendation as well as for many of the others that these are just interim measures until guidelines are established. I think it is important for us to hold such a review to request and require that the guidelines be established before we do these kinds of band-aid approaches.

Thank you, Mr. Speaker."

Representative Hee, in rebuttal, stated:

"Mr. Speaker, I would just like to point out that, for us, that we use the little guy with respect to passing legislation. For us, we look at the little guy and how we are going to help the little guy. Mr. Speaker, I point out to you and members of this House, there are not too many little guys on the beach left anymore.

And I would point out to you and the members of this House that insofar as subdividing a single-family, the little guy, the single-family guy, that such SMA permit processes are not needed presently.

I would point out to you, Mr. Speaker, the four little guys at Papuaku ranch lands on Molokai -- the last, the only white sand beach -- have come in for subdivision of conservation lands and we have granted a minor permit. The four little guys were also granted the right to put fences on the walls no more than six feet in height which may be permitted along a 40-foot shoreline setback. These are four little guys. What the permit does not say is that these are four of fifty-six little guys, and then four more guys can put up six foot walls along the shoreline, and these walls conceivably could be hollow tile walls. And when the fifth little guy says, I want to do this too, that the Planning Director will have a very difficult time saying, number five, I am sorry. But he would probably say, you may, because you will have the right to secure your property inasmuch as you are a little guy. And when the seventh and eighth and twenty-eighth and thirty-eighth and forty-eighth and fiftieth and fifty-sixth persons comes in and says, Mr. Planning Director, I am a little guy. I will secure my property. I will put a six foot hollow tile wall just like the fifty-five neighbors that I have. What we have now, cumulatively, is a corridor of sixty hollow tile walls along the only beach on Molokai, and I will be damned that when I am a little guy and I walk with my little child and walk on the beach and say, you know, son, when I was in the Legislature, that beach was open to everyone; that this was conservation land; that the intent when the people sold these lots were so that everyone would enjoy the beaches. And I speak as a little guy, Mr. Speaker.

Thank you very much."

Representative Say then rose to

speak in favor of the bill, stating:

"Mr. Speaker and members of this House, this afternoon I want to give you a point from the County Planning. The SMA is a State mandate whereby it is implemented by the Planning Commission and the City Council. The background at the beginning is that all proposed activities within the special management area must be reviewed by the County agencies.

The activities stated this afternoon may be under certain conditions.

First, it may be exempted by the Planning Commission or the City Council. It may be granted in minor permit, and last but not least, it may be granted a required major permit.

The review criteria in all three actions are the same. The major consideration in an exemption is that the proposed activity will have a significant adverse impact on the special management area. That is your safeguard.

The procedures on all three applications are somewhat different. An exemption for a minor permit after it has been deemed that there will be no significant impact may be granted over the counter as a ministerial type of operation and within a day, administratively. A major permit may take at least 120 days and is granted by the Planning Commission or the City Council.

The intent of one particular exemption this afternoon which is to exempt four lot subdivisions when there is no construction activity involved from the minor or major permit process, and the basic rationale or safeguard in this particular procedure is that the amendment here is that there will be no environmental impact since no physical construction activities are involved.

Let me say this afternoon that the exemption is not granted automatically and it is a subject to a provision which is in the Coastal Management Act at the County level, Section C. Whenever the authority finds that any use may be an activity is or may become a part of a larger project, the cumulative impact of which may have a significant environmental or ecological effect on the SMA, that use will be defined as a major development, Mr. Speaker.

In conclusion, the proposed

amendment for this particular exemption gives the counties the latitude and the discretion to streamline a review process without violating the intent of the SMA review process through safeguards firmly contained in existing State statutes as well as County requirements related to land use policy, zoning and subdivision rules and regulations.

One of our colleagues here this afternoon spoke in regards to the hollow tile walls that may be constructed but in our Hawaii Revised Statutes, we have a section whereby we try to protect things like this which is the area of the seawalls which was discussed at our public hearing for decision making.

I can feel the concerns for our members here and colleagues, Mr. Speaker, but the bottom line here is that it is up to our County Planning Commission who has the final approval or disapproval along with our City Council. If you take the hypothesis that they are corrupt or dishonest, I think it would be upon ourselves to go out and talk to the general public that the City Council is what you feel is maybe. . . I don't want to use that word because it is all tied to us here anyway, Mr. Speaker, but they have that opportunity as far as electing the Mayor, electing the City Councilmen, and even getting at the Planning Director who is the Chairman of the Planning Commission.

It is not the intent this afternoon to circumvent any type of process that we have ongoing right now, but only to streamline a problem that some of our local residents have in this State. Where do you draw the compromise, Mr. Speaker, at this time I really don't know, but I would like to urge all of my members to support this particular measure at this time and it is a measure that we compromised a lot as far as the Chairman of the State General Planning and myself.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 2180-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", having been read throughout, passed Third Reading by a vote of 37 ayes to 11 noes, with Representatives Hagino, Hee, Ikeda, Isbell, Kim, Levin, Marumoto, Menor, Nakata, Okamura and Tam voting no, and Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 2180-84 had passed Third Reading at 1:55 o'clock p.m.

S.B. No. 1532-84, SD 1, HD 1:

On motion by Representative Say, seconded by Representative Andrews and carried, S.B. No. 1532-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 1532-84 had passed Third Reading at 1:56 o'clock p.m.

S.B. No. 1788-84, SD 1, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, S.B. No. 1788-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL FUND EXPENDITURE CEILING", passed Third Reading by a vote of 47 ayes to 1 no, with Representative Andrews voting no, and Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1709-84, SD 1, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, S.B. No. 1709-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1788-84 and 1709-84 had passed Third Reading at 1:57 o'clock p.m.

At 1:58 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:00 o'clock p.m.

S.B. No. 2072-84, SD 1, HD 1:

On motion by Representative

Stanley, seconded by Representative Tom and carried, S.B. No. 2072-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 9, OF THE HAWAII CONSTITUTION, TO PROVIDE FOR THE METHOD OF PAYMENT OF LEGISLATIVE SALARIES", passed Third Reading by a vote of 44 ayes to 4 noes, with Representatives Bunda, Crozier, Hagino and Kawakami voting no, and Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1729-84, SD 1, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 1729-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 2072-84 and 1729-84 had passed Third Reading at 2:01 o'clock p.m.

S.B. No. 1732-84, SD 1, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 1732-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FAMILY COURT", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 784, SD 1, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 784, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 2203-84, SD 1, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 2203-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSTITUTIONAL AMENDMENTS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1732-84, 784 and 2203-84 had passed Third Reading at 2:02 o'clock p.m.

S.B. No. 2206-84, SD 1, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 2206-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOTER REGISTRATION", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1733-84, SD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 1733-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 2208-84:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 2208-84, entitled: "A BILL FOR AN ACT RELATING TO CONGRESSIONAL DISTRICTS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 2206-84, 1733-84 and 2208-84 had passed Third Reading at 2:03 o'clock p.m.

S.B. No. 1726-84, SD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 1726-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 2085-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 2085-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PRO-

PERTY REGIMES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1874-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1874-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1726-84, 2085-84 and 1874-84 had passed Third Reading at 2:04 o'clock p.m.

S.B. No. 1740-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1740-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSING", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1560-84, SD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1560-84, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF MEDICAL EXAMINERS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1565-84, SD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1565-84, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1740-84, 1560-84 and 1565-84 had passed Third Reading at 2:05 o'clock p.m.

S.B. No. 1555-84, SD 1:

On motion by Representative Shito, seconded by Representative Kim and

carried, S.B. No. 1555-84, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRACTICE OF VETERINARY MEDICINE", passed Third Reading by a vote of 47 ayes to 1 no, with Representative Anderson voting no, and Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1872-84, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1872-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1555-84 and 1872-84 had passed Third Reading at 2:06 o'clock p.m.

S.B. No. 1745-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1745-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACUPUNCTURE", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1815-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1815-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 47 ayes to 1 no, with Representative Marumoto voting no, and Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1835-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1835-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS", passed Third Reading by a vote of 47 ayes to 1 no, with Representative Menor voting no, and Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1745-84, 1815-84 and 1835-84 had passed Third

Reading at 2:07 o'clock p.m.

S.B. No. 1846-84, SD 1, HD 1:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, S.B. No. 1846-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 1846-84 had passed Third Reading at 2:08 o'clock p.m.

At 2:08 o'clock p.m., Representative Anderson asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:10 o'clock p.m.

S.B. No. 1540-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1540-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARING", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1877-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1877-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1540-84 and 1877-84 had passed Third Reading at 2:11 o'clock p.m.

S.B. No. 1702-84, SD 1, HD 1:

Representative Shito moved that S.B. No. 1702-84, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kim.

Representative Bunda then rose and requested that his remarks, against the bill, be inserted into the Journal and the Chair, noting that there were

no objections, "so ordered."

Representative Bunda's remarks are as follows:

"Mr. Speaker, I rise to speak against Senate Bill 1702-84, SD 1, HD 1, which would require insurance companies to issue no fault decals to their customers for adhesion to insured vehicles.

Mr. Speaker, as I've stated previously in my speech against H.B. 1913-84, HD 2, I agree that we must address the uninsured motorist problem of the State. However, I again question the regulatory method being resurrected under this Senate bill. Furthermore, I question the propriety of the legislative process being used to further Senate Bill 1702-84.

Senate Bill 1702-84, as passed by the Senate and forwarded to the House, would have established a procedure to retrieve no-fault identification cards after a policy cancellation.

I believe that this procedure as originally proposed by the Senate would have been a positive step in improving enforcement of our State's uninsured motorist laws.

Mr. Speaker, while I think the uninsured motorist problem will always exist to some extent, I believe the methodology involving the retrieval of no-fault identification cards would bring us closer to the alleviation of the problem.

Senate Bill 1702-84 in its current form awaiting our approval today presents a number of problems.

First, the proposed no-fault decal legislation will compel insurance companies to raise insurance premiums to cover the costs related to implementing the decal provisions of this bill. For example, the initial production and issuance of decals will involve additional costs which in all probability will be passed on to the consumer.

Second, administrative problems such as installment payments requiring the issuance of short term decals, the issuance of decals for subsequent renewals, and vehicle sales and transfers will significantly add to those costs which would be passed on to the consumer.

And third, I must, Mr. Speaker, disagree with the Standing Committee

Report which again states that uninsured motorists comprise of 19.4 percent of drivers in Hawaii. This is inaccurate and misleading because it is 19.4 percent of all vehicles, not drivers in Hawaii that are uninsured. This simply overstates the magnitude of the problem.

Yes, the uninsured population exists, but it is not as great a problem as one would be led to believe based on the Committee Report. As has been reported, our uninsured claim frequency is very low.

Mr. Speaker, members of the House, you must look into the effects that this bill will have if it becomes law. I urge you once again to vote against a decal bill, Senate Bill No. 1702-84, SD 1, HD 1.

Thank you."

Representative Kiyabu-Saballa then rose and stated:

"Mr. Speaker, I feel I would not be consistent if I did not rise to speak against this bill but rather than take up a lot of our time, I would just like to say that I still think this is a very bad piece of legislation and I have high hopes that 26 of my colleagues here tonight have had a chance to take a look at this bill and will vote no on it.

And I would also like to have my previous remarks inserted into the Journal."

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

Representative Kiyabu-Saballa's remarks against H.B. No. 1913-84, HD 2, are as follows:

"Mr. Speaker, I have to object to a bill that will cause agents to be policemen, thus creating an adversary relationship with the very people they wish to serve. And if something happens where the agent or his office manager, or secretary, might foul up, it's going to cost him a thousand dollars.

Today, auto insurance is a paper mill. There are changes occurring all the time -- change of car, cancelling the car, added coverages, notifying the finance company, changing address -- it just goes on and on.

Now, if this law should come into effect, the agent and his people will have to start accumulating scraped off

decal from their policyholders. If they don't bring them back, they don't get their money. It just doesn't seem legal or right to me. In addition, the agent must stock his office with thousands of these decals so that people can get one immediately upon purchase of a new vehicle. The safety of these decals is a worry as they are worth thousands of dollars as they represent a premium payment. The insured is probably worried that someone will steal it off his front window, but there is also the fear on the agent's part of being robbed or burglarized and I don't think the fear is unwarranted.

I feel our insureds pay enough money now. An insurance agent has to collect, identify, put it in an envelope, pay postage to the company which you are talking about thousands of transactions each year, and it is going to cost extra dollars.

I don't know whether you realize it or not, but at least 20- to 25 percent of all insureds change cars each year. That means that 100,000 people in the State will be needing new decals for these changes. Can you imagine the activity?

I realize the purpose of this legislation is to discover uninsured motorists, but what a messy way to do it. It is no wonder other states have rejected this solution. Right now, our police officers are issuing 181,767 moving violations; 129,903 non-moving citations; 557,381 parking citations; 33,000 accidents.

It makes a lot of sense to me to ask every person who gets a ticket or accident for this ID card and fine these people. Surcharge them and make them file an SR 22 which is the financial responsibility certificate guaranteeing their insurance for the next three years at a surcharge rate. These are the people that we should go after. Let the guilty pay -- not the good policyholders. I realize the ID card is not full proof, but it's a lot better than the decal that is suggested. And evidently, from the record that we compared to other states, it has done a good, not an excellent job, just a good job.

From figures reported, Hawaii has very few uninsured motorist claims and many of these claims are hit and run claims where you can't identify the driver anyway. No law will correct this.

If hundreds of thousands of moving citations and accidents occur each

year, then why can't the police just check these people and leave our good policyholders alone. Let those who violate the law pay. I don't want the people in my district to pay one more penny for insurance than is absolutely necessary. The cost of living in this State is high and many people of the lower income group have to scrape now to get their premiums together, but they do so and they are, in my thinking, the best people in any place. The people in this State are good, honest, and law-abiding. I will not say that all of them are, but most of them are. There are a few bad ones, but let us not overkill and mess up everybody just for a few.

I understand a study committee made good recommendations for a change but without a decal. Why wasn't this used and the decal forgotten? What is so sacred about a decal, especially when it is such a burden and so controversial? As far as the cost is concerned, anyone can hold up a no-fault card next to a decal and the cost difference is just obvious.

Right now, the no-fault cards are all computerized and more than likely the decals will have to be contracted out. Of course, there will be an added expense. Don't kid yourself.

We already are paying the cost for every DSSH person that owns a car, and now, we are going to be asked to pass a law that will again hit the pocketbooks of our constituents. I now have to ask my colleagues here to really look at this bill and really see if you can go back to your constituents and say you are doing it for them. I am voting no and I want you to vote no with me.

Thank you."

Representative Shito then rose and requested that his remarks on House Bill No. 1913-84, HD 2, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Shito's remarks are as follows:

"Mr. Speaker, I rise to state, relating to motor vehicle no-fault insurance, the number of uninsured motorists has escalated from 78,000 in 1979 to 129,000-plus in 1982, representing a 19.4 percent increase of drivers in Hawaii who are uninsured. Whereas the no-fault motor vehicle insurance law is mandatory,

this is an unacceptable percentage of uninsured motorists running around on our streets and must be dealt with immediately. We cannot, as legislators, turn our backs on this problem in hopes that it will go away for it will not, given the current trend.

House Bill No. 1913-84, House Draft 2, is an attempt in the right direction to reduce the frightening numbers of uninsured motorists. This bill will set up a decal system with its main focus on visibility and will thereby expose the automobile as being insured or uninsured and whether the policy has expired.

The fine has been increased from the minimum of \$100 to \$350. The \$350 fine reflects the average cost of a no-fault insurance policy and thereby acts as a deterrent.

Mr. Speaker, this measure was before us last year and was passed by both houses. This indicated the legislators' concern upon the escalating number of uninsured motorists. This measure was subsequently vetoed by the Governor because of technical difficulties. With this in mind, House Bill 1913-84, House Draft 2, has removed those provisions from the bill which was the basis for the Governor's veto. In its present form, the counties and the police have testified favorably for this measure to be enacted. It is the insurance company that have fought this measure because they do not want to disturb the present system they have. Ironically, it is the system of issuing no-fault ID cards that has created this problem that exists today.

Let me elaborate what I mean by this.

The insurance company will issue a six-month ID card and policy whether it has been paid in full or not. Subsequently, the card will be used to get the driver's license plate, safety check, and when this is done, the driver will let the policy lapse. To prove this point, Mr. Speaker, the police, during 1982, issued 14,035 citations for no-fault insurance violation, and in 1983, 14,570 citations. Bear in mind that these citations were for moving violations or in the case of an accident, many of these cases revealed that they had a card but the policy has lapsed.

Mr. Speaker, this bill is not an intent on harassing the law-abiding motorists but only those who violate



the mandatory law. With that in mind, why shouldn't we make it difficult as possible for these law violators?

Opponents of this measure will say that this will dramatically increase the cost of insurance which will be passed on to the consumer. This is not true. The decal that is presently used by the City and County of Honolulu for safety check is seven cents per decal.

Currently, all of the driving motorists in Hawaii pay a proportionate share for the welfare recipient so as they can drive their cars for working purposes. In addition, Mr. Speaker, each motorist contributes one dollar for the high school driver education program. What is unacceptable, however, is when the insured motorist, under the mandatory no-fault law, must pay another ten to twelve dollars to protect himself from uninsured motorists.

Mr. Speaker, the Hawaii No-Fault Insurance Law was enacted to reduce the premium of the insured motorist. We have, however, seen continuous increases since the law was enacted in 1974.

Mr. Speaker and members of this honorable body, if the Legislature really wants to reduce the spiraling number of uninsured motorists on our highway, I urge you to vote aye on House Bill 1913-84, House Draft 2.

Thank you."

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

"Mr. Speaker, there is a major contradiction in this bill -- provision number three in the report on page 2 makes a statement: 'To provide that this section shall not apply if the insured is engaged in a business as a licensed automobile dealer.' And yet, on page 7 of the bill, it says that, 'This section shall not apply if the insured is engaged in a business as a licensed automobile dealer, provided that the insured shall display on a vehicle for sale which leaves the insured's premises, a decal of such size, color, and print size, and which shall include the month of expiration of the no-fault policy. . .'

So, it says on one hand that the cars are exempt and on the other hand, that the cars had to have the decal bill on it to leave the lot. This is a major contradiction.

For those of us who understand insurance, we are going to ask the question here: How does the person then get a decal? Does he call his agent over the weekend when most cars are sold? Does the agent then have to come down to the dealer's lot with a decal in order to confirm the ownership of the car? This is in case the man buys the car and he wants to leave the lot. How does he leave the lot? His agent has to come down with the decal bill. He has to bother his agent over the weekend. This is not possible. There are at least 150,000 car transfers per year on a transfer of ownership.

Today, without a decal problem, the insured motorist is provided thirty days coverage when he transfers the car or even calls the agent to confirm the coverage over the phone for the dealer's benefit. Now, if you were to take the car off the lot without a decal, it is impossible to administer. If the car does go off the lot, the dealer can be fined between \$350 and a thousand dollars. And I will go on to say that the dealers have not been able to testify against this position; it is going to hurt the dealers. And also, how can these cars be test-driven if we say in the law it is against the law for the car to leave the lot without a decal on it?

By the way, Mr. Speaker, I just had a decal put on my car today because I had my car safety checked and they asked if I had my no-fault card and I did and they put a decal on there. So, therefore, a second decal is not necessary.

Also, I have become aware and that is, for those of us who have voters, who have tinted windows are going to possibly lose some votes because the scraping off of the old decal will also damage the new type of window tinting that is being put on some of the windows, and as it says here on page 7, 'The insured shall affix the decal to the center top interior of the front windshield of the insured motor vehicle,' which is where tinting is. So, those voters who do tint will be upset with us.

And just a little last comment, Mr. Speaker, and that is that everyone in this bill says, let us be reminded that we put all the insurance agents who insure us, the small businessman who is trying to make a living at this, at least, could be fined \$1,000 to \$10,000 for an infraction of this bill.

Thank you, Mr. Speaker."

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

"Mr. Speaker, actually, it is more to clarify certain points that were made by the previous speaker.

Number one, he mentioned that the person who buys a vehicle on a weekend -- how is he going to get a decal? I think he faces the same problems today -- how is he going to get an insurance certificate card? He would have to make those arrangements in the same way that he would have to make with the present insurance of a card so, no card, he is not supposed to be driving out of that lot. But you can see that this is what is probably what is happening today. You don't know who is carrying that insurance, drive out of that lot, and that certificate is in his pocket. You don't know whether he has insurance or not. With a decal, it would be up front.

Secondly, I believe that the dealer's concern was to provide him with such a decal that would be pretty much the same as we issue them a license plate in a demonstrator process. If you have an automobile that a person wants to drive out as a demonstrator, he would be given a license plate which says 'D' on it as a demonstrator. The same thing with the decal. All of these vehicles would be insured on a blanket fleet policy but because of the problem that they would face of transferring this decal to each car and whereas each buyer would have to take out his own insurance, this decal would be designed in such a way that he can hang it in the interior of his car; perhaps on the left front door, so that he can indicate that he has insurance with a decal which is not necessarily pasted to the window. In this way, he would meet the requirements of the law.

And the other is. . .I believe the previous speaker brought up a very different color to this matter in saying about the tint that he didn't mention in the last bill that we just passed out of the House. I believe again. . .I don't think we give enough credit to the people who will be designing these decals and in designing the decals, I believe all these considerations of how a person would remove a decal would have to be considered. In that way, I believe we have addressed some of the concerns of the previous speaker.

Thank you, Mr. Speaker."

Representative Souki then rose and stated:

"Mr. Speaker and members of the House, I wish to speak against this bill.

I believe that we currently have an existing law that is a very good law -- the No-Fault Law. It has a decal and we also have the second best record in the nation in violations. It should be known that the state of Kentucky that had a decal law recently had it repealed because they found it too burdensome.

So, I wish the members of this House here to reconsider their action when the House Bill came by and consider that we have a current law. If you find the law to be insufficient, then amend that law and fix it, but do not add another burdensome regulation to the many that we already have.

Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I, too, feel that we have enough regulations. I don't think this is a bad bill. It is just one that I personally cannot support because of the regulation; because I also believe that it is unenforceable. Normally, if a police officer is going to give us a ticket for not having a decal and we are doing thirty-five or forty-five miles an hour coming down the highway, if you have something in your window that looks like a decal, you won't get a ticket, even though you are not insured and I personally am insured and for the small percentage of people that are not insured, we are going to have another regulation put up on them.

For that reason, Mr. Speaker, I am against the bill and I am sure that the people who are my insurers are going to find another cost and they are going to pass it on to me, to you, and to all of our constituents. So, for that reason, I would hope that you would reconsider.

Thank you very much, Mr. Speaker."

Representative Tom then rose and requested that his previous remarks in support of the decal bill (H.B. No. 1913-84) be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Tom's remarks are as follows:

"Mr. Speaker, I support House Bill 1913-84, House Draft 2, requiring all insurers to issue for each insured motor vehicle a no-fault decal readily visible on every automobile on the center of the windshield which will show the existence of a current no-fault decal evidencing the existence of a current no-fault policy.

Now, as I sat here this evening listening to the pros and cons, I wondered to myself, should I speak for this bill because I am sure that no one would want me to drive a car with or without a no-fault decal on it, or even an ID card, but I feel compelled to speak on this matter.

My concern is twofold, Mr. Speaker. I personally feel that the consequences of driving a car, an uninsured car by no-fault, is just as dangerous and hazardous and should be given the same, equal kind of attention as attempting to pass legislation to keep drunk drivers off our streets.

You know, we have a lot of legislation regarding drunk driving laws but not enough attention seems to be given to our uninsured motorists who are just as capable of hurting others without being insured, leaving very little recourse, leaving very little compassion, to the injured victim and even the uninsured driver.

Mr. Speaker, secondly, as an attorney in private practice dealing in civil matters, the avenue of redress to the injured victim is frustrated when struck -- literally, physically struck by an uninsured motorist. The statutes bother me, Mr. Speaker. We are talking about 130,000-plus uninsured motor vehicles. To put it in another way, we are talking about 19.4 percent of our drivers are driving without no-fault insurance. Why should the majority of our law-abiding citizens in this State driving with insurance, have to be subjected to drivers who are uninsured and who are undetected. The only way to lick the problem, Mr. Speaker, is to bring this out, to establish laws aimed at the detection, enforcement, penalization, and getting our uninsured motorists off the streets.

Mr. Speaker, I hear about 49th in the nation. Does that still make it right for people to drive without insurance? I hear about financial costs. let me tell you, I am willing to go back to my district in Kaneohe

and say, hey, you may have to pay a little more, but isn't that worth. . . isn't that dollar worth the expense of saving human lives and keeping people off the streets who are uninsured? I say it is.

Thank you very much, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 1702-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE", having been read throughout, passed Third Reading by a vote of 33 ayes to 15 noes, with Representatives Albano, Anderson, Andrews, Bunda, Hagino, Hashimoto, Hee, Ige, Jones, Kiyabu-Saballa, Marumoto, Menor, Okamura, Souki and Yoshimura voting no, and Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 1702-84 had passed Third Reading at 2:22 o'clock p.m.

S.B. No. 2087-84, SD 1, HD 1:

Representative Shito moved that S.B. No. 2087-84, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kim.

Representative Andrews then rose and stated:

"Mr. Speaker, for the record, may I show that I am voting for this bill, with reservations, and those reservations regard the two percent cap on the renegotiation of agreement of sales. Actually, this will be very detrimental to the form of credit financing that we have in this State.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 2087-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST", having been read throughout, passed Third Reading by a vote of 44 ayes to 4 noes, with Representatives Hashimoto, Kiyabu-Saballa, Levin and Morgado voting no, and Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1867-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1867-84, SD 1, HD

1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 2087-84 and 1867-84 had passed Third Reading at 2:23 o'clock p.m.

S.B. No. 1868-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1868-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1694-84, SD 1, HD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1694-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION", passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives Dang, Jones and Marumoto voting no, and Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1562-84:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 1562-84, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1868-84, 1694-84 and 1562-84 had passed Third Reading at 2:24 o'clock p.m.

S.B. No. 2157-84, SD 1:

On motion by Representative Shito, seconded by Representative Kim and carried, S.B. No. 2157-84, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL OPERATORS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 2157-84 had passed Third Reading at 2:25 o'clock p.m.

At 2:25 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 2:26 o'clock p.m.

S.B. No. 761, HD 1:

On motion by Representative Stanley, seconded by Representative Chun and carried, S.B. No. 761, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 761 had passed Third Reading at 2:27 o'clock p.m.

S.B. No. 1854-84, HD 1:

Representative Stanley moved that S.B. No. 1854-84, HD 1, having been read throughout, pass Third Reading, seconded by Representative Tom.

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

"Mr. Speaker, it is a bill like this one that makes me realize what year we are living in. This is indeed 1984, and this is a very Orwellian bill. It calls for far greater secrecy in government than we need. I know that the proponents of this bill, as well as opponents like myself, can come with many examples of why this bill should pass or why it should not pass.

For example, the investigative committee that investigated the heptachlor situation was used as an example as to why this bill should pass. It was proposed that they may be witnesses, or people who had information, that would like to come to the legislative investigating committee and bring forth such information and they needed confidentiality.

I, too, can think of examples against that. But rather than get into pros and cons over specific examples as to why this is a good or bad bill, we must look at the real

basis and the fundamental aspect of this bill. Should government, and in particular, should this branch of government -- the legislative branch of government -- should it become more secretive, more confidential, and somewhere down the line, more tyrannical and more impressive?

I think this bill leads the way for that, Mr. Speaker. It will become very tempting for us for interim session work, or even during the session, to label a particular committee -- a legislative subcommittee -- as an investigatory committee thereby cutting off the public and its representatives for finding out what is happening before that body. We must prevent that kind of abuse and it is a fundamental basis of why I oppose this bill. Most importantly, for all of us who are in the Legislature, the legislative branch, of the three branches of government, is the most open form of government that we have for the people. It is democratic and we should strive as much as possible to keep it as open and as public as we can possibly make it.

I urge all of you to vote against this bill.

I would also like to make one point that was brought up in caucus that if you are not a member of the legislative investigating committee, and you are merely a member of this body, you will not be privy to that information except on the approval of the leadership of the House or the Senate. And I think that this is cutting off our own colleagues, someday maybe yourself, from the kind of information that you would like to know about.

I urge all of you to vote against this bill. The evil that it presents is far greater than the simple ease of access information that we would want it to have.

Thank you."

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

"Mr. Speaker, I would like to point out that the previous speaker has made some important points and I take those points, turn it around and argue for the bill.

I think by clearly stating the limits and the perimeters of legislative investigative committees, that it will have a fact and a dampening effect on the use of those committees that we will see fewer of them than ever

before because we are so cognizant of our public responsibility to be open and accessible. So, rather than having a 1984 effect, I think this bill, in some measure, has a very liberating and opening effect.

Thank you."

Representative Hagino rose in rebuttal, stating:

"Mr. Speaker, this is the very thing that Orwell warned us against -- war is peace, you know, confidentiality is openness. This is the very thing he warned us against and it is only fitting that we pass it, I guess, in this year. I think it is an outrageous bill and I've had proof of it just before me."

At 2:31 o'clock p.m., Representative Anderson asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:34 o'clock p.m.

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

"Mr. Speaker, there are several things about this particular bill that cause me a great deal of concern, and it causes me concern because I believe that the impact of the bill could significantly undercut the important values to be furthered by open and public debate. I think that the way it does that is that there are various particulars in this bill that may prevent the disclosure of information which may be very helpful to the decision-making process here in our government.

First of all, concerning the specifics of the bill, I think that if you look at the first page of the bill, it is very broad and general in its application. Basically, it says that all materials that are not disclosed or disclosed outside of a public hearing are to be considered confidential.

Now, on the second page of the bill, it seems to be limiting language as to what types of information is or is not confidential for the purposes of this statute.

My concern is that even under this particular section with these specifics as to the limitation as to what is or is not confidential that the language is still fairly sweeping. For example, on page 2, lines 20 and 21, it indicates that any information that is highly prejudicial may be considered

to be confidential. On page 3 of the bill, there is indication that the information that constitutes an unwarranted invasion of privacy may be considered confidential. And, of course, there is an all-encompassing clause on page 3, subsection (5), that says that, 'Any other records where the chairperson of the committee determines the public interest would be served by maintaining confidentiality.' The general public interest -- that also may justify a label of confidentiality. I think that these particular provisions are still very broad in scope and again, because of the generality of it, that it might, in fact, result in the non-disclosure of very important information to the general public.

I also want to point out that under this particular bill, along the standards that I have mentioned, there are standards that require legal conclusions to be made about what is or is not confidential. For example, one standard as to whether information is confidential or not is whether the information is defamatory, a legal conclusion. Invasion of privacy is also a legal phraseology that has been the subject of much debate and interpretation by courts. And the problem is that while these legal interpretations are to serve as standards, if you look very closely at the bill, there is no provision for judicial review and, in fact, the bill specifically states that the interpretation of several individuals within the context of this bill would prevail, irrespective of whether or not a court order is applied for.

I would also like to point out what Representative Hagino has mentioned, that this bill, in fact, does apply to legislators if you're not members of the investigating committee. But, a very good and interesting comment was made during the caucus that this bill may, in fact, also apply to the members of the investigating committee because again under the catch-all phrase on page 3 of the bill, it says that any records that the chairperson deems to be in the public interest to be kept confidential and be withheld from public review and scrutiny. So is it possible to interpret that as saying that if the chairperson of the investigative committee believes or has gotten this from secondhand sources that it might be even withheld from people who are members of the investigating committee?

The last thing I want to point out is that in other types of investigative

situations, if you want information, legislative bodies have subpoena authority. If you want to protect somebody, there are grants of immunity if the concern is to protect somebody from criminal prosecution.

But, again, I would like to point out that my biggest concern is that, given the important aspects of this bill and the fundamental issues that it raises with respect to public decision making, that given the short time that we have left in the legislative session, perhaps it might not be appropriate; it might be, in fact, imprudent for us, at this point in time, to rush ahead and try to draft a bill that would be narrowly circumscribed enough so that it does not unnecessarily trench upon the fundamental rights that are very important in our public decision-making process. And for that reason, Mr. Speaker, I would vote against this particular bill."

Representative Stanley then rose in rebuttal, stating:

"Mr. Speaker, I would like to rebut some of the remarks and add for the benefit of all the members on this floor several points that were raised in the caucus that this bill is bound for conference where many of the points that were brought out on the floor and in the caucus will be thoroughly examined, and the members of this House should be assured that the Judiciary Committee is very cognizant of the sentiments that have been expressed this afternoon and will be guided by the concerns of the members of the House and we will do our best with the conferees to come out of conference with a bill that will be more satisfactory to those who have objections."

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

"Mr. Speaker, I can understand the concerns of some of the colleagues in this room. However, Mr. Speaker, I have seen times when people have been afraid to speak out because the news media may be there and they are afraid to say something that will be taken out of context, or they may have an organization in there and they will feel intimidated that they have to vote in a certain way. And at times when you are in the position of investigating something, even before that investigation may be finished, you may be placed in a position where you have to go ahead and give that kind of information out,

and I don't think that that's fair.

For this reason, Mr. Speaker, I am voting no and I would hope my colleagues would be voting the same way and if they get into the committee hearings that they could go ahead and work out their differences there. I only asked for a recess, Mr. Speaker, so I could make sure that I was on the right bill, speaking the right way, and I wanted to give my colleagues the chance to get together.

Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and S.B. No. 1854-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATING COMMITTEES", having been read throughout, passed Third Reading by a vote of 28 ayes to 23 noes, with Representatives Bunda, Dang, Graulty, Hagino, Hayes, Ikeda, Isbell, Jones, Kim, Kiyabu-Saballa, Levin, Marumoto, Menor, Morgado, Nakata, Okamura, Tam, Tungpalan, Wong and Yoshimura voting no, and Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 1854-84 had passed Third Reading at 2:41 o'clock p.m.

S.B. No. 941, HD 1:

Representative Kiyabu moved that S.B. No. 941, HD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Hagino then offered the following amendment to S.B. No. 941, HD 1:

"SECTION 1. Senate Bill No. 941, HD 1, is amended by deleting the following sentence from page 2, Section 2:

'The income tax credit shall be used to reduce the income tax liability under Chapter 235, Hawaii Revised Statutes, of those original General Motor dealerships able to claim such credit under this Act.'

The bill is further amended by substituting in its place the following, 'The original General Motor dealerships shall pay to the purchasers of General Motors cars in years 1973 through 1977, an amount equal to the one-half of one percent use tax on the purchased car.' "

At 2:42 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 2:56 o'clock p.m., Representative Hagino moved that the amendment be adopted, seconded by Representative Tam.

Representative Hagino then rose and stated:

"Just a few words, Mr. Speaker. I know the time is getting late.

If we are going to pass a bill like Senate Bill 941, House Draft 1, it is my opinion that the use tax was indeed passed on to the consumers; in other words, the individual purchasers of those vehicles in the years 1973 through 1977. And if there is going to be a waiver of the statute of limitations which I believe is the first time that this State will permit such a waiver, that we should give the benefit of that double taxation to the purchasers, to the real small guy in this case, and that is the purpose of this amendment at this time, Mr. Speaker."

The motion to adopt the amendment was put by the Chair and failed to carry by voice vote.

Representative Hagino rose and stated:

"Mr. Speaker, failing in my attempts to amend this bill, I must rise to speak against Senate Bill 941, House Draft 1.

Mr. Speaker, I believe that this establishes a very dangerous precedent for us. We have never waived the statute of limitations in any other cases that were brought before this body. It was pointed out in caucus that other companies have come before the body and have asked for such a waiver and we have denied it in the past. Certainly, if a small constituent of yours came up and asked you, I would like to have a waiver of prior taxation. . . taxable years, I am afraid that all of us will respond to him by saying that such will not be possible. And yet, we have people of this size coming to us where well over a million dollars is at stake; somehow, they seem to get a little special treatment than the average guy in our district.

I believe that this is the kind of legislation that we should all vote against. I don't even believe that this bill should have even come to the floor, but being that it is on the

floor, and I think it is a vested interest legislation, I feel that we should resoundingly vote down this bill at this time.

Thank you very much."

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

"Mr. Speaker, just a few comments. I find that in this day and age when many businesses -- small business and large -- are crying out because of the tax burden, I agree with those cries, and I have a hard time voting against this bill but because it does target out one group, I feel I must as it is a special interest bill.

Thank you, Mr. Speaker."

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

"Mr. Speaker, I am voting no on this bill for a few reasons.

First, I fully believe that all taxpayers should receive equal treatment before the law. If other taxpayers who make overpayments are not allowed to receive compensation beyond the statute of limitations, there is no reason why General Motors dealerships should receive special treatment.

Secondly, I believe that underpayments and overpayments of taxes should be treated in a similar fashion. If the Department of Taxation of the State of Hawaii had erred and allowed underpayment by a certain class of taxpayers and the three years' statute of limitations had expired, I would object to the State of Hawaii attempting to collect the unpaid taxes beyond the statute of limitations even if the underpayment by these taxpayers amounted to millions of dollars. Thus, I oppose the compensation beyond the statute of limitations allowed by this bill for only one party.

Thank you."

Representative Hagino then rose and requested a roll call vote on this measure.

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

"Mr. Speaker, I rise in opposition to Senate Bill 941, House Draft 1, because I think it strikes at some very time-honored principles in law and equity, and I think when we decide to play a certain game with

that, we also agree that we are going to abide by the rules of the game. I think it is true of the Legislature; I think it is true of many activities that we engage in in our daily lives.

In this particular instance, what's at stake in this particular bill is just the very idea of abiding by the rules. We see that not only those who engage in the legal system have a great deal of respect for rules but also that the Department of Taxation has a great deal of respect for the rules as previously mentioned by Representative Tam. The Department of Taxation does not assess taxpayers beyond the three years' statute of limitations even when they feel that there was justifiable basis to assess some tax liability. So, they have a great deal of respect for the rules when it comes to overpayments and underpayments of taxes.

Likewise, in 1979, the Gas Company and Pacific Resources also made double payment and they also have a great deal of respect for the rules and did not try to circumvent their failure to abide by the rules by coming to the Legislature and trying to get a tax credit.

The final comment that I wanted to make is that, in looking at tax credits, we always realize that tax credits are made for the purpose of spurring business activity, and yet, in this particular instance, we do violence to that particular principle and that particular theory by using the tax credit as a means to overcome a statute of limitations problem.

I think, for these reasons, it is a bad bill, and I hope that my colleagues will vote with me against the particular bill.

Thank you."

At 3:04 o'clock p.m., Representative Blair asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:07 o'clock p.m.

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

"Mr. Speaker, in my two years here which is very short, this is the clearest example of a special interest legislation that I have seen. I believe that if the tax were to be returned, it should be returned in accordance with the proposed amendment. The refund should go to those



who paid it.

Thank you."

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

"Mr. Speaker, I just want my colleagues to know that it will cost our State \$1.2 million, and during this time when we are having a hard time meeting all the human needs, all the services that we had to cut, I would like for my colleagues to keep that in mind when they vote for this bill or against it.

Thank you."

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

"Mr. Speaker, I would like to serve notice that there will be two companies I know of from the Kona district who will be applying for the same thing. They have already asked me to think about legislation next year. But I haven't said anything because I really don't know if I will be back next year. Nobody does. But there will be others who will be coming in, asking for the very same type of refund, and I think we are setting a very serious and bad precedent.

I thank you very much."

Roll Call having been requested, the motion was put by the Chair, and S.B. No. 941, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE TAX OVERPAYMENTS BY GENERAL MOTORS DEALERSHIPS", failed to pass Third Reading by a vote of 24 ayes to 24 noes, with Representatives Albano, Andrews, Dang, Graulty, Hagino, Hayes, Hee, Hirono, Ikeda, Isbell, Jones, Kim, Kiyabu-Saballa, Leong, Marumoto, Medeiros, Menor, Nakasato, Nakata, Okamura, Tam, Taniguchi, Tom and Tungpalan voting no, and Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1512-84, SD 1:

On motion by Representative Chun, seconded by Representative Okamura and carried, S.B. No. 1512-84, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 1512-84 had

passed Third Reading at 3:12 o'clock p.m.

S.B. No. 2205-84, SD 2, HD 1:

On motion by Representative Hashimoto, seconded by Representative Stanley and carried, S.B. No. 2205-84, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1517-84:

On motion by Representative Chun, seconded by Representative Graulty and carried, S.B. No. 1517-84, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 2205-84 and 1517-84 had passed Third Reading at 3:13 o'clock p.m.

S.B. No. 934, SD 1:

On motion by Representative Chun, seconded by Representative Stanley and carried, S.B. No. 934, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1516-84, HD 1:

On motion by Representative Chun, seconded by Representative Stanley and carried, S.B. No. 1516-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS", passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives Ige, Jones and Menor voting no, and Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 934 and 1516-84 had passed Third Reading at 3:14 o'clock p.m.

S.B. No. 2056-84, SD 1, HD 1:

On motion by Representative Taniguchi, seconded by Representative Shito and carried, S.B. No. 2056-84, SD 1, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO PILOTAGE", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1450, SD 1, HD 1:

On motion by Representative Honda, seconded by Representative Hirono and carried, S.B. No. 1450, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE", passed Third Reading by a vote of 44 ayes to 4 noes, with Representatives Ikeda, Isbell, Jones and Marumoto voting no, and Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1765-84, SD 1:

On motion by Representative Hagino, seconded by Representative Apo and carried, S.B. No. 1765-84, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 2056-84, 1450 and 1765-84 had passed Third Reading at 3:15 o'clock p.m.

S.B. No. 1878-84, HD 1:

On motion by Representative Okamura, seconded by Representative Say and carried, S.B. No. 1878-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 300, SD 1, HD 1:

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, S.B. No. 300, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ALARM SYSTEMS", passed Third Reading by a vote of 44 ayes to 4 noes, with Representatives Hashimoto, Kiyabu-Saballa, Morgado and Okamura voting no, and Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 2243-84, SD 1, HD 1:

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, S.B. No. 2243-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1878-84, 300 and 2243-84 had passed Third Reading at 3:16 o'clock p.m.

S.B. No. 1693-84, SD 1, HD 1:

On motion by Representative Taniguchi, seconded by Representative Shito and carried, S.B. No. 1693-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 2049-84, HD 1:

On motion by Representative Taniguchi, seconded by Representative Shito and carried, S.B. No. 2049-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY RESPONSIBILITY ACT", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 1766-84, SD 1, HD 1:

On motion by Representative Taniguchi, seconded by Representative Hashimoto and carried, S.B. No. 1766-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL VEHICLES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 1693-84, 2049-84 and 1766-84 had passed Third Reading at 3:17 o'clock p.m.

S.B. No. 2073-84, SD 1, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 2073-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SALARIES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing

being excused.

S.B. No. 2193-84, SD 1, HD 1:

On motion by Representative Stanley, seconded by Representative Tom and carried, S.B. No. 2193-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REFORM OF CHAPTER 804", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 2073-84 and 2193-84 had passed Third Reading at 3:18 o'clock p.m.

S.B. No. 328, SD 1, HD 1:

Representative Stanley moved that S.B. No. 328, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Shito.

Representative Hirono 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 Hirono's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 328, Senate Draft 1, House Draft 1.

In discussing this bill, the following major concerns have been raised: (1) This bill would require landlords to rent to those with children; (2) This bill would prevent landlords from limiting the number of tenants occupying the unit; and (3) This bill would result in numerous discrimination suits against landlords.

On the question of whether this bill would require landlords to rent to those with children, this bill would do nothing of the kind. This bill simply provides parents with minor children the same opportunity as all other qualified individuals to apply for rental and other kinds of housing. The bill does not provide any guarantees of rental or require landlords to give preferential treatment to applicants with children. The current fair housing law, which this bill amends, prohibits discrimination on the basis of race, sex, color, religion, marital status, ancestry, or a physical handicap. No one would interpret the current law

to affirmatively require landlords to rent to persons on the basis of race, sex, color, religion, marital status, ancestry, or physical handicap. The fair housing law does not mandate preferential treatment for groups that traditionally have been discriminated against -- it merely puts them on an equal footing with all other applicants. That's why this bill seeks to do -- put parents with children on an equal footing with others in competing for housing.

Regarding the question of whether this bill would prevent landlords from limiting the number of tenants occupying the unit -- this bill would do nothing of the kind. Landlords can continue to set limits on the number of tenants to occupy a unit.

On the question of discrimination suits against landlords by applicants with minors, yes, this bill would authorize such suits just as the current law authorizes suits on the grounds of discrimination on the basis of race, sex, color, religion, marital status, ancestry or a physical handicap. The burden is on the plaintiff, in all of these cases, to prove discrimination. I believe the existing standard of proof required adequately protects landlords from frivolous or unsubstantiated suits under these fair housing provisions.

It is a fact that the high cost of purchasing a home has forced many of our residents to compete in our tight rental housing market, which is characterized by ever-increasing rents and lack of affordable rental units. We have one of the lowest vacancy rates in the nation and the practice of discrimination against family with children compounds the difficulties for a significant segment of those seeking rental housing.

When this bill was heard, Mr. Speaker, there was overwhelming testimony in support of the bill, from State and County agencies as well as numerous individuals who voiced the need for a timeliness of such legislation. Not one voice was raised in opposition to the bill during the public hearing.

I urge all my colleagues to vote for Senate Bill No. 328, as amended."

The motion was put by the Chair and carried, and S.B. No. 328, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY TRANSACTIONS", having been read throughout, passed Third Reading by a vote of 45 ayes to 3 noes, with

Representatives Andrews, Ikeda and Marumoto voting no, and Representatives Baker, Kihano and Rohlring being excused.

S.B. No. 2057-84, HD 1:

On motion by Representative Hirono, seconded by Representative Tam and carried, S.B. No. 2057-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES", passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives Andrews, Crozier and Tungpalan voting no, and Representatives Baker, Kihano and Rohlring being excused.

The Chair directed the Clerk to note that S.B. Nos. 328 and 2057-84 had passed Third Reading at 3:20 o'clock p.m.

S.B. No. 1704-84:

On motion by Representative Hirono, seconded by Representative Shito and carried, S.B. No. 1704-84, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY LEASES", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlring being excused.

The Chair directed the Clerk to note that S.B. No. 1704-84 had passed Third Reading at 3:21 o'clock p.m.

S.B. No. 2184-84, SD 1, HD 1:

Representative Say moved that S.B. No. 2184-84, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Okamura.

Representative Hee rose on a point of inquiry and asked:

"Mr. Speaker, will you ask the Majority Leader if he will yield to a question?"

The Chair asked:

"Representative Blair, will you yield to a question?"

Representative Blair answered in the affirmative.

Representative Hee asked:

"Mr. Speaker, will you ask the Majority Leader if he is familiar with

parliamentary procedure in accordance to the House of Representatives?"

Representative Blair answered:

"If he is referring to parliamentary procedure, I believe he wants the Majority Floor Leader and not the Majority Leader. If he is referring to practices and procedures, my answer would be no."

The Chair asked:

"Representative Hee, did you get your answer?"

Representative Hee replied:

"Mr. Speaker, I got an answer," and asked:

"Mr. Speaker, will you ask the Majority Leader, inasmuch as he is not familiar with parliamentary procedure, as our Majority Leader, when the debate was going on Friday night, on what basis did he rise to call for the previous question?"

At this point, the Chair ruled Representative Hee out of order, saying, "That is not before this house at this moment. You are recognized to speak for or against the measure."

Representative Hee replied:

"Mr. Speaker, I rise to speak against the measure."

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

"Mr. Speaker, I rise to speak against the measure and I hope the Majority Leader will not call for the previous question while I speak because if he did so, it will be out of order. With your permission, I would like to proceed.

Mr. Speaker, I would be remiss if I were not consistent and speak against the measure. I would like to point out to you and my colleagues again, for the record, I support the development of geothermal energy. I supported it last year; I support it this year. I support it because it is an alternative. What I do not support, Mr. Speaker and members of this House, are the attempts of the authors of this bill with respect to the House draft, who piggy-backed Section 3 of Senate Bill 2184-84, and effectively doing so with respect in three days of decision making, in not calling it to our attention. And, yes, Mr. Speaker, I agree -- we are all

responsible for legislation. I also agree, Mr. Speaker, with the practicality of which we deal with on this floor, and as a freshman legislator, Mr. Speaker, I understand and am aware that new legislation is underscored or bracketed, and Section 3 was not. And during the decision-making process, pages 6 and 7 of which Section 3 is a part of was ramrodded through the process.

Mr. Speaker, were I to believe that this were the only reason to vote against the bill, Mr. Speaker, I would not. But this is just one part of the bill and it deals with the process of the Legislature.

Mr. Speaker, with your permission, will you ask the Chairman of Energy, Ecology and Environmental Protection, if he would yield to a question?"

The Chair asked:

"Representative Okamura, will you yield to a question?"

Representative Okamura answered in the affirmative.

Representative Hee asked:

"Mr. Speaker, will you ask the Chairman of Energy if he believes that Section 3 has implications on the pending litigation of the Volcano Community Association and Campbell Estate and through Mid-Pacific Geothermal?"

The Chair asked:

"Representative Okamura, do you want to answer that question?"

Representative Okamura answered:

"I will", and said:

"It possibly could have some implications in terms of when the subzones could be designated. The subzones are supposedly to be designated by December 31, 1984, and Section 3 merely states that the Board give priority in looking at that area and determining whether, in fact, it should or should not be designated a subzone. There is no guarantee. We are not grandfathering them into being a subzone and should it be designated a subzone, public hearings and contested case hearings will ensue."

Representative Hee then stated:

"Mr. Speaker, I want to thank the Energy Committee Chairman in his

answer which I perceive to say, it is possible -- yes, that it could indeed affect the pending litigation with respect to Campbell.

Mr. Speaker and members of this House, this bill does more than grandfather Thermal Power. This bill also affects Campbell and it affects conservation lands. This bill directs the Board of Land and Natural Resources, notwithstanding the provisions of Section 205 of the Hawaii Revised Statutes, regarding county-by-county assessment of areas statewide to go to the lands of Campbell Estate and by December 31, 1984, you are mandated, as the Board, to come up with a determination with respect to subzoning.

This is, in my view, members and Mr. Speaker, a subversive way to say to Campbell, hold your horses till January 1, 1985, at such time subzonings will be determined and at such time, you may proceed. But until such time, Thermal Power, you may go now. And as we stand here and talk about special interest legislation, let us not close our eyes to what is happening with respect to this particular bill -- notwithstanding our feelings with respect for supporting development of geothermal. It's the process, Mr. Speaker.

Mr. Speaker, on Friday, I attempted to ask the Chairman of Water, Land Use, Development and Hawaiian Affairs if he would yield to a question and the Vice Chairman with respect to page 2, lines 19 to 22. In lieu of attempting that again, Mr. Speaker, let me add my remarks. I apologize, Mr. Speaker, it's page 4, not page 2, lines 16 through 19, and I quote: 'Such uses as are permitted by county general plan and zoning ordinances, by the appropriate county authority, shall be deemed to be reasonable and to promote the effectiveness and objectives of this chapter.'

Mr. Speaker, if I understood you to be correct, that we don't know what is reasonable and that while we did discuss it in the decision making, I don't think anybody knows what is reasonable. And far be it for me to say, as a judge, your development is unreasonable, or conversely, it's very reasonable. Who knows what's reasonable?

Mr. Speaker and members, page 4, line 8, says, 'In the absence of provisions in the county general plan. . .' and it goes on to say on page 12, 'The appropriate county authority

may issue a geothermal resource permit in the absence of a county general plan.' In the absence.

The question I would ask is: why plan? You don't need to. You can do it with the absence of a county plan. . ."

At this point, the Chair interrupted and notified Representative Hee that his ten minutes had run out.

Representative Marumoto then rose and yielded her time to Representative Hee.

The Chair then directed Representative Hee to proceed with his remarks.

Representative Hee thanked Representative Marumoto and continued his remarks, stating:

"It's 3:30 and another eight and a half hours, maybe, Mr. Speaker."

The Chair said:

"Representative Hee, you are reminded to confine your remarks to the bill."

Representative Hee thanked the Chair and continued, saying:

"Mr. Speaker, on page 5, line 12, it says that, 'If geothermal development activities are proposed within the agricultural, rural, or urban districts and such proposed activities are not permitted. . .,' -- are not permitted -- that a contested case, pursuant to Chapter 91, may be held. The question I would ask to the members is: Why contest the case if it is not permitted? It is not permitted clearly. What it doesn't say is that if it is permitted, you cannot hold the contested case. If it is permitted, so the obvious question is: If it is permitted, why would you hold the contested case? A not so obvious answer, Mr. Speaker, is: There are limits to planning. If that is the one millionth and one well in a permitted area, maybe the people of that area are saying, no more, and if that one person says, that's enough, that one person should be entitled to a contested case because that is the rules of open government. And yet, this bill does not address that.

This bill goes on to state, Mr. Speaker, that if the developer follows the rules with respect to county planning, that the county authority shall grant, not may, it shall. It shall be no question, it shall. It

shall be done, Mr. Developer. If you follow the rules, it shall be done. The county has no other alternative but to grant you that. Well, I would say to the members of this body that planning has no perimeters and is not casting concrete, that County authorities and State authorities should forever have the flexibility to say at some point in time, this may not be the best thing at this particular point, in this place, with respect to a particular development. And to lock the County down is an assurance that it shall be done.

Mr. Speaker, notwithstanding the merits of seeking alternative energy, and notwithstanding geothermal development as a source to provide the State with an alternative form of energy, and notwithstanding our dependence on oil, but Mr. Speaker, to point out to the members of this body, the process; that at the time of the Constitution of the United States, it was the process that was important. Not what was done but how it was done. And I ask the members of this body to ask themselves: How is this being done? Under what circumstances are riders being carried and piggy-backed with respect to this bill? Is this truly to help Thermal Power? Or, are we helping Thermal Power in the disguise of helping Campbell and conservation lands? And are we also stuffing bills?

Mr. Speaker, I end my short talk with this, and that is, Mr. Speaker, there has been no member that I know of who has spoken against geothermal and I do not choose to be the first. But, I do choose to stand up with Wayne Westlake, a member of the Volcano Community Association and a member who is no longer here, and I choose to stand with him because in my short tenure with him, he was interested in the process -- in the process of geothermal development in conservation lands and the process of legislating such actions in this body.

I vote against this bill, Mr. Speaker, not as a vote against geothermal. I vote against this bill as a vote for the process, and I vote against this bill for the little guy.

Thank you, Mr. Speaker."

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

"Representative Hee has hit on many of the major points that I had in mind. I will proceed to reasons

that are not so much technical as emotional. I feel that I owe it to people within my district, to the people of Waiahole, Waikane, Heeia Kea, and other groups that have had to deal with powerful entities.

I believe that this bill endangers the day in court of the Volcano Community Association. I know how difficult it is for a group of ordinary citizens to get together and to decide to go against one of the large entities of the State. It is difficult for them to believe that they have rights in the first place and then it is difficult to gather up the courage to exercise those rights. Were we to adopt this bill with Section 3 in it, again we are endangering their day in court; they deserve it. I think we should protect that day.

Thank you."

Representative Ikeda then rose and requested that her remarks, against the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Ikeda's remarks are as follows:

"Mr. Speaker, I rise to speak against Senate Bill 2184-84, Senate Draft 1, House Draft 1.

Mr. Speaker, the original purpose of this bill was to, '...clarify the rights of lessees holding geothermal mining leases issued by the State and the respective roles of the State and County governments in connection with the control of geothermal development within geothermal resource subzones.'

I have no quarrel with that original intent since I support the concept of geothermal energy.

Mr. Speaker, on Friday, March 30, 1984, Minority Leader Fred Rohlfing and I noted our concerns on this measure in a memorandum addressed to you. This memorandum read as follows:

'It is our understanding that the above bill is coming out of committee to the floor for Third Reading. We are particularly concerned as it is unclear to us exactly what amendments were made by the committee prior to its voting to pass the bill out. We are concerned in particular with the language in subsection (c) of §205.51 which appears in Section 2 of the bill.

The language of subsection (c), page 3, lines 12-22 of the bill, reads as follows:

"(c) The use of an area for [the exploration,] geothermal development [, production and/or distribution of electrical energy from geothermal sources] activities within a geothermal resource subzone shall be governed [by the board within the conservation district and], except as herein provided, by [existing] state and county statutes, ordinances, and rules not inconsistent herewith within [the] conservation, agricultural, rural, and urban districts, except that no land use commission approval or special use permit procedures under section 205-6 shall be required for the use of such subzones."

It is unclear and very confusing because of the numerous additions and deletions to the original language of subsection (c), and because of the use of double negatives and what appears to be one too many exceptions. Originally, subsection (c) seemed to make it clear that the Board of Land and Natural Resources would control geothermal activities on conservation land and the counties would control similar activities on agricultural, rural, and urban lands. We have no objection to the original language if our understanding of the division of responsibility is correct.

Another problem we have with subsection (c) is found on page 4, lines 10-21 of the bill:

"In the absence of provisions in the county general plan and zoning ordinances specifically relating to the use and location of geothermal development activities in agricultural, rural, or urban district, the appropriate county authority may issue a geothermal resource permit to allow geothermal development activities. 'Appropriate county authority' means the county planning commissions unless some other agency or body is designated by ordinance of the county council. Such uses as are permitted by county general plan and zoning ordinances, by the appropriate county authority, shall be deemed to be reasonable and to promote the effectiveness and objectives of this chapter."

It appears the language is redundant as it reiterates the authority of the counties to issue geothermal resource permits. What is more objectionable is the language which seems to give full endorsement to any

future geothermal activity use that is included in a county general plan or zoning ordinance. Yet, there is no provision for uses that might conflict with geothermal policies at the State level.

Unless the intent is to grant the counties such pervasive authority, it would seem that the language in lines 10-21 is unnecessary. Furthermore, it would seem more prudent to have some check as to what the counties might include and not to give a blanket authorization by deeming that all uses would be reasonable. The provision as proposed, may also be an unconstitutional delegation of authority.

Finally, we wish to point out that our concerns may already have been addressed by the amendments made in committee. However, since it is unclear as to exactly what was done, we felt it necessary to bring our concerns to your attention as early as possible."

Noting the second of these concerns, and how it was not addressed by the amendments made by the committee to the bill, I urge my colleagues to vote against this measure.

Thank you."

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

"Mr. Speaker, I wish to make it clear that I am not against the development of geothermal energy as an alternative source of energy to oil.

I oppose the bill because of Section 3 on pages 6 and 7. Section 3 states that the Board of Land and Natural Resources shall determine whether a designated area, which is presently an outstanding court case issue, should or should not be zoned as a geothermal resource subzone, on or before December 31, 1984. For the Board to come out with a decision prior to the outcome of the court case, for or against permitting the questionable geothermal resource subzone, is unfair. In all probability, the decision will influence the court case.

Secondly, the questionable geothermal subzone was permitted on conservation land without a zoning change first.

I would also like to clarify that I voted for an amendment to Senate Bill 2184-84, SD 1, HD 1, on Friday,

March 30, 1984, because of the possible damage to the pending court case by the bill in its present form.

Also, line 18 on page 7 states, 'New material is underscored.' Section 3 was not underscored. Underscoring new material not only clarifies new amendments to our laws for us, but also for the general public."

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

"Mr. Speaker and members of this honorable body, it is the Chairman of Water, Land Use, that takes the brunt of the criticisms this afternoon which I duly accept.

I would like to state for the record that Senate Bill 2184-84, Senate Draft 1, House Draft 1, is a very excellent bill as far as promoting geothermal development -- excellent to the sense that it has grandfathered in both Thermal Power and Barnwell, and I believe they should be moving on ahead. I've been the chairman and taking the brunt of the criticisms last year, Mr. Speaker, and I also accept it as part of being the chairperson of this illustrious committee.

Personally, Mr. Speaker, may I go on record to analyze the bill itself at this particular point in time, that in Section 2 (b) that this Section allows only the developments in the agricultural district to become grandfathered subzones. To be such a subzone, the rationale was used that only developers with leases and geothermal wells drilled could be considered for becoming geothermal subzones.

Okay, these limitations in the bill prevented the Kahauale'a project in the conservation district from becoming a geothermal subzone. The Kahauale'a project neither has a lease nor geothermal well.

The lease boundaries were used to delineate the boundaries of the 'grandfathered' geothermal subzones. Act 296 is a land use regulatory bill but because the subzones could not be immediately designated, geothermal projects were prevented from proceeding with increased activity beyond that already approved under the old land system which we all adopted last year.

For some developers who had greater scopes of activity approved prior to Act 296, the delay in designating the subzones were not as harsh as those who, because of lack



of management foresight, only had a small scope of activity permitted.

Since Barnwell had approximately 8 - 12 geothermal wells approved and Campbell had 8 wells approved, the delay in designation did not have any immediate repercussions. Only on the hand of Thermal Power and Dillingham which had two wells approved on four acres of land and since these two wells were completed, they could not move forward. And this is why we are grandfathering in Dillingham, Thermal Power and Barnwell.

Thermal Power has stated in legislative testimony that they were only seeking relief so that they could move forward with development activities while the subzone process is completed. The grandfathering of lease areas did more than allow them to proceed with the activity but assured them of a grandfathered geothermal subzone of 816 acres. And this is what I also agreed upon as chairman of the committee.

One of my colleagues has stated that we are trying to grandfather in the owner of conservation district, and I would be remiss to say that is not correct. All we are trying to do, as far as Section 3, is to tell the Land Board to get their act together and try to come up with that designation by December 31st, 1984.

The chairperson of this committee has taken a position during the past 47 days that a measure like this should never have come out of the committee because of Act 296 which is what 26 members of the House last year adopted which is a land use regulatory process.

I have come to the conclusion since last week Friday morning that for the benefit of geothermal development for the State of Hawaii, I was willing to compromise my decision that we should allow geothermal development to take place in the agricultural districts and wait for the designation of the subzones in the conservation districts. It was a very hard decision that I discussed with the Speaker and the reason why is because of our . . . I hate to say it, our feelings of what makes the agricultural lands more important than the conservations lands, primarily because if you have read through a lot of the different documents and the mapping that was done by the Department of Energy at the federal level, most of our resources will be found someday in the conservation district. I know a lot of my members

here are in opposition that the permitted use of geothermal development in conservation takes place, but if that is the source of area where the future of the State of Hawaii lies, why not make a public policy decision at this point in time?

Mr. Speaker, personally, I hope you do come back again this year and all the members here whereby if next year it is possible to address this problem, as far as the permitted use of geothermal development in conservation districts, primarily because, Mr. Speaker, I am not looking at an island per se, but the State of Hawaii. On the County of Maui, there is a hot spot which is in conservation and if there is a developer who would like to move in, as far as trying to explore if there is a source. Maybe on the County of Oahu, we will find a source here also whereby it would relieve the power plants that we have -- primarily the Honolulu and the Kahe power plants.

I know it is a very tough decision for all of us here this afternoon, as far as geothermal development, but my whole purpose was just to see if a policy statement could be adopted this year which I had a lot of opposition from my members, but I am willing to be patient and willing to wait for the next year, and I hope I get re-elected to try to address this problem.

One comment I would like to make before I sit down and maybe we have a vote is to compliment my vice chairman who has been very supportive and he always teases me -- this is just like ocean leasing or the unagi bill, but I don't think so.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 2184-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL ENERGY", having been read throughout, passed Third Reading by a vote of 43 ayes to 5 noes, with Representatives Gaulty, Hee, Ikeda, Nakata and Tam voting no, and Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 2184-84 had passed Third Reading at 3:47 o'clock p.m.

S.B. No. 2026-84, SD 1, HD 1:

On motion by Representative

Stanley, seconded by Representative Tom and carried, S.B. No. 2026-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPUTER CRIME", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 2026-84 had passed Third Reading at 3:48 o'clock p.m.

S.B. No. 1575-84, SD 1, HD 1:

Representative Ige moved that S.B. No. 1575-84, SD 1, HD 1, having been read throughout, pass Third Reading, seconded by Representative Hashimoto.

Representative Ige then rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Ige's remarks are as follows:

"Mr. Speaker, I rise to speak in support of Senate Bill No. 1575-84, Senate Draft 1, House Draft 1, a bill which strengthens licensing requirements for child care facilities while allowing parents of preschool aged children a fair means to determine the safety of a child care facility to which their children will be entrusted.

First of all, I want to thank the members of the Committees on Human Services and Education for their patience and objectivity they displayed during the last few weeks while the content of this bill was in the midst of controversy. This issue is a sensitive one, charged with deep personal emotion because of its potential impact to each and everyone of us.

Mr. Speaker, this bill, like the companion House measure we passed earlier, will help to clarify ambiguities of the current law governing the licensing of child care facilities. For example, under this bill, programs must exclusively provide training in activities such as sports, foreign language, music, dance, drama, Hawaiian language or martial arts to qualify for the exclusion. If such training is only incidental to a program's more general child care function, State licensing regulations would then apply. As another

example, this bill excludes a relative and a neighbor or a friend who only occasionally takes care of your children from State licensing. Further, this bill will not require licensure for those who do not charge a fee.

Also, like the House measure, this bill raises the penalty for violating licensing regulations from the present fine of up to \$200, to a new maximum imprisonment of one year, the penalty for committing a misdemeanor.

Mr. Speaker, in redrafting S.B. 1575-84, SD 1, the overlying concern was for licensing requirements and procedures that would better ensure quality care. However, the issue became much more complex than determining the number of children allowed in a child care facility, whether or not a fee was charged, or what groups to exclude from licensure requirements. On these issues, it was possible for all to reach an agreement and a great deal of the Department's and general public's recommendations were incorporated.

Mr. Speaker, the more critical issue became the right of the public to view the inspection and complaint records of the child care facilities, the right of the concerned parent to have access to information that may be crucial to their child's safety.

Mr. Speaker, it was obvious in the testimony we received on this bill that the impact of recent events have shaken the public's confidence in the security of day care arrangements. The committee deliberated long and hard over the many facets of this issue. It became apparent that there were several primary considerations which had to be balanced: (1) To what extent does a parent have the right to review records of child care facilities that they may have the opportunity to place their children; (2) The need to support child care providers who provide an essential service that continues to be in very short supply; and (3) The legal and administrative responsibilities of the Department of Social Services and Housing which must administer child care regulations as part of its immense scope of operations.

Mr. Speaker, in weighing these issues, your Committees on Human Services and Education determined that where the interests are in conflict, the welfare of the child should receive our greatest attention and highest priority. While compromises in other areas may be

painful or inconvenient to the parties involved, your Committees felt that compromises affecting the welfare and protection of our children can have devastating consequences, for the individual family as well as for the State as a whole, that those compromises threaten the integrity of Hawaii's most precious natural resource, our children, Hawaii's future.

Mr. Speaker, your Committee members worked hard to come to a reasonable solution. Let it be known that all had very strong feelings that the public has the right to know. We strived to balance the need to protect vulnerable children as well as the privacy of the individual.

Mr. Speaker, guided by the Department's statements that neighbor island investigations were completed within two days and Oahu, one to two week, it was decided that ongoing investigations may be withheld from the public for only a maximum of ten working days. Further, realizing that making 25 years of records public is unreasonable, it was decided to limit the public to the current and previous four years.

Mr. Speaker, the drafting of this bill never foresaw the terrible incident recently befalling three young children at Windward United Preschool, but I believe that the added protections provided in this bill for young children are very much in accord with our special concerns at this time. I cannot claim that this bill will prevent such sad occurrences in the future. But I do believe that this bill will make our existing laws easier to administer, that it will provide better regulatory oversight for child and youth programs, and, most of all, that our children will enjoy a greater degree of protection from those to whom we entrust our children's care and supervision.

Mr. Speaker, the final draft of S.B. 1575-84 may not be the panacea in all instances, but a very positive step in the right direction worthy of this body's support. I ask my colleagues to join me in supporting this measure."

Representative Albano then rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill, with reservations.

Mr. Speaker, Senate Bill 1575-84, Senate Draft 1, House Draft 1, would open the channels for a more free

flow of information regarding complaints against child care facilities. However, I would wish to express some serious concerns that I have relating to the bill.

Mr. Speaker, no one can deny that parents, especially those with young pre-school children, should have access to information which will help in the decision to enroll or continue their children in a child care facility. But, Mr. Speaker, a very important related issue has yet to be given lengthy discussion or raised in any news report or article on this bill.

The issue I am referring to is the responsibility involved when certain child care information is made public. This is a responsibility that I believe should be shared by government, the media, and every private citizen who views these records. This is the responsibility to accurately and objectively report or disseminate the contents of these records.

Mr. Speaker, we are talking about very sensitive information, and I have always maintained that access to sensitive information entails a higher level of responsible communication -- especially in this case when the information we are talking about has yet to be substantiated or found accurate. Because of the subject matter of this bill and its potentially emotional implications, there is a risk involved -- the risk of sensationalizing, of reporting 'half of the story', or providing the public with 'half truths' which can damage reputations and unfairly question credibility.

Mr. Speaker, I think you are well aware that inaccurate reporting or dissemination of this type of information can, and usually does, bias the final outcome or determination of the substance of the complaint. More unfortunate is the fact that people can become the innocent victims of damaging circumstances.

Mr. Speaker, for the record, I would like to request that all those who review child care facility records under this new law exercise utmost responsibility and objectivity in reporting or disseminating the information they uncover. I urge them to be mindful of their rights and the dignity of the individuals involved in a complaint, and to extend to them the proper courtesy and responsible handling of sensitive information until the whole truth is revealed and final judgment is obtained.

I know many of my colleagues and also you, Mr. Speaker, share this same concern, and I thank you, Mr. Speaker, for the opportunity to make this a part of the House Journal's record of our floor discussion of Senate Bill 1575-84, Senate Draft 1, House Draft 1.

Thank you."

Representative Anderson then rose and requested a conflict ruling, saying that he is a Board member of a day care center.

The Chair ruled, "no conflict."

The motion was put by the Chair and carried, and S.B. No. 1575-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE", having been read throughout, passed Third Reading by a vote of 47 ayes to 1 no, with Representative Anderson voting no, and Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. No. 1575-84 had passed Third Reading at 3:52 o'clock p.m.

S.B. No. 2242-84, SD 1:

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, S.B. No. 2242-84, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOORING OF COMMERCIAL VESSELS IN SMALL BOAT HARBORS", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

S.B. No. 2212-84, SD 1, HD 1:

On motion by Representative Chun, seconded by Representative Grauly and carried, S.B. No. 2212-84, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Third Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that S.B. Nos. 2242-84 and 2212-84 had passed Third Reading at 3:53 o'clock p.m.

At 3:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:00 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of considering a Final Reading bill by consent calendar.

DISPOSITION OF MATTER  
PLACED ON THE CLERK'S DESK

By unanimous consent, H.B. No. 223, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Albano, seconded by Representative Yoshimura and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 223, HD 1, and H.B. No. 223, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS", having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Rohlfing being excused.

The Chair directed the Clerk to note that H.B. No. 223 had passed Final Reading at 4:05 o'clock p.m.

STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 726-84 on S.B. No. 538, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 727-84 on S.B. No. 1943-84, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 728-84 on S.B. No. 1948-84, SD 2:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 729-84 on S.B. No. 1949-84:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 730-84 on

S.B. No. 1811-84, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 731-84 on S.B. No. 2182-84, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 732-84 on S.B. No. 1809-84:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 733-84 on S.B. No. 2123-84:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 734-84 on S.B. No. 2240-84, SD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 735-84 on S.B. No. 2199-84, SD 2:

By unanimous consent, action was deferred one day.

At this time, the Chair made the following announcement:

"The Chair would like to remind all members if you would turn to your addendum on the calendar, three bills are listed there -- carry-over from 1983. They will be acted upon tomorrow for Final Reading."

#### ADJOURNMENT

At 4:07 o'clock p.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Tuesday, April 3, 1984.

## FORTY-EIGHTH DAY

Tuesday, April 3, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:45 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Gerald Chinen representing the Church at Our House, after which the Roll was called showing all members present with the exception of Representatives Baker and Kihano, who were excused.

By unanimous consent, reading of the Journal was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 194 to 336) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 194) returning House Bill No. 162, HD2, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 195) returning House Bill No. 177, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 196) returning House Bill No. 183, HD2, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 197) returning House Bill No. 267, HD2, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 198) returning House Bill No. 271, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 199) returning House Bill No. 537, HD1, which passed Third Reading in the Senate on April 2, 1984, in an

amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 200) returning House Bill No. 538, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 201) returning House Bill No. 556, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 202) returning House Bill No. 654, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 203) returning House Bill No. 787, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 204) returning House Bill No. 788, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 205) returning House Bill No. 791, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 206) returning House Bill No. 847, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 207) returning House Bill No. 1120, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 208) returning House Bill No. 1148, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 209) returning House Bill No. 1220, HD1, which passed















Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 332) returning House Bill No. 2540-84, HD1, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 333) returning House Bill No. 2597-84, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 334) returning House Bill No. 2604-84, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 335) returning House Bill No. 2612-84, HD2, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 336) returning House Bill No. 1432-84, HD1, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 337) returning House Bill No. 1632-84, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 338) returning House Bill No. 1758-84, HD1, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 339) returning House Bill No. 1788-84, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 340) returning House Bill No. 1895-84, HD1, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 341) returning House Bill No. 2110-84, HD2, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 342) returning House Bill No. 2139-84, HD1, which passed

Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 343) returning House Bill No. 2192-84, HD1, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 344) returning House Bill No. 2193-84, HD1, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 345) returning House Bill No. 2195-84, HD1, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 346) returning H.B. No. 2110-84, HD2, which passed Third Reading in the Senate on April 2, 1984, was placed on file.

By unanimous consent, H.B. Nos. 162, HD2; 177, HD1; 183, HD2; 267, HD2; 271, HD1; 537, HD1; 538, HD1; 556; 654, HD1; 787, HD1; 788, HD1; 791; 847, HD1; 1120, HD1; 1148, HD1; 1220, HD1; 1319, HD2; 1431, HD2; 1549-84, HD1; 1571, HD2; 1629-84, HD1; 1637-84, HD1; 1640-84, HD1; 1681-84, HD1; 1697-84; 1711-84, HD1; 1721-84, HD1; 1725-84; 1726-84, HD1; 1727-84, HD1; 1729-84, HD1; 1740-84; 1742-84; 1746-84, HD2; 1747-84, HD1; 1748-84, HD1; 1749-84, HD1; 1751-84, HD1; 1753-84, HD1; 1757-84; 1777-84; 1779-84, HD1; 1784-84, HD1; 1785-84, HD1; 1790-84, HD1; 1794-84, HD1; 1796-84, HD2; 1799-84; 1807-84, HD1; 1811-84, HD1; 1815-84; 1816-84; 1817-84, HD1; 1818-84; 1819-84; 1821-84, HD1; 1828-84, HD1; 1838-84; 1842-84, HD1; 1845-84, HD1; 1848-84, HD1; 1852-84, HD1; 1863-84, HD1; 1873-84, HD1; 1874-84; 1878-84; 1880-84, HD1; 1882-84, HD1; 1892-84; 1905-84, HD1; 1906-84, HD1; 1912-84, HD2; 1921-84, HD2; 1925-84, HD1; 1926-84, HD1; 1932-84, HD1; 1933-84, HD2;- 1940-84, HD2; 1946-84; 1950-84, HD2; 1959-84, HD2; 1976-84; 1983-84, HD1; 1985-84; 1989-84; 2002-84, HD2; 2006-84; 2012-84, HD1; 2016-84, HD1; 2020-84; 2026-84, HD1; 2028-84, HD1; 2029-84, HD1; 2032-84, HD1; 2036-84, HD1; 2044-84, HD1; 2054-84, HD1; 2075-84, HD1; 2077-84, HD1; 2078-84, HD1; 2092-84, HD1; 2108-84, HD1; 2142-84, HD1; 2143-84, HD2; 2151-84, HD2; 2161-84, HD2; 2163-84, HD1; 2169-84, HD2; 2179-84, HD1; 2181-84; 2194-84, HD1; 2196-84, HD1; 2201-84, HD1; 2203-84, HD2; 2224-84, HD1; 2257-84, HD2; 2261-84, HD1; 2268-84; 2275-84, HD1; 2281-84, HD1; 2294-84,

HD2; 2308-84, HD1; 2320-84, HD2; 2333-84, HD1; 2337-84, HD1; 2340-84, HD1; 2396-84; 2402-84; 2406-84, HD2; 2407-84, HD1; 2418-84, HD1; 2429-84, HD1; 2451-84, HD1; 2477-84, HD1; 2484-84, HD1; 2486-84, HD2; 2523-84, HD2; 2527-84, HD1; 2540-84, HD1; 2597-84; 2604-84; 2612-84, HD2; 1432-84, HD1; 1632-84; 1758-84, HD1; 1788-84; 1895-84, HD1; 2110-84, HD2; 2139-84, HD1; 2192-84, HD1; 2193-84, HD1; and 2195-84, HD1, were placed on the Clerk's desk and, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 162, HD2, SD1; 177, HD1, SD1; 183, HD2, SD2; 267, HD2, SD1; 271, HD1, SD2; 537, HD1, SD2; 538, HD1, SD1; 556, SD1; 654, HD1, SD2; 787, HD1, SD1; 788, HD1, SD1; 791, SD2; 847, HD1, SD2; 1120, HD1, SD1; 1148, HD1, SD2; 1220, HD1, SD1; 1319, HD2, SD1; 1431, HD2, SD1; 1549-84, HD1, SD1; 1571, HD2, SD1; 1629-84, HD1, SD2; 1637-84, HD1, SD1; 1640-84, HD1, SD1; 1681-84, HD1, SD1; 1697-84, SD1; 1711-84, HD1, SD1; 1721-84, HD1, SD1; 1725-84, SD1; 1726-84, HD1, SD1; 1727-84, HD1, SD1; 1729-84, HD1, SD2; 1740-84, SD1; 1742-84, SD1; 1746-84, HD2, SD1; 1747-84, HD1, SD1; 1748-84, HD1, SD1; 1749-84, HD1, SD1; 1751-84, HD1, SD2; 1753-84, HD1, SD1; 1757-84, SD1; 1777-84, SD1; 1779-84, HD1, SD1; 1784-84, HD1, SD1; 1785-84, HD1; SD1; 1790-84, HD1, SD1;- 1794-84, HD1, SD1; 1796-84, HD2; 1799-84; SD1; 1807-84, HD1, SD1; 1811-84, HD1; 1815-84, SD1; 1816-84, SD1; 1817-84, HD1, SD1; 1818-84, SD1; 1819-84, SD1; 1821-84, HD1, SD1; 1828-84, HD1, SD1; 1838-84, SD1; 1842-84, HD1, SD1; 1845-84, HD1, SD1; 1848-84, HD1, SD1; 1852-84, HD1, SD1; 1863-84, HD1, SD1; 1873-84, HD1, SD1; 1874-84, SD1; 1878-84, SD1; 1880-84, HD1, SD1; 1882-84, HD1, SD1; 1892-84, SD1; 1905-84, HD1, SD2; 1906-84, HD1, SD2; 1912-84, HD2, SD1; 1921-84, HD2, SD2; 1925-84, HD1, SD1; 1926-84, HD1, SD1; 1932-84, HD1, SD2; 1933-84, HD2, SD2; 1940-84, HD2, SD1; 1946-84, SD2; 1950-84, HD2, SD2; 1956-84, HD2, SD2; 1976-84, SD1; 1983-84, HD1, SD1; 1985-84, SD1; 1989-84, SD1; 2002-84, HD2, SD2; 2006-84, SD1; 2012-84, HD1, SD1; 2016-84, HD1, SD1; 2020-84, SD1; 2026-84, HD1, SD1; 2028-84, HD1, SD1; 2029-84, HD1, SD1; 2032-84, HD1, SD1; 2036-84, HD1, SD1; 2044-84, HD1, SD1; 2054-84, HD1, SD1; 2075-84, HD1, SD1; 2077-84, HD1, SD1; 2078-84, HD1, SD1; 2092-84, HD1, SD2; 2108-84, HD1, SD1; 2142-84, HD1, SD2; 2143-84, HD2, SD1;

2161-84, HD2, SD1; 2163-84, HD1, SD1; 2169-84, HD2, SD2; 2179-84, HD1, SD1; 2181-84, SD1; 2194-84, HD1, SD1; 2196-84, HD1, SD1; 2201-84, HD1, SD1; 2203-84, HD2, SD1; 2224-84, HD1, SD1; 2257-84, HD2, SD2; 2261-84, HD1, SD1; 2268-84, SD1; 2275-84, HD1, SD1; 2281-84, HD1, SD1; 2294-84, HD2, SD2; 2308-84, HD1, SD1; 2320-84, HD2, SD1; 2333-84, HD1, SD1; 2337-84, HD1, SD1; 2340-84, HD1, SD1; 2396-84, SD1; 2402-84, SD1; 2406-84, HD2, SD2; 2407-84, HD1, SD1; 2418-84, HD1, SD1; 2429-84, HD1, SD1; 2451-84, HD1, SD1; 2477-84, HD1, SD1; 2484-84, HD1, SD1; 2486-84, HD2, SD1; 2523-84, HD2, SD1; 2527-84, HD1, SD1; 2540-84, HD1, SD1; 2597-84, SD1; 2604-84, SD1; 2612-84, HD2, SD2; and 1432, HD1, were made available to the members of the House at 11:30 o'clock a.m.

#### ORDER OF THE DAY

#### DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 292 to 294; 297 to 298; 302 to 309; 311; 313 to 324) and concurrent resolutions (H.C.R. Nos. 114 to 126 and S.C.R. Nos. 31; 39 and 43) were disposed of as follows:

#### H.R. Nos. Referred to:

- |     |  |
|-----|--|
| 292 | Committee on Agriculture   |
| 293 | Committee on Higher Education and the Arts   |
| 294 | Committee on Energy, Ecology and Environmental Protection  |
| 297 | Committee on Human Services, then to the Committee on Finance                                    |
| 298 | Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance |
| 302 | Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance |
| 303 | Committee on Public Employment and Government Operations   |
| 304 | Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance |
| 305 | Committee on Judiciary,  |

then to the Committee on Finance

- 306 Committee on Energy, Ecology and Environmental Protection, then to the Committee on Finance
- 307 Committee on Higher Education and the Arts, then to the Committee on Finance
- 308 Committee on Judiciary
- 309 Jointly to the Committees on Transportation; and Education, then to the Committee on Finance
- 311 Committee on Education, then to the Committee on Finance
- 313 Jointly to the Committees on Consumer Protection and Commerce; and Energy, Ecology and Environmental Protection then to the Committee on Finance
- 314 Committee on Health
- 315 Jointly to the Committees on Consumer Protection and Commerce; and Energy, Ecology and Environmental Protection
- 316 Committee on Judiciary
- 317 Committee on Judiciary, then to the Committee on Finance
- 318 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Consumer Protection and Commerce, then to the Committee on Finance
- 319 Committee on Judiciary, then to the Committee on Finance
- 320 Committee on Higher Education and the Arts, then to the Committee on Judiciary
- 321 Committee on Health
- 322 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Legislative Management
- 323 Committee on Education
- 324 Committee on Housing, then to the Committee on Legislative Management

H.C.R. Nos.

- 114 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance

- 115 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 116 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 117 Committee on Energy, Ecology and Environmental Protection then to the Committee on Finance
- 118 Committee on Energy, Ecology and Environmental Protection
- 119 Committee on Judiciary, then to the Committee on Finance
- 120 Committee on Education, then to the Committee on Finance
- 121 Jointly to the Committees on Consumer Protection and Commerce; and Energy, Ecology and Environmental Protection
- 122 Jointly to the Committees on Consumer Protection and Commerce; and Energy, Ecology and Environmental Protection, then to the Committee on Finance
- 123 Committee on Health
- 124 Committee on Judiciary
- 125 Committee on Higher Education and the Arts
- 126 Committee on Education

S.C.R. Nos.

- 31 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 39 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Tourism, then to the Committee on Finance
- 43 Committee on Tourism, then to the Committee on Finance

SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of considering a resolution out of order.

## INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 328) congratulating George Freitas upon his retirement after 45 years with the Department of Taxation was jointly offered by Representatives Taniguchi, Kiyabu and Dang, was read by the Clerk.

On motion by Representative Taniguchi, seconded by Representative Kiyabu and carried, H.R. No. 328 was adopted.

Representative Taniguchi rose and stated:

"Mr. Speaker, the honoree this morning really needs no introduction to this body. His contributions to this state are well known. He is someone who worked his way up to a position of very heavy responsibility by working hard and by taking pride in his work.

"Whether you agree or disagree with George, it's always been a pleasure to work with him."

At this time, Representative Taniguchi introduced Mr. George Freitas and his wife, Dorothy, to the members of the House.

Representative Stanley rose and stated:

"I would like to have this body know that I've grown to respect Mr. Freitas greatly over the years, and primarily because whenever I needed him, I could call at 7:00 o'clock in the morning - and he answered the phone. And not only that, whenever he came to my office, he'd look me straight in the eye, with those beautiful blue eyes of his, and say, 'Stanley, this is the way it is.' And that's why I think that it's very important and right that we should recognize such an outstanding public servant."

Representative Matsuura rose and stated:

"I would like to also add a comment. I guess when I do leave politics, there's one thing that I'm going to bring back to Hilo, and I'm going to frame it. And that is a testimony by Mr. George Freitas in support of a bill that I introduced. And that's one of the things I'm going to keep. Thank you."

Representative Hirono rose and stated:

"I think that those of us here realize that Mr. Freitas somehow always managed to keep one step ahead of us. And to illustrate this point, there was a bill that had been referred to my committee last year, and I did not hold a hearing on this bill. Prior to hearing the bill this year, I contacted Mr. Freitas and asked him for his views on the tax ramifications of the measure. He wrote back to me saying, 'as you know, we testified in support of this bill when you had a hearing last year.' And not only that, he sent me a copy of his testimony. Mr. Speaker, I did not have a hearing on the bill, but such is the certainty with which Mr. Freitas makes all of his pronouncements that I double checked by records and sure enough, I did not schedule a hearing. This is to illustrate that sometimes Mr. Freitas was not just one step ahead of us, but a whole year ahead of us. And the bill in question passed the House and the Senate this year. Thank you."

Representative Chun rose and stated:

"Mr. Speaker, I would be remiss if I didn't say a word about the honoree. In our hearings with Finance, I always referred to Mr. Freitas as 'the most honest guy in the state.' How could you disagree with him? And Mr. Freitas would naturally blush, as he is doing now. But I also had a very high respect for Mr. Freitas because I introduced the bill that we should have a tax rebate or a tax forgiveness for a short while, and I called George at home and I said, 'George, what do you think of this bill?', and he was doing the plumbing, and he was fixing the plumbing at home, but he came to the phone and he said, 'now Chun, this is the way it is. If you do that, you're going to do this for everybody else, so I'm telling you that bill has more ramifications than you think it has.' So I did not even hear the bill."

Representative Kiyabu rose and stated:

"Mr. Freitas spends a great number of hours in the Finance Committee to the wee hours of the morning. And when we asked him about certain measures, he always tells the chapter, the verse, the page, the sentence, the line number and I often wondered if he told us just to snow us so that he sounds like an authority. But we did check, and he is



accurate so I want to commend Mr. Freitas for his many years of service. Thank you."

Representative Rohlring rose and stated:

"Mr. Speaker, I would like to join you on behalf of the members on this side of the aisle in congratulating George Freitas and his wife for their contributions to the people of this State and as had been stated here this morning, in particular, the service rendered to the members of this body in performing the services that we are elected to perform. I must say that over the years, I, too, have never had a problem in getting hold of George if we had a problem. And I think that is an example of the kind of thing that we hoped the executive department of this state will remember in regard to other positions in the state. That's the kind of example that I think is very important to the people out there.

"I think that in addition to a certificate, what we ought to do is make sure that Mr. Freitas and his wife received permanent tickets to the UH football games. The reason that I say that is that my seats are right next to them and they are very enthusiastic rooters for the UH Rainbows as are most of us here and I think it would be a shame if we were able to keep him there rooting for those Rainbows, rooting them home. Thank you."

Representative Segawa rose and stated:

"I think the Aloha for Mr. Freitas is very evident here this morning and I think that Mr. Freitas did such a great job because he handled the finances, the money of the state as if it was his own. And I think he came to believe that it was his money that he was handling and he did it very prudently. Thank you very much, Mr. Freitas."

Representative Tungpalan rose and stated:

"Mr. Speaker, I'd like to add to the words that have been said of Mr. George Freitas. You know, a man's leadership is often felt after he's retired and I will say this, we will continue to hear your voice whenever we deliberate on tax credit bills because of the fine job you did, you know, the number of years that you've served in office. And we want to thank you for the respect that you've built, the credibility that

you've given to this administration. Thank you and Aloha."

Representative Jones rose and stated:

"Mr. Speaker, as a freshman I haven't known George very long, but he always reminds me of Moses, because Moses when he was 120 years old still had clear vision and stood tall and he had beautiful white hair, but he also gave us the law, which George always gave us. But also because Moses was called 'the most humble man on earth', and as a freshman and a man who's much younger than George, he always treated me with a tremendous amount of respect and openness, and I really am thankful for that in his life."

At this time, Representatives Chun and Kiyabu presented the honoree and his wife with leis, and Representative Dang presented a certified copy of the resolution.

The Chair then thanked Mr. Freitas "for his dedicated service and contributions to the people of Hawaii."

At 11:54 o'clock a.m., the Chair declared a recess, subject to the call of the chair.

The House of Representatives reconvened at 12:03 o'clock p.m.

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 726-84 on S.B. No. 538, SD1:

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 726-84) recommending that S.B. No. 538, SD1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 538, SD1 entitled: "A BILL FOR AN ACT RELATING TO HILO HOSPITAL", passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 727-84 on S.B. No. 1943-84, SD1:

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

727-84) recommending that S.B. No. 1943-84, SD1 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1943-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 728-84 on S.B. No. 1948-84, SD2:

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 728-84) recommending that S.B. No. 1948-84, SD2 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1948-84, SD2 entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC", passed Second Reading and was placed on the calendar for Third Reading.

Stand. Com. Rep. No. 729-84 on S.B. No. 1949-84:

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 729-84) recommending that S.B. No. 1949-84 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1949-84 entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF REFUNDING SPECIAL PURPOSE REVENUE BONDS FOR UTILITIES SERVING THE GENERAL PUBLIC", passed Second Reading and was placed on the calendar for Third Reading.

#### SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of con-

sidering bills on Third Reading on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Stand. Com. Rep. No. 730-84 on S.B. No. 1811-84:

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 740-84) recommending that S.B. No. 1811-84, SD1 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1811-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," pass Third Reading by a vote of 49 ayes, with Representatives Baker and Kihano being excused.

Stand. Com. Rep. No. 731-84 on S.B. No. 2182-84, SD1:

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 731-84) recommending that S.B. No. 2182-84, SD1 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2182-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," pass Third Reading by a vote of 49 ayes, with Representatives Baker and Kihano being excused.

The Chair directed the Clerk to note that S.B. Nos. 1811-84 and 2182-84 had passed Third Reading at 12:05 o'clock p.m.

Stand. Com. Rep. No. 732-84 on S.B. No. 1809-84:

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 732-84) recommending that S.B. No. 1809-84 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 1809-84 entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHOR-

ITY," pass Third Reading by a vote of 49 ayes, with Representatives Baker and Kihano being excused.

Stand. Com. Rep. No. 733-84 on S.B. No. 2123-84:

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 733-84) recommending that S.B. No. 2123-84 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2123-84 entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," pass Third Reading by a vote of 49 ayes, with Representatives Baker and Kihano being excused.

Stand. Com. Rep. No. 734-84 on S.B. No. 2240-84, SD1:

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 734-84) recommending that S.B. No. 2240-84, SD1 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2240-84, SD1 entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," pass Third Reading by a vote of 49 ayes, with Representatives Baker and Kihano being excused.

The Chair directed the Clerk to note that S.B. Nos. 1809-84, 2123-84 and 2240-84 had passed Third Reading at 12:06 o'clock p.m.

Stand. Com. Rep. No. 735-84 on S.B. No. 2199-84, SD2:

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 735-84) recommending that S.B. No. 2199-84, SD2 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and S.B. No. 2199-84, SD2 entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES HEALTH FUND," pass Third Reading by a vote of 49 ayes, with Representatives Baker and Kihano being excused.

The Chair directed the Clerk to note that S.B. No. 2199-84 had passed Third Reading at 12:07 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Honda, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 736-84) recommending that H.R. No. 143, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Honda, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.R. No. 143, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING AND LAND AND NATURAL RESOURCES TO RECOMMEND ALTERNATIVE USES FOR THE OLINDA HONOR CAMP", was referred to the Committee on Finance.

Representative Honda, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 737-84) recommending that H.C.R. No. 59, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Honda, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.C.R. No. 59, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING AND LAND AND NATURAL RESOURCES TO RECOMMEND ALTERNATIVE USES FOR THE OLINDA HONOR CAMP", was referred to the Committee on Finance.

Representative Honda, for the Committee on Corrections and Rehabilitation, presented a report (Stand. Com. Rep. No. 738-84) recommending that H.R. No. 175, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Honda, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.R. No. 175, HD1 entitled: "HOUSE RESOLUTION URGING THE TERMINATION OF THE PRACTICE OF HOLDING NON-CRIMINAL IMMIGRANT DETAINEES IN STATE CORRECTIONAL FACILITIES", was referred to the Committee on Finance.

Representatives Honda and Hagino, for the Committees on Corrections and Rehabilitation; and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 739-84) recommending that H.R. No. 174 be referred to the Committee on Finance.

On motion by Representative Honda, seconded by Representative Hagino and carried, the report of the Committee was adopted and H.R. NO. 174 entitled: "HOUSE RESOLUTION RELATING TO A PLAN FOR THE TRANSFER OF THE ADMINISTRATION AND FUNCTION OF THE SOCIAL REHABILITATION OF CONFINED ADULTS PROGRAM TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", was referred to the Committee on Finance.

Representatives Say and Takamine, for the Committees on Water, Land Use, Development and Hawaiian Affairs; and Agriculture, presented a report (Stand. Com. Rep. No. 740-84) recommending that H.R. No. 232, as amended in HD1 be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Say and carried, the report of the Committee was adopted and H.R. No. 232, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO ACQUIRE THE KOHALA DITCH SYSTEM", was referred to the Committee on Finance.

Representatives Say and Takamine, for the Committees on Water, Land Use, Development and Hawaiian Affairs; and Agriculture, presented a joint report (Stand. Com. Rep. No. 741-84) recommending that H.C.R. No. 92, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Say and carried, the report of the Committee was adopted and H.C.R. No. 92, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE TO ACQUIRE THE KOHALA DITCH SYSTEM", was referred to the Committee on Finance.

Representatives Taniguchi and Hashimoto, for the Committees on Transportation and Education, presented a joint report (Stand. Com. Rep. No. 742-84) recommending that H.R. No. 179 be referred to the Committee on Finance.

On motion by Representative Taniguchi, seconded by Repre-

sentative Hashimoto and carried, the joint report of the Committees was adopted and H.R. No. 179 entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON THE CURRENT METHODS BEING IMPLEMENTED TO IMPROVE THE SAFETY OF SCHOOL BUSES", was referred to the Committee on Finance.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 743-84) recommending that H.R. No. 146, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.R. No. 146, HD1 entitled: "HOUSE RESOLUTION CONCERNING THE JUNIOR POLICE ORGANIZATION (JPO) PROGRAMS IN THE STATE OF HAWAII", was referred to the Committee on Finance.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 744-84) recommending that H.C.R. No. 61, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.C.R. No. 61, HD1 entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE JUNIOR POLICE ORGANIZATION (JPO) PROGRAMS IN THE STATE OF HAWAII", was referred to the Committee on Finance.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 745-84) recommending that H.C.R. No. 8, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.C.R. No. 8, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION", was referred to the Committee on Finance.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 746-84) recommending that H.C.R. No. 57, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.C.R. No. 57, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON COUNSELING SERVICES IN THE PUBLIC SECONDARY SCHOOLS", was referred to the Committee on Finance.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 747-84) recommending that H.R. No. 84, as amended in HD1, be adopted.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.R. No. 84, HD1 entitled: "HOUSE RESOLUTION REQUESTING A REPORT OF THE STATUS OF MATHEMATICS AND SCIENCE TEACHERS IN HAWAII'S PUBLIC SCHOOLS", was adopted.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 748-84-84) recommending that H.R. No. 83, as amended in HD1, be adopted.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.R. No. 83, HD1 entitled: "HOUSE RESOLUTION REQUESTING AN UPDATE OF THE IMPLEMENTATION OF THE NON-COST ITEMS CONTAINED IN THE INTERMEDIATE SCHOOL TASK FORCE REPORT AND A REPORT ON THE DEPARTMENT OF EDUCATION'S FUTURE PLANS FOR ADDRESSING THE NEEDS OF THE INTERMEDIATE SCHOOLS IN HAWAII", was adopted.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 749-84-84) recommending that H.R. No. 37, as amended in HD1, be adopted.

Representative Hashimoto moved that the report of the Committee be adopted and H.R. No. 37, HD1, be adopted, seconded by Representative Hee.

Representative Levin rose to speak for the measure with reservations stating:

"I think that the enthusiasm that has been generated to improve our educational system by "A Nation at

Risk", and other national studies is certainly encouraging and do not want to dampen that enthusiasm, however, I do have concerns about the practical effect that strengthening high school graduation requirements will have. I believe that it's extremely important that our students be challenged in order that they achieve their potential. But for those students who have a difficult time meeting existing graduation requirements, increasing the requirements may inadvertently lead to discouragement, drop-outs and fewer graduations. Our system needs to accommodate the weaker students as well as the strong. So I would hope that we would demand more of our better students but still accommodate the needs of the others. What our real goal is, is for our students to learn more. Now part of the way to accomplish that may be to demand more of them, but if we impose tougher graduation requirements at the end of the education process without making improvements within the system to help our students learn more, then we may be missing the boat. President Reagan has already given us the trickle-down theory of economics. I fear that what we may be doing here is developing a trickle-down theory of education. Thank you."

The motion was put by the Chair and carried, and H.R. No. 37, HD1 entitled: "HOUSE RESOLUTION URGING THE STRENGTHENING OF HIGH SCHOOL GRADUATION REQUIREMENT AND A REPORT THEREIN", was adopted.

Representative Hagino, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 750-84) recommending that H.C.R. No. 40 be referred to the Committee on Finance.

On motion by Representative Hagino, seconded by Representative Hee and carried, the report of the Committee was adopted and H.C.R. No. 40 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII", was referred to the Committee on Finance.

Representative Matsuura, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 751-84) recommending that H.R. No. 203, as amended in HD1, be adopted.

On motion by Representative Matsuura, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 203, HD1 entitled: "HOUSE RESOLUTION REQUESTING AN ASSESSMENT OF THE FEASIBILITY OF DESIGNATING THE WATERS OFFSHORE OF THE LELEIWI BEACH PARK AT THE RICHARDSON OCEAN CENTER, HILO, HAWAII, AS A MARINE LIFE CONSERVATION DISTRICT", was adopted.

Representatives Matsuura and Okamura, for the Committees on Ocean and Marine Resources; and Energy, Ecology and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 752-84) recommending that H.R. No. 193, as amended in HD1, be adopted.

On motion by Representative Kiyabu-Saballa, seconded by Representative Okamura and carried, the joint report of the Committees was adopted and H.R. No. 193, HD1 entitled: "HOUSE RESOLUTION SUPPORTING PUBLIC FISHING IN ALL MARINE WATERS SURROUNDING THE PROPOSED OTEC POWER PLANT LOCATED OFF KAHE POINT ON OAHU", was adopted.

Representatives Matsuura and Hagino, for the Committee on Ocean and Marine Resources; and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 753-84) recommending that H.R. No. 5, as amended in HD1, be adopted.

On motion by Representative Apo, seconded by Representative Hagino and carried, the joint report of the Committees was adopted and H.R. No. 5, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE DESIGNATION OF AN OFFICIAL STATE FISH", was adopted.

Representatives Matsuura and Hagino, for the Committees on Ocean and Marine Resources; and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 754-84) recommending that H.C.R. No. 75, as amended in HD1, be adopted.

On motion by Representative Apo, seconded by Representative Hagino and carried, the joint report of the Committees was adopted and H.C.R. No. 75, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DESIGNATION OF AN OFFICIAL STATE FISH", was adopted.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 755-84) recommending that H.R. No. 85, as amended in HD1, be adopted.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.R. No. 85, HD1 entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON THE STATUS OF THE DEPARTMENT OF EDUCATION'S MASTER PLAN FOR COMPUTER EDUCATION IN HAWAII'S PUBLIC SCHOOL", was adopted.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 756-84) recommending that H.R. No. 93, as amended in HD1, be adopted.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.R. No. 93, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT TO EDUCATION TO SUPPORT THE ARTS IN EDUCATION IN HAWAII'S PUBLIC SCHOOL, AND TO REPORT TO THE LEGISLATURE ON CURRENT LEVELS OF ACTIVITIES AND FUNDING OF THE VARIOUS PROGRAMS INVOLVING THE ARTS IN EDUCATION", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 757-84-84) recommending that H.R. No. 66, as amended in HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 66, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE CONVENING OF A STATE TOURISM CONFERENCE TO DEVELOP A UNIFIED POLICY DIRECTION FOR THE VISITOR INDUSTRY", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 758-84) recommending that H.R. No. 173, as amended in HD2, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 173, HD2 entitled: "HOUSE RESOLUTION REQUESTING THAT THE GOVERNOR ACTIVELY EN-

COURAGE THE HOMEPORTING OF A LARGER SEGMENT OF THE U.S. FLEET AT PEARL HARBOR", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 759-84) recommending that H.C.R. No. 71, as amended in HD2, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.C.R. No. 71, HD2 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE GOVERNOR ACTIVELY ENCOURAGE THE HOMEPORTING OF A LARGER SEGMENT OF THE U.S. FLEET AT PEARL HARBOR", was adopted.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 324 to 327) and concurrent resolutions (H.C.R. Nos. 127 to 128) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 324) requesting a review and evaluation of residential lease rent renegotiation legislation and related matters was offered by Representative Hirono.

A resolution (H.R. No. 325) requesting the judiciary to review civil cases was offered by Representative Hayes.

A resolution (H.R. No. 326) requesting clarification of exemptions for hotel operations from real estate licensing requirements was offered by Representative Shito.

A resolution (H.R. No. 327) requesting the Office of Hawaiian Affairs and the Hawaiian Homes Commission to conduct a study and to evaluate the effects of a definition of native Hawaiian without reference to blood quantum on current and future beneficiaries of the Hawaiian Homes Commission Act, 1920, and the Admissions Act was offered by Representative Peters. (By request)

A concurrent resolution (H.C.R. No. 127) requesting the Office of Hawaiian Affairs and the Hawaiian Homes Commission to conduct a study and to evaluate the effects of a definition of native Hawaiian without reference to blood quantum on current and future beneficiaries of

the Hawaiian Homes Commission Act, 1920, and the Admissions Act was offered by Representative Peters. (By request)

A concurrent resolution (H.C.R. No. 128) requesting clarification of exemptions for hotel operations from real estate licensing requirements was offered by Representative Shito.

At 12:15 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 12:32 o'clock p.m.

#### SUSPENSION OF RULES

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

#### DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

By unanimous consent, the following bills were taken from the Clerk's desk: H.B. Nos. 530; 531 and 1297, HD2.

On motion by Representative Albano, seconded by Representative Kiyabu and carried, H.B. No. 530, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representative Rohlfing voting no, and Representatives Baker and Kihano being excused, in accordance with Article III, Section 15 of the Constitution of the State of Hawaii.

On motion by Representative Albano, seconded by Representative Kiyabu and carried, H.B. No. 531, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representative Rohlfing voting no and Representatives Baker and Kihano being excused, 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. Nos. 530 and 531 had passed Final Reading at 12:34 o'clock p.m.

On motion by Representative Chun, seconded by Representative Kiyabu and carried, H.B. No. 1297, HD2, having been read throughout, passed Final Reading by a vote of 49 ayes,

with Representatives Baker and Kihano being excused, 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. 1297 had passed Final Reading at 12:35 o'clock p.m.

#### ANNOUNCEMENTS

At this time, Representative Stanley requested that the 48-hour notice requirement on hearings be waived on S.B. No. 2072-84 and the Chair "so ordered."

The Chair then appointed Representatives Stanley, Chairman; Tom and Medeiros as Managers on the part of the House on the Conference Committee on S.B. No. 2072-84.

At 12:36 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 12:37 o'clock p.m.

At this time, the Chair referred H.R. No. 324 to the Committee on Housing, then to the Committee on Legislative Management.

Representative Hirono then requested that the 48-hour notice requirement on hearings be waived on H.R. No. 324 and the Chair "so ordered."

#### ADJOURNMENT

At 12:39 o'clock p.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m., tomorrow, Wednesday, April 4, 1984.



## FORTY-NINTH DAY

Wednesday, April 4, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Chaplain Alton W. Boulware of Schofield Barracks, after which the Roll was called showing all members present with the exception of Representatives Baker, Menor, Morgado and Tom, who were excused.

By unanimous consent, reading of the Journal of the Forty-Eighth Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 347 and 348) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 347) informing the House that the Senate has disagreed to the amendments proposed by the House to Senate Bill No. 26, SD 1, (HD 1), and has requested a conference on the subject matter of said amendments, in consequence of which Senators Cobb, Chairman; Carpenter and Soares were appointed as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

In accordance therewith, the Chair appointed Representatives Shito, Chairman; Kim, Hirono, Lardizabal, Taniguchi and Ikeda as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 348) informing the House that the Senate has disagreed to the amendments proposed by the House to Senate Bill No. 2072-84, SD 1, (HD 1), and has requested a conference on the subject matter of said amendments, in consequence of which Senators Chang, Chairman; Kuroda and A. Kobayashi were appointed as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

In accordance therewith, the Chair appointed Representatives Stanley, Chairman; Tom and Medeiros as Managers on the part of the House at such conference.

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

Representative Matsuura introduced a group of students from Ka'u, Honokaa, Pahoa and Hilo on the Big Island, who are participants in the Legislative Experience Program. They were accompanied by their advisers, Wallace Aki and Natalie Yokoyama.

Representative Kihano introduced "The Mountain Express", an award winning jazz singing ensemble from Mountain View High School in Vancouver, Washington, comprised of 18 juniors and seniors, and are under the direction of Ms. Janet Reiter. They were accompanied by Mr. Gordon Reiter, Ed and Judy Cloud, Patti Elms, Gerri Sarver and Phyllis Maxson.

Representative Apo then rose to add a post script to the introduction, stating:

"Mr. Speaker, during the '60s and early '70's, I had many occasions to spend time in Vancouver, British Columbia, sometimes for weeks on end, and I just wanted to say that I was never treated through my travels to all fifty states, never treated with as much aloha as I was during the times that I spent in Vancouver, and since I came back to Hawaii, this is the first group that I have had a chance to say 'thank you.' So, I just want to say 'mahalo' to you for all the good wishes that I received while I was in British Columbia, and I hope the people of Hawaii is treating you just as well.

Thank you."

Representative Crozier introduced two students -- Virginia and Stephanie -- from Iima Intermediate School who are participating in the Legislative Awareness Program.

Representative Ige introduced 14 students from Olomana School in Kaneohe. They were accompanied by their instructors, Mr. Ash, Mr. Tinatalatia, Mr. Andy Brown and Mr. Evans.

Representative Lardizabal introduced Dr. Robert Straumfjord, an orthopedic surgeon from San Diego, California; Miss Marilyn Anderson; and his secretary, Joyce Esposito.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 325 to 327) and concurrent resolutions (H.C.R. Nos. 127 and 128) were disposed of as follows:

H.R. Nos.            Referred to:

325 Committee on Judiciary, then to the Committee on Finance

326 Jointly to the Committees on Consumer Protection and Commerce and Tourism, then to the Committee on Finance

327 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance

H.C.R. Nos.

127 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance

128 Committee on Consumer Protection and Commerce

## SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of considering certain resolutions.

## INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 340-A and 332) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 340-A) congratulating Alleen Santiago, 1984 Miss Leeward, and the finalists in the Leeward Oahu Jaycees' Eighth Annual Miss Leeward Scholarship Pageant was jointly offered by Representatives Okamura, Shito, Honda and Kim.

On motion by Representative Okamura, seconded by Representative Shito and carried, H.R. No. 340-A was adopted.

Representative Okamura then rose to introduce the honoree, stating:

"Mr. Speaker, it is a real pleasure, this morning, for me to introduce, on behalf of all of the members here, especially the Representatives from the Leeward District, the court and a

member from the Leeward Oahu Jaycees. I am a member of the Jaycees and I had the pleasure this year to serve as a preliminary judge and Representative Kim served as one of the final judges.

First of all, I would like to introduce Miss Leeward and I would like to say that this is a true Cinderella story. The Queen, Alleen Santiago, grew up in a broken family. She comes from a family with eight brothers and sisters and they were very poor and still is and she lives at home now and she helps out her mother with cost and expenses. Alleen attributes a lot of her success to a neighbor of hers that she grew up next to, Mrs. Gladys Ando, who literally took her into her home and constantly encouraged her to strive for success in life and also to stress the importance of education, and it is a real pleasure for me, at this time, to introduce her to the body."

Representative Okamura then presented Alleen Santiago, Miss Leeward, to the members of the House and audience.

Representative Okamura then introduced the following persons: Natalie Brown, First Runnerup, "who is the daughter of Mr. and Mrs. George Brown of Aiea. Natalie won a \$150 scholarship for her intelligence, poise and charm. She also won four other awards, including best in swimsuit, best in evening gown, Miss Congeniality and Spirit of Miss Leeward in the pageant this year, and I am certain that she will be running in future pageants"; Cindy Mayo, Second Runnerup, "daughter of Mr. and Mrs. Roman Mayo and a graduate of Maui High School. Cindy received a \$100 award for her talents and achievements. She is now studying Travel and Industrial Management at the University of Hawaii"; and Wendell Fong, President of the Leeward Oahu Jaycees. "He is the man behind the scenes who brought these lovely girls together. He is one of the main organizers of the successful Miss Leeward Pageant which is now eight years old. He has also led the Leeward Jaycees through an active year; among their achievements are the Waipahu Christmas parade, the Waipahu blood drive and these activities have led to the Leeward Chapter being cited as one of the top five Jaycee Chapters in the State."

Representatives Shito, Yoshimura and Honda presented pikake leis to Miss Leeward and her court, respec-

tively, while Representative Kim presented an Ilima lei to Mr. Fong. Certified copies of the resolution were presented to the honorees by Representatives Hashimoto, Andrews and Tam.

Representative Okamura then asked Mr. Lance Arakawa, a member of the Leeward Jaycees, and Mrs. Brown, mother of Natalie, who were seated in the gallery to stand and be recognized.

Representative Kim rose to say a few words, stating:

"Mr. Speaker, I would like to say that I have worked with the Leeward Jaycees in the past on the Miss Leeward Program and so I was very honored this year when they asked me to be a judge except I didn't realize that I would have such a hard task because all of the contestants were very outstanding and it was a difficult choice, but I would like to congratulate the Queen and her court and just wish Alleen best wishes to her and good luck in the Miss Hawaii Pageant which she will be participating in in May.

Thank you."

At 11:51 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal best wishes and cogratulations to our honorees this morning."

Upon reconvening at 12:01 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Menor and Tom.

A resolution (H.R. No. 332) extending condolences to the family of the late Christopher Anthony Crozier was jointly offered by Representatives Honda, Andrews, Souki, Hee, Crozier, Albano, Anderson, Apo, Blair, Bunda, Chun, Graelty, Hagino, Hashimoto, Hayes, Hirono, Ige, Ikeda, Isbell, Jones, Kawakami, Kim, Kiyabu, Kiyabu-Saballa, Lardizabal, Leong, Levin, Marumoto, Matsuura, Menor, Morgado, Nakasato, Nakata, Okamura, Say, Shito, Stanley, Takamine, Tam, Taniguchi, Tom, Tungpalan, Wong and Yoshimura.

On motion by Representative Honda, seconded by Representative Andrews and carried, H.R. No. 332 was adopted by a rising vote.

#### SUSPENSION OF RULES

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

#### UNFINISHED BUSINESS

S.B. No. 538, SD 1, on Third Reading:

Representative Kiyabu moved that S.B. No. 538, SD 1, having been read throughout, pass Third Reading, seconded by Representative Kawakami.

Representative Hagino then rose and stated:

"Mr. Speaker, I rise to speak against this bill. I had not intended to do so or even to vote against this bill. What made me change my mind is that I learned last night that my grandmother is in Hilo Hospital at the present time and it caused me to think more carefully about this bill. I am deeply troubled by this bill because it is my understanding that in the County of Hawaii, there will be a 'Proposition 13' type referendum question on the ballot which will greatly, as I understand it, reduce the revenues of the County. Now, although this bill attempts to deal with that problem by making the transfer permissible, I believe it is legislative folly on our part to even consider such a transfer prior to the results of the referendum.

I am concerned about the dedicated workers there. There are attempts in the bill to deal with the workers and they give them safeguards but I am troubled that under Section 3, there may be no safeguards for continued union representation. I do not believe that it is the intent of the House or the Senate that. . . I believe it is the intent, hopefully of this House and of the Senate, that the representation, collective bargaining representation, will continue even if Section 3 of the bill is utilized instead of contracting out for management services.

Another thing that troubles me about this bill and I may have had all of my doubts resolved if this bill had come up for hearing before the House

Health Committee of which I am a member, especially this bill, for the reason of the leadership, the bill was re-referred solely to one committee. That is the will of the leadership, but I do question it. I think it would have resolved many of the doubts of some of the subject matter committee members had we been allowed to hear this bill.

So, for all of those reasons, including a very strong procedural one, I must vote against this bill and I would like to ask that all my colleagues think very carefully about this bill -- the ramifications of this bill and the way we have chosen to enact this bill.

Thank you."

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

"Mr. Speaker, I've told the Majority Floor Leader that I am voting no on this bill. I have indicated to all my colleagues from Hawaii that I am going to vote against this bill. I know it is tough because as all of you know, there was a tremendous publicity towards the number of petitions that came to this Legislature and to the Governor, and also because of the background, and also knowing that this is an enabling act which is subject negotiations. Yet, I feel, and I have always taken the position in the past because several times, because of the problems of the hospital system in Hilo and in Kona, the Governor had to make special trips out there to try to resolve the problems.

Yet, I have always taken the position in the past, and I am going to take it now, that Hilo Hospital is inseparable from the rural hospitals. We have a rural hospital in Ka'u, in Honokaa, in Kohala, and also in Kona, and the total subsidy from the State runs around \$10 million to \$11 million each year. Now, out of the thirteen hospitals -- State and County hospitals -- I think only Hilo and Maui Memorial are going pretty good so that if you start from the good hospitals by giving it to a private corporation or back to the County, then it must have implications to the other hospitals. And what does it do to those 100,000 people that are living on the Big Island? Would it cost them more in the future because of the brand new acute hospital? It may be all right for now but I am looking at the future implication.

I believe that problem has been well

addressed by the House Finance Committee and the Senate Ways and Means Committee because if you read the budget, I believe that the House has serious concerns on page 6 of the Standing Committee Report, and it talks about the consolidation of hospital services in the County of Hawaii and basically what it says is that we got to look at all the services of the department and to report back to the Legislature twenty days before the next session of the Legislature. In the Senate, I think they went one step further and they have added \$255,000 to look at the various alternatives and then, also, to report back to the Legislature twenty days before the beginning of the next session of the Legislature. So, I believe that both parties are concerned about this problem and yet, I know that this bill is going to pass, but I would like to note here my objection so that in the negotiations that all of these matters could be taken care of. And also, hopefully, that the conferees, when they do meet in conference on the House budget bill, would go one step further in making sure that all those provisos cover every aspect of the hospital operation because there are several areas on the Big Island, and also throughout the State, that don't now have complete emergency medical services. Here again, we have to work very closely with the County, so hopefully, I would like the Speaker of the House and the President of the Senate to appoint an oversight committee to oversee these negotiations and also the cause of the department starting these problems and making recommendations to the next session of the Legislature.

Therefore, I didn't want to but I thought I should at least make a note of my objections so that it can be noted to the cause of these negotiations.

Thank you."

The motion was put by the Chair and carried, and S.B. No. 538, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HILO HOSPITAL", having been read throughout, passed Third Reading by a vote of 41 ayes to 8 noes, with Representatives Hagino, Hirono, Lardizabal, Nakata, Okamura, Stanley, Takamine and Tom voting no, and Representatives Baker and Morgado being excused.

The Chair directed the Clerk to note that S.B. No. 538 had passed Third Reading at 12:10 o'clock p.m.

S.B. No. 1943-84, SD 1, on Third Reading:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, S.B. No. 1943-84, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Morgado being excused.

S.B. No. 1948-84, SD 2, on Third Reading:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, S.B. No. 1948-84, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST UTILITIES SERVING THE GENERAL PUBLIC", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Morgado being excused.

The Chair directed the Clerk to note that S.B. Nos. 1943-84 and 1948-84 had passed Third Reading at 12:11 o'clock p.m.

S.B. No. 1949-84 on Third Reading:

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, S.B. No. 1949-84, entitled: "A BILL FOR AN ACT RELATING TO THE AUTHORIZATION OF REFUNDING SPECIAL PURPOSE REVENUE BONDS FOR UTILITIES SERVING THE GENERAL PUBLIC", having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Baker and Morgado being excused.

The Chair directed the Clerk to note that S.B. No. 1949-84 had passed Third Reading at 12:12 o'clock p.m.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 329 to 331 and 333 to 340) and concurrent resolutions (H.C.R. Nos. 129 and 130) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 329) requesting creation of ALS/BLS

ambulance units for Honokaa, Kau and Kohala, Hawaii, was jointly offered by Representatives Takamine, Anderson, Crozier, Dang, Hee, Isbell, Levin, Matsuura, Menor, Nakata, Okamura, Segawa and Souki.

A resolution (H.R. No. 330) requesting the Legislative Reference Bureau to survey motorcycle owners to determine if they favor a mandatory helmet law if it results in a reduction of premiums by a statistically established percentage was jointly offered by Representatives Blair, Albano, Anderson, Andrews, Apo, Chun, Crozier, Hashimoto, Hayes, Hee, Isbell, Leong, Nakata, Shito and Souki.

A resolution (H.R. No. 331) requesting the use of alternatives to formal litigation to resolve disputes involving the benefit eligibility of public assistance applicants and recipients was jointly offered by Representatives Andrews, Stanley, Apo, Honda and Kim.

A resolution (H.R. No. 333) requesting a management audit of the State Medicaid Fraud Control Unit was jointly offered by Representatives Ige and Leong.

A resolution (H.R. No. 334) requesting a feasibility study of establishing a new division under the Department of Social Services and Housing to administer the Medicaid program was jointly offered by Representatives Ige and Leong.

A resolution (H.R. No. 335) encouraging an increase in the use of geriatric nurse practitioners was jointly offered by Representatives Ige and Leong.

A resolution (H.R. No. 336) requesting establishment of State standards for air quality and noise near geothermal exploration and development areas was jointly offered by Representatives Levin, Crozier, Grauly, Hee, Hirono, Menor, Nakata and Say.

A resolution (H.R. No. 337) requesting establishment of an odor nuisance standard for hydrogen sulfide was jointly offered by Representatives Levin, Crozier, Grauly, Hee, Hirono, Menor, Nakasato and Say.

A resolution (H.R. No. 338) requesting the Department of Education to revise its policies concerning the purchase or acquisition of instructional microcomputers was jointly

offered by Representatives Nakata, Albano, Anderson, Apo, Bunda, Crozier, Gaulty, Hee, Ikeda, Isbell, Lardizabal, Leong, Levin, Menor and Say.

A resolution (H.R. No. 339) concerning the safety of patients of impaired physicians licensed by Department of Commerce and Consumer Affairs was jointly offered by Representatives Chun, Shito and Apo.

A resolution (H.R. No. 340) relating to the role of geriatric nurse practitioners in improving the quality of health care of the aged was offered by Representative Chun.

A concurrent resolution (H.C.R. No. 129) requesting the Legislative Reference Bureau to survey motorcycle owners to determine if they favor a mandatory helmet law if it results in a reduction of premiums by a statistically established percentage was jointly offered by Representatives Blair, Albano, Anderson, Andrews, Apo, Chun, Crozier, Hashimoto, Hayes, Hee, Isbell, Leong, Nakata, Shito and Souki.

A concurrent resolution (H.C.R. No. 130) requesting a feasibility

study for the establishment of a convention center was jointly offered by Representatives Nakasato and Lardizabal.

At 12:13 o'clock p.m., Representative Takamine asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:14 o'clock p.m.

The Chair then made the following announcement:

"All chairmen are reminded to review all House bills with Senate drafts that have come back from the Senate. Be prepared to make your recommendations; tomorrow is the deadline for disagreements."

#### ADJOURNMENT

At 12:14 o'clock p.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Thursday, April 5, 1984.

## FIFTIETH DAY

Thursday, April 5, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:06 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Katsuro Taura representing Hawaii Baptist Convention, after which the Roll was called showing all members present with the exception of Representative Baker, who was excused.

By unanimous consent, reading of the Journal was deferred.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 5 to 5A) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 5) informing the House that on March 31, 1984, he had signed H.B. No. 212 as Act 3, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS", was placed on file.

A message from the Governor (Gov. Msg. No. 5) informing the House that on April 3, 1984, he had signed H.B. No. 223 as Act 4, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS", was placed on file.

At this time, Representative Menor introduced 42 Mililani High School students who were accompanied by the athletic director of the school, Mr. John Kauinana, and his wife, Sharon, the student activities leader.

## ORDER OF THE DAY

## CONFERENCE COMMITTEE REPORT

Representative Stanley, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.B. No. 2072-84, SD1, HD1, presented a report (Conf. Com. Rep. No. 1-84) recommending

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

By unanimous consent, consideration of Conf. Com. Rep. No. 1-84 on S.B. No. 2072-84, 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. 2072-84, SD1, HD1, CD1, were made available to the members of the House at 11:00 o'clock a.m.

## INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 354) honoring the East-West Center's Hawaii International Film Festival was jointly offered by Representatives Hagino and Apo, was read by the Clerk.

On motion by Representative Hagino, seconded by Representative Apo and carried, H.R. No. 354 was adopted.

Representative Hagino rose and stated:

"As noted by the resolution which we have just adopted, the East-West Center's Hawaii International Film Festival has a short existence of a mere three years. Yet in that short time, it has become a major cultural and artistic even in Hawaii Nei. I believe it is also becoming a major event in the movie industry. In the recent film festival that many movie directors of the films that were presented at the International Film Festival made it a point to come to Hawaii and to be present for the many discussions and presentations that were made during that week. And these are film directors that came from all over the world.

"I believe that what makes the Hawaii International Film Festival a major event and very unique among other film festivals is that it combines cinema with scholarly discussions. These movies are held at the Varsity Theatre and adjoining facilities at the Church of the Crossroads are then used by humanities scholars to discuss the meanings of many of the movies, the film directors that are involved, and also cinematography in general.

"I'd also would like to point out the other thing that makes the film festival so great for all of us here in

Hawaii, is it doesn't cost anything to see the movies - they're free and they run from the morning to the afternoon to the evening times. I try to go to every evening. Last year, I encouraged all of you to go. For the forthcoming film festival, I hope that our earlier honorees, Siskel and Ebert will be there as they hoped to be for the opening night, so again I encourage all of you to attend."

At this time, Representative Hagino introduced the following honorees: Dr. Victor Li, President of the East-West Center; Doug Murray, Vice President of the East-West Center; Jeannette Paulson, Chairman of the Film Festival Committee; Dr. Thomas Jackson, a prime force in the film festival; Dr. Victor Kobayashi, Professor of Educational Foundations; Dr. Henry Wong, Manager of the Hawaii Film Office; Art Gordon, Vice President of Consolidated Amusements; Ruthann Becker from the Hyatt Hotels of Hawaii; Annette Lew, Executive Director of the Hawaii Committee for the Humanities; and Daryl Matsuo, Hawaii Sales Manager for Northwest Orient Airlines.

Representatives Kiyabu-Saballa, Kim, Okamura, Hirono, Marumoto, Isbell, Hayes, Nakasato, Menor and Tungpalan presented the honorees with leis, and Representative Hagino presented certified copies of the resolution.

At 11:23 o'clock a.m., the Chair declared a recess for the purpose of extending the Aloha of the members of the House to the honorees, subject to the call of the Chair.

The House of Representatives reconvened at 11:36 o'clock a.m.

By unanimous consent, the following resolutions (H.R. Nos. 341 to 353) and concurrent resolutions (H.C.R. Nos. 131 to 132) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 341) requesting a study of efficient alternatives and the costs incident to resolving the school attendance problem in the State of Hawaii was jointly offered by Representatives Tom and Hashimoto.

A resolution (H.R. No. 342) requesting a study to determine the feasibility of conducting a public education program on household hazardous wastes using community resources was jointly offered by Representatives Isbell, Anderson,

Andrews, Chun, Crozier, Hashimoto, Hayes, Ige, Ikeda, Lardizabal, Leong and Yoshimura.

A resolution (H.R. No. 343) requesting a study to determine the feasibility and define the scope of a pilot K-3 non-graded system to be undertaken within the Hawaii Department of Education was jointly offered by Representatives Isbell, Anderson, Andrews, Chun, Hashimoto, Hayes, Ige, Ikeda, Jones, Lardizabal, Leong and Yoshimura.

A resolution (H.R. No. 344) requesting the amount guaranteed to the depositors of Manoa Finance Company and Great Hawaiian Financial Corporation be paid forthwith was offered by Representative Tam.

A resolution (H.R. No. 345) requesting the Mayor and the Council for the City and County of Honolulu to take appropriate action to allow neighborhood boards to submit testimony and views before State and federal agencies was jointly offered by Representatives Taniguchi and Dang.

A resolution (H.R. No. 346) requesting a study of the feasibility of state reimbursements to the City and County of Honolulu for the provision of special transit services for handicapped persons who are clients of state programs was jointly offered by Representatives Taniguchi and Graulty.

A resolution (H.R. No. 347) requesting an investigation into the receipt and analysis of data relating to geothermal energy development was offered by Representative Levin.

A resolution (H.R. No. 348) declaring the week on May 12 through 19, 1984 Hawaii Gifted and Talented Children's Week was jointly offered by Representatives Hashimoto, Albano, Andrews, Apo, Blair, Bunda, Chun, Dang, Graulty, Hee, Hirono, Honda, Ige, Jones, Kawakami, Kihano, Kiyabu-Saballa, Lardizabal, Matsuura, Menor, Nakasato, Okamura, Segawa, Shito, Stanley, Tam, Taniguchi and Wong.

A resolution (H.R. No. 349) requesting the Board of Education and representatives of the appropriate leagues and the Teachers' Union to develop an adequate compensation schedule for coaches was offered by Representative Hashimoto.

A resolution (H.R. No. 350) requesting the Department of Education



to report on the educational assistants' training needs survey was offered by Representative Hashimoto.

A resolution (H.R. No. 351) requesting coordinated and consistently reported information on elderly employment and related issues was jointly offered by Representatives Ige and Leong.

A resolution (H.R. No. 352) requesting a recommendation on the best means to adequately meet the needs of the deaf community for the telecommunication device for the deaf relay services was jointly offered by Representatives Ige and Wong.

A resolution (H.R. No. 353) urging the United States Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the United States House to formally reject enumerated sections of the Final Report of the Native Hawaiians Study Commission, Volume 1 was jointly offered by Representatives Apo, Wong, Albano, Anderson, Andrews, Blair, Bunda, Chun, Crozier, Graulty, Hagino, Hashimoto, Hayes, Hee, Hirono, Honda, Ige, Ikeda, Isbell, Kawakami, Kihano, Kim, Kiyabu, Kiyabu-Saballa, Lardizabal, Leong, Levin, Marumoto, Matsuura, a Medeiros, Menor, Morgado, Nakata, Okamura, Rohlfing, Segawa, Shito, Souki, Stanley, Takamine, Tam, Taniguchi, Tungpalan and Yoshimura.

A concurrent resolution (H.C.R. No. 131) requesting the amount guaranteed to the depositors of Manoa Finance Company and the Great Hawaiian Financial Corporation be paid forthwith was offered by Representative Tam.

A concurrent resolution (H.C.R. No. 132) urging the United States Senate Committee on Energy and Natural Resources and the Committee on Interior and Insular Affairs of the United States House to formally reject enumerated sections of the Final Report of the Native Hawaiians Study Commission, Volume 1 was jointly offered by Representatives Apo, Wong, Albano, Anderson, Andrews, Blair, Bunda, Chun, Crozier, Graulty, Hagino, Hashimoto, Hayes, Hee, Hirono, Honda, Ige, Ikeda, Isbell, Kawakami, Kihano, Kim, Kiyabu, Kiyabu-Saballa, Lardizabal, Leong, Levin, Marumoto, Matsuura, Medeiros, Menor, Morgado, Nakata, Okamura, Rohlfing, Segawa, Shito, Souki, Stanley, Takamine, Tam, Taniguchi, Tungpalan and Yoshimura.

At this time, Representative Jones introduced 23 students from the seventh grade at the Christian Academy, who were accompanied by their teachers, Mr. Joel Gleason and Mr. David Pablo.

Representative Okamura introduced Mr. Allen Craft, a master's degree candidate with the School of Public Health at the University of Hawaii, a captain in the Army.

On motion by Representative Blair, seconded by Representative Segawa and carried, the House disagreed to the Senate amendments made to each of the following House bills: H.B. Nos. 162, HD2, SD1; 177, HD1, SD1; 183, HD2, SD2; 267, HD2, SD1; 271, HD1, SD2; 537, HD1, SD2; 538, HD1, SD1; HD1, 556, SD1; 654, HD1, SD2; 787, HD1, SD1; 788, HD1, SD1; 791, SD2; 847, HD1, SD2; 1120, HD1, SD1; 1148, HD1, SD2; 1220, HD1, SD1; 1319, HD2, SD1; 1422, HD1, SD2; 1431, HD2, SD1; 1549, HD1, SD1; 1571, HD2, SD1; 1629, HD1, SD2; 1637-84, HD1, SD1; 1640-84, HD1, SD1; 1681-84, HD1, SD1; 1697-84, SD1; 1711-84, HD1, SD1; 1721-84, HD1, SD1; 1725-84, SD1; 1726-84, HD1, SD1; 1727-84, HD1, SD1; 1729-84, HD1, SD2; 1740-84, SD1; 1742-84, SD1; 1746-84, HD2, SD1; 1747-84, HD1, SD1; 1748-84, HD1, SD1; 1749-84, HD1, SD1; 1751-84, HD1, SD2; 1753-84, HD1, SD1; 1757-84, SD1; 1777-84, SD1; 1779-84, HD1, SD1; 1784-84, HD1, SD1; 1785-84, HD1, SD1; 1790-84, HD1, SD1; 1794-84, HD1, SD1; 1796-84, HD2, SD1; 1799-84, SD1; 1807-84, HD1, SD1; 1811-84, HD1, SD1; 1815-84, SD1; 1816-84, SD1; 1817-84, HD1, SD1; 1818-84, SD1; 1819-84, SD1; 1821-84, HD1, SD1; 1828-84, HD1, SD1; 1838-84, SD1; 1842-84, HD1, SD1; 1845-84, HD1, SD1; 1848-84, HD1, SD1; 1852-84, HD1, SD1; 1863-84, HD1, SD1; 1873-84, HD1, SD1; 1874-84, SD1; 1878-84, SD1; 1880-84, HD1, SD1; 1882-84, HD1, SD1; 1892-84, SD1; 1905-84, HD1, SD2; 1906-84, HD1, SD2; 1912-84, HD2, SD1; 1921-84, HD2, SD2; 1925-84, HD1, SD1; 1926-84, HD1, SD1; 1932-84, HD1, SD2; 1933-84, HD2, SD2; 1940-84, HD2, SD1; 1946-84, SD2; 1950-84, HD2, SD2; 1956-84, HD2, SD2; 1976-84, SD1; 1983-84, HD1, SD1; 1985-84, SD1; 1989-84, SD1; 2002-84, HD2, SD2; 2006-84, SD1; 2012-84, HD1, SD1; 2016-84, HD1, SD1; 2020-84, SD1; 2026-84, HD1, SD1; 2028-84, HD1, SD1; 2029-84, HD1, SD1; 2032-84, HD1, SD1; 2036-84, HD1, SD1; 2044-84, HD1, SD1; 2054-84, HD1, SD1; 2075-84, HD1,

SD1; 2077-84, HD1, SD1; 2078-84, HD1, SD1; 2092-84, HD1, SD2; 2108-84, HD1, SD1; 2142-84, HD1, SD2; 2143-84, HD2, SD1; 2151-84, HD2, SD2; 2161-84, HD2, SD1; 2163-84, HD1, SD1; 2169-84, HD2, SD2; 2179-84, HD1, SD1; 2181-84, SD1; 2194-84, HD1, SD1; 2196-84, HD1, SD1; 2201-84, HD1, SD1; 2203-84, HD2, SD1; 2224-84, HD1, SD1; 2257-84, HD2, SD2; 2261-84, HD1, SD1; 2268-84, SD1; 2275-84, HD1, SD1; 2281-84, HD1, SD1; 2294-84, HD2, SD2; 2308-84, HD1, SD1; 2320-84, HD2, SD1; 2333-84, HD1, SD1; 2337-84, HD1, SD1; 2340-84, HD1, SD1; 2396-84, SD1; 2402-84, SD1; 2406-84, HD2, SD2; 2407-84, HD1, SD1; 2418-84, HD1, SD1; 2429-84, HD1, SD1; 2451-84, HD1, SD1; 2477-84, HD1, SD1; 2484-84, HD1, SD1; 2486-84, HD2,

SD1; 2523-84, HD2, SD1; 2527-84, HD1, SD1; 2540-84, HD1, SD1; 2597-84, SD1; 2604-84, SD1 and 2612-84, HD2, SD2.

Representative Dang rose and introduced members of the Hawaii Speech Language-Hearing Association, Geri O'Leary, President; Carolyn Canubida, Past President; and Sheri Scarborough, Committee Chairman of Better Hearing and Speech Month.

#### ADJOURNMENT

At 11:38 o'clock a.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:00 o'clock a.m., tomorrow, Friday, April 6, 1984.

## FIFTY-FIRST DAY

Friday, April 6, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:00 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend John Halloran, Pastor of Our Lady of Perpetual Help Church, after which the Roll was called showing all members present with the exception of Representatives Apo, Baker, Hagino, Hashimoto, Isbell, Kiyabu, Morgado, Nakasato, Nakata, Say and Souki, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 348 to 373-B) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 348) returning House Bill No. 2110-84, SD 2, which passed Third Reading in the Senate on April 2, 1984, in an amended form, was placed on file.

By unanimous consent, H.B. No. 2110-84, as amended by the Senate, was placed on the Clerk's desk, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2110-84, SD 2, were made available to the members of the House at 11:00 o'clock a.m.

A communication from the Senate (Sen. Com. No. 349) transmitting Senate Concurrent Resolution No. 71, SD 1, requesting the Hawaii State Legislature's support for the Australian Federation of Travel Agents (AFTA) Convention at Keauhou-Kona, Hawaii from July 27, to August 2, 1985, which was adopted by the Senate on April 3, 1984, was placed on file.

By unanimous consent, further action on S.C.R. No. 71, SD 1, was deferred.

A communication from the Senate (Sen. Com. No. 350) informing the House that the amendments proposed by the House to S.B. No. 1725-84, SD 1, were agreed to by the Senate,

and S.B. No. 1725-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 351) informing the House that the Senate has disagreed to the amendments proposed by the House to the Senate Bills hereinafter named, and has requested conferences on the respective subject matters thereof, in consequence of which the President has, on April 5, 1984, appointed Managers on the part of the Senate for the consideration of said amendments, was placed on file.

In accordance therewith, the Chair appointed the following Managers on the part of the House for the consideration of said amendments to the Senate Bills hereinafter named, as follows:

S.B. No. 29, SD 1, HD 1:

Senate Conferees: Senators Cobb, Chairman; Chang and Henderson.

House Conferees: Representatives Shito, Chairman; Kim, Hayes, Hirono, Lardizabal and Ikeda.

S.B. No. 423, SD 2, HD 2:

Senate Conferees: Senators Yamasaki, Chairman; Machida, B. Kobayashi, Young and Soares.

House Conferees: Representatives Chun and Kiyabu, Co-Chairmen; Tam, Gaulty, Morgado and Anderson.

S.B. No. 785, SD 1, HD 2:

Senate Conferees: Senators Cobb, Chairman; Uwayne and Soares.

House Conferees: Representatives Shito and Kiyabu, Co-Chairmen; Bunda, Kim, Gaulty, Lardizabal, Wong and Anderson.

S.B. No. 878, SD 2, HD 2:

Senate Conferees: Senators Yamasaki, Chairman; Mizuguchi, Uwayne, Machida and A. Kobayashi.

House Conferees: Representatives Albano and Kiyabu, Co-Chairmen; Yoshimura, Crozier and Medeiros.

S.B. No. 905, SD 2, HD 2:

Senate Conferees: Senators Yamasaki, Chairman; Aki, Hagino, Uwaine and Ajifu.

House Conferees: Representatives Say and Kiyabu, Co-Chairmen; Hashimoto, Takamine, Souki, Grafty and Dang.

S.B. No. 1115, SD 2, HD 2:

Senate Conferees: Senators Yamasaki, Chairman; Mizuguchi, Holt, Abercrombie and A. Kobayashi.

House Conferees: Representatives Kiyabu, Chairman; Kawakami, Yoshimura, Wong and Anderson.

S.B. No. 1577-84, SD 1, HD 2:

Senate Conferees: Senators Yamasaki, Chairman; Hagino and Ajifu.

House Conferees: Representatives Kawakami and Takamine, Co-Chairmen; Crozier, Nakata, Menor and Isbell.

S.B. No. 1709-84, SD 1, HD 1:

Senate Conferees: Senators Yamasaki, Chairman; Chang and Soares.

House Conferees: Representatives Kiyabu, Chairman; Kawakami, Bunda, Wong and Anderson.

S.B. No. 1729-84, SD 1, HD 1:

Senate Conferees: Senators Chang, Chairman; Cobb and George.

House Conferees: Representatives Stanley, Chairman; Tom, Honda and Medeiros.

S.B. No. 1744-84, SD 1, HD 1:

Senate Conferees: Senators Cobb, Chairman; Kawasaki, Uwaine and Soares.

House Conferees: Representatives Kawakami, Chairman; Wong, Grafty and Isbell.

S.B. No. 1788-84, SD 1, HD 1:

Senate Conferees: Senators Yamasaki, Chairman; B. Kobayashi and Henderson.

House Conferees: Representatives Kiyabu, Chairman; Kawakami, Wong, Bunda and Anderson.

S.B. No. 1841-84, SD 2, HD 2:

Senate Conferees: Senators Yamasaki, Chairman; Mizuguchi, Machida, Uwaine and A. Kobayashi.

House Conferees: Representatives Kiyabu, Chairman; Kawakami, Bunda, Yoshimura, Morgado and Anderson.

S.B. No. 1890-84, SD 1, HD 1:

Senate Conferees: Senators Yamasaki, Chairman; Young and A. Kobayashi.

House Conferees: Representatives Kawakami and Say, Co-Chairmen; Crozier, Kiyabu-Saballa, Matsuura, Nakata and Isbell.

S.B. No. 2085-84, SD 1, HD 1:

Senate Conferees: Senators Cobb, Chairman; Uwaine and Soares.

House Conferees: Representatives Shito, Chairman; Kim, Hayes, Lardizabal, Hirono and Ikeda.

S.B. No. 2119-84, SD 2, HD 2:

Senate Conferees: Senators Yamasaki, Chairman; Mizuguchi and Ajifu.

House Conferees: Representatives Kiyabu, Chairman; Yoshimura, Wong and Anderson.

S.B. No. 2125-84, SD 2, HD 2:

Senate Conferees: Senators Yamasaki, Chairman; Mizuguchi, Solomon, Hagino and A. Kobayashi.

House Conferees: Representatives Kiyabu, Chairman; Yoshimura, Grafty, Wong and Anderson.

S.B. No. 2180-84, HD 1:

Senate Conferees: Senators Aki, Chairman; Hagino, Fernandes Salling and Henderson.

House Conferees: Representatives Say and Andrews, Co-Chairmen; Matsuura, Morgado and Dang.

S.B. No. 2209-84, SD 2, HD 2:

Senate Conferees: Senators Yamasaki, Chairman; Kawasaki, Machida, Mizuguchi and Ajifu.

House Conferees: Representatives

Albano and Kiyabu, Co-Chairmen;  
Graulty, Kawakami, Morgado,  
Nakasato and Anderson.

S.B. No. 2249-84, SD 2, HD 2:

Senate Conferees: Senators Yamasaki,  
Chairman; Young, Holt and A.  
Kobayashi.

House Conferees: Representatives  
Hirono and Kawakami, Co-Chairmen;  
Tam, Leong, Apo, Bunda and  
Anderson.

S.B. No. 300, SD 1, HD 1:

Senate Conferees: Senators B.  
Kobayashi, Chairman; Uwaine and  
George.

House Conferees: Representatives  
Taniguchi, Chairman; Hayes, Honda,  
Lardizabal and Anderson.

S.B. No. 328, SD 1, HD 1:

Senate Conferees: Senators Young,  
Chairman; Holt and A. Kobayashi.

House Conferees: Representatives  
Stanley, Hirono and Shito, Co-  
Chairmen; Tam, Tom and Medeiros.

S.B. No. 761, HD 1:

Senate Conferees: Senators Machida,  
Chairman; Young and George.

House Conferees: Representatives  
Stanley and Chun, Chairmen; Tom,  
Apo and Ikeda.

S.B. No. 934, SD 1, HD 1:

Senate Conferees: Senators Machida,  
Chairman; B. Kobayashi and George.

House Conferees: Representatives  
Chun and Stanley, Co-Chairmen;  
Tom, Hirono and Ikeda.

S.B. No. 1450, SD 1, HD 1:

Senate Conferees: Senators Chang,  
Chairman; Carpenter and A.  
Kobayashi.

House Conferees: Representatives  
Honda, Chairman; Hayes, Andrews,  
Lardizabal and Medeiros.

S.B. No. 1516-84, HD 1:

Senate Conferees: Senators Machida,  
Chairman; Fernandes Salling and  
George.

House Conferees: Representatives  
Chun and Stanley, Co-Chairmen;  
Lardizabal, Apo and Dang.

S.B. No. 1575-84, SD 1, HD 1:

Senate Conferees: Senators  
Mizuguchi, Chairman; Holt, A.  
Kobayashi and Abercrombie.

House Conferees: Ige and Hashimoto,  
Co-Chairmen; Leong, Apo, Hee and  
Ikeda.

S.B. No. 1693-84, SD 1, HD 1:

Senate Conferees: Senators B.  
Kobayashi and Cobb, Co-Chairmen;  
and Soares.

House Conferees: Representatives  
Taniguchi and Shito, Co-Chairmen;  
Kim and Medeiros.

S.B. No. 1694-84, SD 1, HD 1:

Senate Conferees: Senators Cobb,  
Chairman; B. Kobayashi, Uwaine and  
Henderson.

House Conferees: Representatives  
Shito, Chairman; Hirono, Kim,  
Lardizabal, Tom and Ikeda.

S.B. No. 1702-84, SD 1, HD 1:

Senate Conferees: Senators Cobb,  
Chairman; B. Kobayashi and  
Henderson.

House Conferees: Representatives  
Shito, Chairman; Hirono, Kim,  
Lardizabal, Tom and Ikeda.

S.B. No. 1740-84, SD 1, HD 1:

Senate Conferees: Senators Cobb,  
Chairman; Kawasaki and Soares.

House Conferees: Representatives  
Shito, Chairman; Andrews, Kim,  
Matsuura, Tom and Ikeda.

S.B. No. 1745-84, SD 1, HD 1:

Senate Conferees: Senators Cobb,  
Chairman; Carpenter and Henderson.

House Conferees: Representatives  
Shito, Chairman; Andrews, Honda,  
Kim, Matsuura and Ikeda.

S.B. No. 1766-84, SD 1, HD 1:

Senate Conferees: Senators Solomon and B. Kobayashi, Co-Chairmen; A. Kobayashi and Abercrombie.

House Conferees: Representatives Taniguchi, Hashimoto and Ige, Co-Chairmen; Gaulty, Say, Leong and Dang.

S.B. No. 1815-84, SD 1, HD 1:

Senate Conferees: Senators Cobb, Chairman; Uwaine, Carpenter and Henderson.

House Conferees: Representatives Shito, Chairman; Kim, Hayes, Lardizabal, Hirono and Ikeda.

S.B. No. 1835-84, SD 1, HD 1:

Senate Conferees: Senators Kawasaki, Chairman; Abercrombie and Soares.

House Conferees: Representatives Shito, Chairman; Kim, Lardizabal, Matsuura and Ikeda.

S.B. No. 1846-84, SD 1, HD 1:

Senate Conferees: Senators Yamasaki, Chairman; B. Kobayashi, Aki, Hagino, Holt, Kawasaki, Machida, Mizuguchi, Solomon, Uwaine, Young, Ajifu, Henderson and Soares.

House Conferees: Representatives Kiyabu, Chairman; Kawakami, Bunda, Chun, Crozier, Gaulty, Levin, Morgado, Nakata, Souki, Tam, Wong, Yoshimura, Anderson and Isbell.

S.B. No. 1854-84, HD 1:

Senate Conferees: Senators Chang, Chairman; Cayetano and A. Kobayashi.

House Conferees: Representatives Stanley, Chairman; Hirono, Tom and Medeiros.

S.B. No. 1867-84, SD 1, HD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling and Henderson.

House Conferees: Representatives Shito, Chairman; Kim, Hayes, Lardizabal, Hirono and Ikeda.

S.B. No. 1872-84, HD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling and Soares.

House Conferees: Representatives Shito, Chairman; Kim, Hayes, Lardizabal, Hirono and Ikeda.

S.B. No. 2026-84, SD 1, HD 1:

Senate Conferees: Senators Chang, Chairman; Hagino and George.

House Conferees: Representatives Stanley, Chairman; Andrews, Tom and Medeiros.

S.B. No. 2049-84, HD 1:

Senate Conferees: Senators B. Kobayashi, Chairman; Toguchi and George.

House Conferees: Representatives Taniguchi and Shito, Co-Chairmen; Kim, Levin and Medeiros.

S.B. No. 2056-84, SD 1, HD 1:

Senate Conferees: Senators Cobb, Chairman; Kuroda and Henderson.

House Conferees: Representatives Taniguchi and Shito, Co-Chairmen; Hayes, Kim and Medeiros.

S.B. No. 2057-84, HD 1:

Senate Conferees: Senators Young, Chairman; Holt and A. Kobayashi.

House Conferees: Representatives Hirono, Chairman; Chun, Ige, Shito, Tam, Tom and Jones.

S.B. No. 2073-84, SD 1, HD 1:

Senate Conferees: Senators Chang, Chairman; Hagino and George.

House Conferees: Representatives Stanley, Chairman; Tom, Lardizabal and Medeiros.

S.B. No. 2087-84, SD 1, HD 1:

Senate Conferees: Senators Cobb, Chairman; Uwaine and Henderson.

House Conferees: Representatives Shito, Chairman; Andrews, Honda, Kim, Taniguchi and Ikeda.

S.B. No. 2184-84, SD 1, HD 1:

Senate Conferees: Senators Aki, Chairman; Chang and A. Kobayashi.

House Conferees: Representatives Say, Okamura and Andrews, Co-Chairmen; Apo, Kawakami, Matsuura and Dang.

S.B. No. 2193-84, SD 1, HD 1:

Senate Conferees: Senators Chang, Chairman; Carpenter and A. Kobayashi.

House Conferees: Representatives Stanley, Chairman; Honda, Tom and Medeiros.

S.B. No. 2212-84, SD 1, HD 1:

Senate Conferees: Senators Machida, Chairman; Fernandes Salling and George.

House Conferees: Representatives Chun, Chairman; Apo, Hirono and Ikeda.

S.B. No. 2243-84, SD 1, HD 1:

Senate Conferees: Senators B. Kobayashi, Chairman; Toguchi and Soares.

House Conferees: Representatives Hayes and Kawakami, Co-Chairmen; Honda, Wong, Yoshimura and Anderson.

A communication from the Senate (Sen. Com. No. 352) informing the House that the amendments proposed by the House to S.B. No. 20, SD 1, were agreed to by the Senate, and S.B. No. 20, SD 1, HD 2, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 353) informing the House that the amendments proposed by the House to S.B. No. 139, SD 1, were agreed to by the Senate, and S.B. No. 139, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 354) informing the House that the amendments proposed by the House to S.B. No. 285, SD 1, were agreed to by the Senate, and S.B. No. 285, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate

(Sen. Com. No. 355) informing the House that the amendments proposed by the House to S.B. No. 784, SD 1, were agreed to by the Senate, and S.B. No. 784, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 356) informing the House that the amendments proposed by the House to S.B. No. 1532-84, SD 1, were agreed to by the Senate, and S.B. No. 1532-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 357) informing the House that the amendments proposed by the House to S.B. No. 1540-84, SD 1, were agreed to by the Senate, and S.B. No. 1540-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 358) informing the House that the amendments proposed by the House to S.B. No. 1541-84, were agreed to by the Senate, and S.B. No. 1541-84, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 359) informing the House that the amendments proposed by the House to S.B. No. 1551-84, SD 2, were agreed to by the Senate, and S.B. No. 1551-84, SD 2, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 360) informing the House that the amendments proposed by the House to S.B. No. 1629-84, SD 1, were agreed to by the Senate, and S.B. No. 1629-84, SD 1, HD 2, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 361) informing the House that the amendments proposed by the House to S.B. No. 1707-84, were agreed to by the Senate, and S.B. No. 1707-84, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 362) informing the House that the amendments proposed by the House to S.B. No. 1718-84, SD 1, were agreed to by the Senate, and S.B. No. 1718-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 363) informing the House that the amendments proposed by the House to S.B. No. 1732-84, SD 1, were agreed to by the Senate, and S.B. No. 1732-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 364) informing the House that the amendments proposed by the House to S.B. No. 1734-84, SD 1, were agreed to by the Senate, and S.B. No. 1734-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 365) informing the House that the amendments proposed by the House to S.B. No. 1868-84, SD 1, were agreed to by the Senate, and S.B. No. 1868-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 366) informing the House that the amendments proposed by the House to S.B. No. 1874-84, SD 1, were agreed to by the Senate, and S.B. No. 1874-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 367) informing the House that the amendments proposed by the House to S.B. No. 1877-84, SD 1, were agreed to by the Senate, and S.B. No. 1877-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 368) informing the House that the amendments proposed by the House to S.B. No. 1878-84, were agreed to by the Senate, and S.B. No. 1878-84, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 369) informing the House that the amendments proposed by the House to S.B. No. 2203-84, SD 1, were agreed to by the Senate, and S.B. No. 2203-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 370) informing the House that the amendments proposed by the House to S.B. No. 2205-84, SD 2, were agreed to by the Senate, and S.B. No. 2205-84, SD 2, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 371) informing the House that the amendments proposed by the House to S.B. No. 2206-84, SD 1, were agreed to by the Senate, and S.B. No. 2206-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 372) informing the House that the amendments proposed by the House to S.B. No. 2248-84, were agreed to by the Senate, and S.B. No. 2248-84, HD 2, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 373) informing the House that the amendments proposed by the House to S.B. No. 2251-84, SD 1, were agreed to by the Senate, and S.B. No. 2251-84, SD 1, HD 1, passed Final Reading in the Senate on April 5, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 373-A) informing the House that the amendments proposed by the House to Senate Bill No. 1509-84, SD 1, HD 1, were agreed to by the Senate on April 4, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 373-B) informing the House that the amendments proposed by the House to Senate Bill No. 2213-84, HD 1, were agreed to by the Senate on April 4, 1984, was placed on file.

At this time, the Chair directed the Clerk to note the presence of Representatives Hagino, Isbell and Nakata.

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

Representative Crozier introduced a group of 35 students from Waianae Elementary School. They were accompanied by their teachers and chaperones, as follows: Mrs. Tauta, Mrs. Tomoyasu, Mrs. Chun, Mrs. Bert, Mrs. Gabriel, Mrs. Ware, Mrs. Williams and Mrs. Amina.

Representative Menor introduced a group of 52 sixth grade students from Mililani-Uka Elementary School. They were accompanied by their teachers, Mrs. Rene Mansho and Mrs. Carol Sasaki.



## ORDER OF THE DAY

## INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 340-B and 340-C) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 340-B) extending congratulations and best wishes to the 1984 Cherry Blossom Queen, and her court was jointly offered by Representatives Ikeda and Ige.

On motion by Representative Ikeda, seconded by Representative Ige and carried, H.R. No. 340-B was adopted.

Representative Ikeda then rose to introduce the Cherry Blossom Queen and her Court, stating:

"Mr. Speaker, it gives me great pleasure this morning to introduce to this body a group of very beautiful young ladies. I had the pleasure of talking with them earlier and they are charming as well as beautiful.

Mr. Speaker, the 1984 Cherry Blossom Queen is Lisa Sachie Nakahodo who happens to be a graduate of Kaiser High School and a resident of the great district of Hawaii Kai."

Representative Ikeda then asked the Queen and her court to stand and be recognized as follows: Lisa Sachie Nakahodo, 1984 Cherry Blossom Queen; Candace Anne Fumiko Ishimoto, Princess; and Attendants, Colleen Akemi Izumi, Dee Ann Reiko Hamasaki and Jill Ann Matsuyoshi; Karen Hisae Hirata, Ms. Popularity; and Joni Kimie Tanji, Ms. Congeniality. Accompanying the Queen and her court were Mr. Raymond Urabe, General Chairman of the 32nd Cherry Blossom Festival, and Mr. Don Tanaka, President of the Japanese Junior Chamber of Commerce.

An orchid lei and ginger leis were presented to the Queen and her court by Representatives Rohlfing, Ige, Taniguchi, Marumoto, Yoshimura, Hirono, Anderson, Chun, Andrews and Bunda, respectively, while Representatives Medeiros, Hagino, Hashimoto, Tom, Leong, Kim and Matsuura presented the honorees with certified copies of the resolution.

A resolution (H.R. No. 340-C) welcoming and honoring the 1983 Nisei Week Queen and her court was jointly offered by Representatives Tam and

Hagino.

On motion by Representative Tam, seconded by Representative Hagino and carried, H.R. No. 340-C was adopted.

Representative Tam then rose to introduce the honorees, stating:

"Mr. Speaker, it is indeed a pleasure to present to you and my fellow colleagues five lovely and beautiful young women from the Japanese/American community in Los Angeles, California. These women are representing Japanese heritage."

Representative Tam then presented the following to the members of the House and audience: Miss Tracy Lynn Isawa, Nisei Week Queen; Princess Geraldine Nakauchi, "a graduate of Roosevelt High School and she is also entitled, Miss Tomodachi"; Princess Lorraine Kuda; Princess Elva Tamashiro; and Princess Denise Watari.

Floral leis were presented to Queen Tracy Lynn Isawa and her court by Representatives Hagino, Honda, Levin, Nakata and Crozier, respectively, and certified copies of the resolution were presented by Representatives Tam, Hirono, Okamura, Shito and Taniguchi, respectively.

At 11:25 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal congratulations and aloha to our honorees this morning."

Upon reconvening at 11:33 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Kiyabu, Nakasato and Souki.

By unanimous consent, the following resolutions (H.R. Nos. 355 to 360) and concurrent resolutions (H.C.R. Nos. 133 to 137) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 355) requesting a study of research in environmentally sound means of controlling pests without the use of dangerous chemicals was offered by Representative Okamura.

A resolution (H.R. No. 356) urging the Department of Transportation to maintain a wharfage fee schedule that facilitates the growth of the local agriculture industry was jointly offered by Representatives Taniguchi

and Takamine.

A resolution (H.R. No. 357) requesting the Department of Taxation to investigate the alleged nonpayment of the general excise tax by mainland contractors performing public works on military bases in Hawaii was jointly offered by Representatives Hagino and Lardizabal.

A resolution (H.R. No. 358) requesting the Department of Labor and Industrial Relations to investigate the alleged lack of workers' compensation coverage for employees of mainland contractors engaged in federal public works projects on United States military bases in Hawaii was jointly offered by Representatives Hagino and Lardizabal.

A resolution (H.R. No. 359) requesting the Department of Labor and Industrial Relations to investigate alleged nonpayment of unemployment compensation contributions by mainland contractors performing federal public works on United States military bases in Hawaii was jointly offered by Representatives Hagino and Lardizabal.

A resolution (H.R. No. 360) requesting the protection of endangered species habitat on State land was offered by Representative Okamura.

A concurrent resolution (H.C.R. No. 133) requesting a study of research in environmentally sound means of controlling pests without the use of dangerous chemicals was offered by Representative Okamura.

A concurrent resolution (H.C.R. No. 134) requesting the Department of Taxation to investigate the alleged nonpayment of the general excise tax by mainland contractors performing public works on military bases in Hawaii was jointly offered by Representatives Hagino and Lardizabal.

A concurrent resolution (H.C.R. No. 135) requesting the Department of Labor and Industrial Relations to investigate the alleged lack of workers' compensation coverage for employees of mainland contractors engaged in federal public works projects on United States military bases in Hawaii was jointly offered by Representatives Hagino and Lardizabal.

A concurrent resolution (H.C.R. No. 136) requesting the Department of Labor and Industrial Relations to investigate alleged nonpayment of unemployment compensation contributions by mainland contractors performing federal public works on United States military bases in Hawaii was jointly offered by Representatives Hagino and Lardizabal.

A concurrent resolution (H.C.R. No. 137) requesting the protection of endangered species habitat on State land was offered by Representative Okamura.

At this time, the Chair made the following announcement:

"The Chair would like to announce our actions on House Bills returned with Senate drafts that will be prepared for all of you this afternoon. The subject matter chairmen are reminded to make themselves available to assist me in that effort.

You are also reminded to review action on Senate Bills returned with House drafts. Be prepared to make your recommendations."

#### ADJOURNMENT

At 11:35 o'clock a.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. on Monday, April 9, 1984.

## FIFTY-SECOND DAY

Monday, April 9, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:38 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Faaleaga Mapu representing Waianae United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Baker, Kiyabu-Saballa and Yoshimura, who were excused.

By unanimous consent, reading of the Journal was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 374 to 375) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 374) transmitting Senate Concurrent Resolution No. 58 requesting a feasibility study relating to the concept of Hawaii as "the healing islands", which was adopted by the Senate on April 6, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 375) returning H.B. No. 1864-84 which passed Third Reading in the Senate on April 6, 1984, was placed on file.

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

Representative Morgado introduced 60 students from the sixth grade at Momilani Elementary School who were accompanied by Miss Geri Hatada and Miss Jasmine Morrison.

Representative Hirono introduced 26 students from the fourth grade at the Hawaiian Mission Academy, who were accompanied by their teacher, Alice Kondo.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 329 to 331; 333 to 353) and concurrent resolutions

(H.C.R. Nos. 129 to 132) were disposed of as follows:

H.R. Nos.	Referred to:
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329	Committee on Health, then to the Committee on Finance
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330	Jointly to the Committees on Transportation and Consumer Protection and Commerce, then to the Committee on Finance
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331	Jointly to the Committees on Human Services and Judiciary, then to the Committee on Finance
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333	Jointly to the Committees on Human Services and Judiciary, then to the Committee on Finance
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334	Committee on Human Services, then to the Committee on Finance
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335	Jointly to the Committees on Human Services and Health
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336	Committee on Health, then to the Committee on Finance
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337	Jointly to the Committees on Health; Water, Land Use, Development and Hawaiian Affairs; and Finance
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338	Committee on Education, then to the Committee on Finance
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339	Jointly to the Committees on Consumer Protection and Commerce; and Health, then to the Committee on Finance
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340	Jointly to the Committees on Human Services; Health; and Consumer Protection and Commerce, then to the Committee on Finance
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341	Jointly to the Committees on Education and Judiciary, then to the Committee on Finance
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342	Jointly to the Committees on Energy, Ecology and Environmental Protection; and Health, then to the Committee on Legislative Management
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343	Jointly to the Committees on Education and Higher Education and the Arts, then to the Committee on Finance
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344	Committee on Consumer Protection and Commerce, then to the Committee on Finance
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345	Committee on Judiciary
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- 346 Jointly to the Committees on Transportation; Human Services; and Health, then to the Committee on Finance
- 347 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; Energy, Ecology and Environmental Protection; and State General Planning, then to the Committee on Finance
- 348 Committee on Education
- 349 Committee on Education, then to the Committee on Finance
- 350 Committee on Education then to the Committee on Finance
- 351 Jointly to the Committees on Human Services and Employment Opportunities and Labor Relations, then to the Committee on Finance
- 352 Committee on Human Services, then to the Committee on Finance
- 353 Committee on Water, Land Use, Development and Hawaiian Affairs

#### H.C.R. Nos.

- 129 Jointly to the Committees on Transportation and Consumer Protection and Commerce, then to the Committee on Finance
- 130 Committee on Tourism, then to the Committee on Finance
- 131 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 132 Committee on Water, Land Use, Development and Hawaiian Affairs

#### STANDING COMMITTEE REPORTS

Representative Hirono, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 760-84) recommending that H.R. No. 324 be referred to the Committee on Legislative Management.

On motion by Representative Hirono, seconded by Representative Tam and carried, the report of the Committee was adopted and H.R. No. 324 entitled: "HOUSE RESOLUTION REQUESTING A REVIEW AND EVALUATION OF RESIDENTIAL LEASE RENT RENEGOTIATION LEGISLATION AND RELATED MATTERS", was referred to

the Committee on Legislative Management.

Representatives Hirono and Stanley, for the Committees on Housing and Judiciary, presented a joint report (Stand. Com. Rep. No. 761-84) recommending that H.R. No. 192 be referred to the Committee on Legislative Management.

On motion by Representative Hirono, seconded by Representative Stanley and carried, the joint report of the Committee was adopted and H.R. No. 192 entitled: "HOUSE RESOLUTION REQUESTING A REVIEW AND EVALUATION OF LAND REFORM LEGISLATION AND RELATED MATTERS", was referred to the Committee on Legislative Management.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 762-84) recommending that H.R. No. 240, be referred to the Committee on Finance.

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, the report of the Committee was adopted and H.R. No. 240 entitled: "HOUSE RESOLUTION REQUESTING ALLEVIATION OF TRAFFIC CONGESTION ON THE WAIPAHU ON-RAMP TO THE HONOLULU-BOUND H-1 FREEWAY", was referred to the Committee on Finance.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 763) recommending that H.R. No. 246, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, the report of the Committee was adopted and H.R. No. 246, HD1 entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON GENERAL AVIATION'S CONTRIBUTION TO THE STATE OF HAWAII", was referred to the Committee on Finance.

Representative Andrews, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 764-84) recommending that H.R. No. 222, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Morgado and carried, the report of the Committee was adopted and H.R. No. 222, HD1 entitled: "HOUSE

RESOLUTION REQUESTING AN INCORPORATION OF THE STATE PLAN INTO THE STATE BUDGET PROCESS", was referred to the Committee on Finance.

Representative Andrews, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 765-84) recommending that H.R. No. 91, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Morgado and carried, the report of the Committee was adopted and H.R. No. 91, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN INCORPORATION OF THE STATE PLAN INTO THE STATE BUDGET PROCESS", was referred to the Committee on Finance.

Representative Andrews, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 766-84) recommending that H.R. No. 225, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Morgado and carried, the report of the Committee was adopted and H.R. No. 225, HD1 entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE LAND USE COMMISSION", was referred to the Committee on Finance.

Representative Andrews, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 767-84) recommending that H.R. No. 89, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Morgado and carried, the report of the Committee was adopted and H.R. No. 89, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE LAND USE COMMISSION'S EFFORTS TO COMPLY WITH THE STATE PLANNING ACT COORDINATION PROCESS", was referred to the Committee on Finance.

Representative Andrews, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 768-84) recommending that H.R. No. 224, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Morgado and carried, the report of the Committee was adopted and H.R.

No. 224, HD1 entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE BOARD OF LAND AND NATURAL RESOURCES' EFFORTS TO COMPLY WITH THE STATE PLANNING ACT COORDINATION PROCESS", was referred to the Committee on Finance.

Representative Andrews, for the Committee on State General Planning, presented a report (Stand. Com. Rep. No. 769) recommending that H.C.R. No. 88, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Morgado and carried, the report of the Committee was adopted and H.C.R. No. 88, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE BOARD OF LAND AND NATURAL RESOURCES' EFFORTS TO COMPLY WITH THE STATE PLANNING ACT COORDINATION PROCESS", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 770-84) recommending that H.R. No. 111, as amended in HD1, be referred to the Committee on Legislative Management.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 111, HD1 entitled: "HOUSE RESOLUTION CALLING FOR AN INTERIM STUDY OF PROPOSED LIVING WILL AND RELATED LEGISLATION", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 771-84) recommending that H.R. No. 88, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 88 entitled: "HOUSE RESOLUTION REQUESTING AN EVALUATION OF HAWAII'S CAMPAIGN SPENDING LAW", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 772-84) recommending that H.C.R. No. 37, be referred to the Committee on Finance.

On motion by Representative

Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 37 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF HAWAII'S CAMPAIGN SPENDING LAW", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 773-84) recommending that H.R. No. 60, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 60 entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A COMPREHENSIVE STUDY OF STATE MEDIATION PROGRAMS", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 774-854) recommending that H.C.R. No. 13, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 13 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A COMPREHENSIVE STUDY OF STATE MEDIATION PROGRAMS", was referred to the Committee on Finance.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 361 to 397) and concurrent resolutions (H.C.R. Nos. 138 to 151) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 361) requesting a study of Hawaii's housing cooperative laws was offered by Representative Hayes.

A resolution (H.R. No. 362) requesting the insurance commissioner to study the possibility of establishing an express right action for damages by persons injured by unfair methods of competition or unfair or deceptive acts or practices under the Hawaii insurance law was offered by Representative Hayes.

A resolution (H.R. No. 363) requesting a review of the long range master plan for Aloha Stadium was jointly offered by Representatives Kawakami, Albano, Andrews, Bunda, Chun, Graulty, Hayes, Honda, Ige, Ikeda, Lardizabal, Leong, Levin, Morgado, Rohlfing, Shito, Takamine, Tam, Wong and Yoshimura.

A resolution (H.R. No. 364) requesting the High Technology Development Corporation to assist ongoing high technology developments, to identify high technology development sites on a statewide basis, and to streamline permit procedures and recommend incentives for high technology developments was offered by Representative Say.

A resolution (H.R. No. 365) in support of non-profit public interest law programs was jointly offered by Representatives Stanley, Graulty, Hagino, Hirono, Lardizabal, Nakata, Taniguchi and Tom.

A resolution (H.R. No. 366) requesting the Department of Transportation to establish a special commission to recommend a site for a reliever airport was offered by Representative Graulty.

A resolution (H.R. No. 367) requesting a study of general excise taxation was offered by Representative Anderson.

A resolution (H.R. No. 368) requesting the Hawaii Bankers' Association to develop a policy regarding privacy and security of confidential computer records was offered by Representative Graulty.

A resolution (H.R. No. 369) requesting the Department of Labor and Industrial Relations to review and present justification for the difference between the temporary disability insurance benefits available to state employees and the "statutory benefits" available to most employees of the private sector was jointly offered by Representatives Tungpalan, Levin, Albano and Taniguchi.

A resolution (H.R. No. 370) requesting the recognition of surfing and Polynesian canoeing as an olympic sport was jointly offered by Representatives Apo and Hagino.

A resolution (H.R. No. 371) requesting an exploration of the feasibility of utilizing nurses in small intermediate care homes was offered by Representative Tam.

A resolution (H.R. No. 372) requesting a study of the feasibility of establishing an airports commission or airports authority for Hawaii was offered by Representative Taniguchi. (By request)

A resolution (H.R. No. 373) relating to access to the Legislative Reference Bureau's legislative information system by personal computers was offered by Representative Grouly.

A resolution (H.R. No. 374) requesting the Oahu Metropolitan Planning Organization to give consideration to the "sky shuttle" light rail transit concept was offered by Representative Rohlfing.

A resolution (H.R. No. 375) requesting the establishment of sister-state/prefecture relationships between Hawaii and Hiroshima, Kumamoto, Okinawa, Tokyo, and Yamaguchi prefectures was jointly offered by Representatives Kiyabu, Albano, Anderson, Andrews, Apo, Blair, Bunda, Chun, Crozier, Grouly, Hagino, Hashimoto, Hayes, Hirono, Honda, Ige, Ikeda, Isbell, Kawakami, Kihano, Kim, Lardizabal, Leong, Levin, Matsuura, Medeiros, Menor, Morgado, Nakasato, Nakata, Okamura, Say, Segawa, Shito, Souki, Stanley, Takamine, Tam, Tom, Tungpalan, Wong, Yoshimura and Peters.

A resolution (H.R. No. 376) requesting the creation of a statewide commodity group cooperative was jointly offered by Representatives Takamine and Nakata.

A resolution (H.R. No. 377) requesting the House Judiciary Committee to study the administrative procedures of the family court was offered by Representative Rohlfing.

A resolution (H.R. No. 378) requesting the Department of Education to investigate special education teacher concerns was offered by Representative Hashimoto.

A resolution (H.R. No. 379) requesting a review of the legislative scientific advisory committee was offered by Representative Hayes.

A resolution (H.R. No. 380) expressing concern regarding the use of Kaho'olawe as a shelling target by the Department of Navy and RIMPAC 1984 participants was offered by Representative Peters. (By request)

A resolution (H.R. No. 381) requesting an investigation into the lands made available for diversified agriculture by Act 15, session laws of 1960 was offered by Representative Peters. (By request)

A resolution (H.R. No. 382) requesting an investigation of the Department of Land and Natural Resources and the endangered palila bird habitat was offered by Representative Peters. (By request)

A resolution (H.R. No. 383) requesting the Department of Education to conduct a review of the approval process for computer purchase requests was offered by Representative Hashimoto.

A resolution (H.R. No. 384) requesting a study of alternatives for farm dwelling units on agriculturally zoned lands was offered by Representative Nakata.

A resolution (H.R. No. 385) requesting an examination of feasible alternatives for state acquisition of Waipio Valley, County of Hawaii, for conservation, historic, and cultural preservation purposes was jointly offered by Representatives Takamine, Bunda, Dang, Hashimoto, Hee, Isbell, Kawakami, Levin, Matsuura, Menor, Nakata, Okamura, Say, Segawa and Souki.

A resolution (H.R. No. 386) requesting the Director of the Department of Transportation to waive or adjust berthing fees charged to the M/V Anastasis was jointly offered by Representatives Segawa, Albano, Apo, Chun, Hashimoto, Jones, Kihano, Leong, Levin, Menor, Nakasato, Nakata, Souki and Tungpalan.

A resolution (H.R. No. 387) recognizing and urging continued educational efforts about the proper uses of video display terminals was jointly offered by Representatives Dang and Tungpalan.

A resolution (H.R. No. 388) requesting the protection of habitat essential for establishing a sanctuary for the endangered 'alala was jointly offered by Representatives Isbell, Dang, Ikeda, Nakata and Okamura.

A resolution (H.R. No. 389) 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 offered by Representative Shito.

A resolution (H.R. No. 390) requesting the Department of Education to recommend possible alternative strategies for implementing the goals of the Hawaiian studies program was jointly offered by Representative Menor and Hashimoto.

A resolution (H.R. No. 391) requesting a study of water availability and other environmental concerns resulting from the planned Ewa development on Oahu was offered by Representative Okamura.

A resolution (H.R. No. 392) requesting the Department of Land and Natural Resources to present a review of its existing public education and information services program was offered by Representative Okamura.

A resolution (H.R. No. 393) requesting insurance companies to limit any increase in the workers' compensation rates effective January 1, 1985 to adjustments for mandatory statutory increases and and furnish the data to make such adjustments by November 30, 1984 was jointly offered by Representatives Tungpalan, Levin, Albano, Graulty, Hayes, Honda, Taniguchi, Tom and Wong.

A resolution (H.R. No. 394) requesting the Department of Land and Natural Resources to consider withdrawals of certain leased lands for the public good was jointly offered by Representatives Isbell and Okamura.

A resolution (H.R. No. 395) requesting the Department of Education and the Department of Health to cooperate and coordinate in a study on the feasibility of establishing intermediate nursing facilities for the care of severely multiple handicapped children was jointly offered by Representatives Kiyabu and Hashimoto.

A resolution (H.R. No. 396) requesting the Legislative Reference Bureau to conduct a study and made recommendations on the transference of all school health services related activities from the Department of Health to the Department of Education was jointly offered by Representatives Kiyabu and Hashimoto.

A resolution (H.R. No. 397) requesting a review of the establishment and utilization of provider profiles was offered by Representative Ige.

A concurrent resolution (H.C.R. No. 138) requesting the High Technology Development Corporation to assist ongoing high technology developments, to identify and the

streamline permit procedures and recommend incentives for high technology developments was offered by Representative Say.

A concurrent resolution (H.C.R. No. 139) relating to the compensation of deputy attorneys general was jointly offered by Representatives Albano, Graulty, Hayes, Lardizabal, Levin and Tungpalan.

A concurrent resolution (H.C.R. No. 140) in support of non-profit public interest law programs was jointly offered by Representatives Stanley, Graulty, Hagino, Hirono, Lardizabal, Nakata, Taniguchi and Tom.

A concurrent resolution (H.C.R. No. 141) requesting the recognition of surfing and polynesian canoeing as an olympic sport was jointly offered by Representatives Apo and Hagino.

A concurrent resolution (H.C.R. No. 142) authorizing the Department of Land and Natural Resources to develop through private developers and capital certain submerged lands for certain enumerated purposes was offered by Representative Taniguchi. (By request)

A concurrent resolution (H.C.R. No. 143) requesting a study of the feasibility of establishing an airports commission or airports authority for Hawaii was offered by Representative Taniguchi. (By request)

A concurrent resolution (H.C.R. No. 144) requesting the establishment of sister-state prefecture relationships between Hawaii and Hiroshima, Kumamoto, Okinawa, Tokyo, and Yamaguchi prefectures was jointly offered by Representatives Kiyabu, Albano, Anderson, Andrews, Apo, Blair, Bunda, Chun, Crozier, Graulty, Hagino, Hashimoto, Hayes, Hirono, Honda, Ige, Ikeda, Isbell, Kawakami, Kihano, Kim, Lardizabal, Leong, Levin, Matsuura, Medeiros, Menor, Morgado, Nakasato, Nakata, Okamura, Say, Segawa, Shito, Souki, Stanley, Takamine, Tam, Taniguchi, Tom, Tungpalan, Wong, Yoshimura and Peters.

A concurrent resolution (H.C.R. No. 145) requesting Hawaii's congressional delegation to introduce or support amendments to the Proposed Immigration Reform and Control Act of 1983 was jointly offered by Representatives Kihano, Lardizabal, Anderson, Andrews, Honda, Kawakami, Marumoto, Nakasato and Tam.



A concurrent resolution (H.C.R. No. 146) requesting the Director of the Department of Transportation to waive or adjust berthing fees charged to the M/V Anastasis was jointly offered by Representatives Segawa, Albano, Apo, Chun, Hashimoto, Jones, Kihano, Leong, Levin, Menor, Nakasato, Nakata, Souki and Tungpalan.

A concurrent resolution (H.C.R. No. 147) requesting a review of the Legislative Scientific Advisory Committee was offered by Representative Hayes.

A concurrent resolution (H.C.R. No. 148) 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 offered by Representative Shito.

A concurrent resolution (H.C.R. No. 149) recognizing August 14-21, 1984 as Return to Righteousness Week 1984 was jointly offered by Representatives Jones, Menor, Albano, Anderson, Andrews, Bunda, Crozier, Dang, Hashimoto, Hayes, Ikeda, Isbell, Kim, Lardizabal, Leong, Levin, Matsuura, Medeiros, Nakasato, Nakata, Okamura, Shito, Souki, Takamine, Tam, Tom and Wong.

A concurrent resolution (H.C.R. No. 150) designating the day of April 18, 1984 as "Hawaiian Ocean Day" was jointly offered by Representatives Hagino and Matsuura.

A concurrent resolution (H.C.R. No. 151) requesting the protection of habitat essential for establishing a sanctuary for the endangered 'alala was jointly offered by Representatives Isbell, Dang, Ikeda, Nakata and Okamura.

#### SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of reconsidering action previously taken.

At 11:48 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 11:58 o'clock a.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Blair moved that the House reconsider its action taken on April 5, 1984, in disagreeing to the amendments proposed by the Senate to H.B. Nos. 162, HD2; 537, HD1; 556, 787, HD1; 791: 847, HD1; 1120, HD1, SD1; 1422, HD1; 1571, HD2; 1637-84, HD1; 1681-84, HD1, SD1; 1697-84; 1711-84, HD1; 1721-84, HD1; 1725-84; 1727-84, HD1; 1740-84; 1742-84; 1746-84, HD2; 1747-84, HD1; 1748-84, HD1; 1749-84, HD1; 1753-84, HD1; 1757-84; 1777-84; 1779-84, HD1; 1807-84-84, HD1; 1838-84; 1842-84, HD1; 1845-84, HD1; 1848-84, HD1; 1873-84, HD1; 1905-84, HD1; 1925-84, HD1; 1926-84, HD1; 1976-84; 1985-84; 2002-84, HD2; 2016-84, HD1; 2020-84, SD1; 2077-84, HD1; 2078-84, HD1; 2179-84, HD1; 2181-84; 2201-84, HD1; 2261-84, HD1; 2268-84; 2294-84, HD2; 2396-84; 2406-84, HD2; 2407-84, HD1; 2429-84, HD1; 2451-84, HD1; 2477-84, HD1; 2484-84, HD1; 2523-84, HD2; 2527-84, HD1; 2540-84, HD1; and 2604-84, seconded by Representative Marumoto and carried.

Representative Blair then gave notice of intent to agree to the amendments proposed by the Senate to H.B. Nos. 162, HD2; 537, HD1; 556; 787, HD1; 791; 847, HD1; 1120, HD1; 1422, HD1; 1571, HD2; 1637-84, HD1; 1681-84, HD1; 1697-84; 1711-84, HD1; 1721-84, HD1; 1725-84; 1727-84, HD1; 1740-84; 1742-84; 1746-84, HD2; 1747-84, HD1; 1748-84, HD1; 1749-84, HD1; 1753-84, HD1; 1757-84; 1777-84; 1779-84, HD1; 1807-84, HD1; 1838-84; 1842-84, HD1; 1845-84, HD1; 1848-84, HD1; 1873-84, HD1; 1905-84, HD1; 1925-84, HD1; 1926-84, HD1; 1976-84; 1985-84; 2002-84, HD2; 2016-84, HD1; 2020-84; 2077-84, HD1; 2078-84, HD1; 2179-84, HD1; 2181-84; 2201-84, HD1; 2261-84, HD1; 2268-84; 2294-84, HD2; 2396-84; 2406-84, HD2; 2407-84, HD1; 2429-84, HD1; 2451-84, HD1; 2477-84, HD1; 2484-84, HD1; 2523-84, HD2; 2527-84, HD1; 2540-84, HD1; and 2604-84.

At 12:01 o'clock p.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 12:03 o'clock p.m.

At this time, the Vice Speaker assumed the rostrum.

The Chair then stated:

"The Chair would like to remind all chairmen and vice chairmen of conference committees that the 48-hour notice is not required on conference committees."

Representative Albano rose and requested a waiver of the 48-hour notice on public hearings and the Chair "so ordered."

At 12:08 o'clock p.m., the Chair declared a recess, subject to the call

of the Chair.

The House of Representatives reconvened at 12:09 o'clock p.m.

At 12:12 o'clock p.m., the Chair declared the House in recess until 8:00 o'clock p.m.

#### ADJOURNMENT

At 8:00 o'clock p.m., the House of Representatives adjourned until 11:30 o'clock a.m., tomorrow, Tuesday, April 10, 1984.

## FIFTY-THIRD DAY

Tuesday, April 10, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Richard Kamanu of Kaumakapili Church, after which the Roll was called showing all members present with the exception of Representative Baker, who was excused.

The Clerk proceeded to read the Journals of the House of Representatives of the Forty-Sixth, Forty-Seventh and Forty-Eighth Days.

On motion by Representative Segawa, seconded by Representative Marumoto and carried, reading of the Journals was dispensed with and the Journals of the Forty-Sixth, Forty-Seventh and Forty-Eighth Days were approved.

By unanimous consent, reading of the Journal of the Fifty-Second Day was deferred.

## SENATE COMMUNICATION

A communication from the Senate (Sen. Com. No. 376) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to the following House Bills and a request for a conference on the subject matter of said amendments, the President has, on April 9, 1984, appointed Managers on the part of the Senate for the consideration of said amendments, was placed on file.

In accordance therewith, the Chair appointed the following Managers on the part of the House for the consideration of said amendments, as follows:

H.B. No. 538, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; Cayetano and A. Kobayashi.

House Conferees: Representatives Stanley, Chairman; Taniguchi, Tom and Medeiros.

H.B. No. 654, HD 1, SD 2:

Senate Conferees: Senators Cobb, Chairman; Uwaine and Henderson.

House Conferees: Representatives Shito, Chairman; Honda, Kim, Lardizabal, Stanley and Ikeda.

H.B. No. 788, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; Kuroda and George.

House Conferees: Representatives Stanley, Chairman; Matsuura, Tom and Medeiros.

H.B. No. 1148, HD 1, SD 2:

Senate Conferees: Senators Chang, Chairman; Machida, Kuroda and A. Kobayashi.

House Conferees: Representatives Stanley, Chairman; Hayes, Hirono, Tom and Medeiros.

H.B. No. 1220, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; Cayetano and George.

House Conferees: Representatives Stanley, Chairman; Hirono, Tom and Medeiros.

H.B. No. 1629-84, HD 1, SD 2:

Senate Conferees: Senators Chang, Chairman; B. Kobayashi, Cayetano and George.

House Conferees: Representatives Stanley, Chairman; Taniguchi, Tom, Tungpalan and Medeiros.

H.B. No. 1729-84, HD 1, SD 2:

Senate Conferees: Senators Chang, Chairman; Machida, Cobb and A. Kobayashi.

House Conferees: Representatives Chun and Stanley, Co-Chairmen; Hirono, Tom and Ikeda.

H.B. No. 1784-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Kuroda, Uwaine and Soares.

House Conferees: Representatives Shito, Chairman; Kim, Matsuura, Taniguchi, Tungpalan and Ikeda.

H.B. No. 1785-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Uwaine and Soares.

House Conferees: Representatives Shito, Chairman; Andrews, Hayes, Kim, Stanley and Ikeda.

H.B. No. 1790-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Kawasaki and Soares.

House Conferees: Representatives Shito, Chairman; Hirono, Taniguchi, Tom, Tungpalan and Ikeda.

H.B. No. 1815-84, SD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling and Henderson.

House Conferees: Representatives Shito, Chairman; Honda, Kim, Lardizabal, Matsuura and Ikeda.

H.B. No. 1816-84, SD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling and Henderson.

House Conferees: Representatives Shito, Chairman; Honda, Lardizabal, Matsuura, Tom and Ikeda.

H.B. No. 1817-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Kawasaki and Soares.

House Conferees: Representatives Shito, Chairman; Kim, Lardizabal, Matsuura, Tom and Ikeda.

H.B. No. 1818-84, SD 1:

Senate Conferees: Senators Cobb, Chairman; Kawasaki and Soares.

House Conferees: Representatives Shito, Chairman; Hirono, Kim, Taniguchi, Tungpalan and Ikeda.

H.B. No. 1819-84, SD 1:

Senate Conferees: Senators Cobb, Chairman; Kawasaki and Soares.

House Conferees: Representatives Shito, Chairman; Andrews, Honda, Kim, Matsuura and Ikeda.

H.B. No. 1821-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Uwaine and Henderson.

House Conferees: Representatives Shito, Chairman; Hirono, Kim, Lardizabal, Taniguchi and Ikeda.

H.B. No. 1852-84, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; Cayetano and A. Kobayashi.

House Conferees: Representatives Stanley, Chairman; Hayes, Tom, Tungpalan and Medeiros.

H.B. No. 1863-84, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; Hagino and George.

House Conferees: Representatives Stanley, Chairman; Honda, Tom and Medeiros.

H.B. No. 1878-84, SD 1:

Senate Conferees: Senators Cobb, Chairman; Kuroda and Soares.

House Conferees: Representatives Shito, Chairman; Andrews, Kim, Taniguchi, Tungpalan and Ikeda.

H.B. No. 1880-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Kuroda, Uwaine and Soares.

House Conferees: Representatives Shito, Chairman; Hayes, Hirono, Kim, Tom and Ikeda.

H.B. No. 1882-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling, Uwaine and Soares.

House Conferees: Representatives Shito, Chairman; Hayes, Hirono, Kim, Taniguchi and Ikeda.

H.B. No. 1912-84, HD 2, SD 1:

Senate Conferees: Senators Cobb, Chairman; Kuroda, Uwaine and Soares.

House Conferees: Representatives Shito and Kawakami, Co-Chairmen;

Honda, Kim, Morgado, Wong and Ikeda.

H.B. No. 1932-84, HD 1, SD 2:

Senate Conferees: Senators Chang, Chairman; Machida, Hagino and George.

House Conferees: Representatives Chun and Stanley, Co-Chairmen; Hayes, Hirono, Tom, Tungpalan and Ikeda.

H.B. No. 1950-84, HD 2, SD 2:

Senate Conferees: Senators Yamasaki, Chairman; Chang and George.

House Conferees: Representatives Stanley and Kiyabu, Co-Chairmen; Bunda, Lardizabal, Tom, Wong and Anderson.

H.B. No. 1983-84, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; Kuroda and A. Kobayashi.

House Conferees: Representatives Stanley, Chairman; Kim, Tom and Medeiros.

H.B. No. 1989-84, SD 1:

Senate Conferees: Senators Chang, Chairman; Carpenter and George.

House Conferees: Representatives Stanley, Chairman; Taniguchi, Tom, Tungpalan and Medeiros.

H.B. No. 2006-84, SD 1:

Senate Conferees: Senators Chang, Chairman; Hagino and George.

House Conferees: Representatives Stanley and Crozier, Co-Chairmen; Andrews, Bunda, Lardizabal, Tam and Medeiros.

H.B. No. 2012-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling, Kuroda and Soares.

House Conferees: Representatives Shito, Chairman; Andrews, Hayes, Kim, Taniguchi and Ikeda.

H.B. No. 2026-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling and Henderson.

House Conferees: Representatives Shito, Chairman; Hirono, Honda, Kim, Lardizabal, Matsuura and Ikeda.

H.B. No. 2028-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Uwaine and Henderson.

House Conferees: Representatives Shito and Kiyabu, Co-Chairmen; Kawakami, Kim, Tom, Yoshimura and Ikeda.

H.B. No. 2029-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling and Henderson.

House Conferees: Representatives Shito, Chairman; Honda, Kim, Matsuura, Taniguchi and Ikeda.

H.B. No. 2032-84, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; Kuroda and A. Kobayashi.

House Conferees: Representatives Stanley, Chairman; Matsuura, Tom and Medeiros.

H.B. No. 2054-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Carpenter and Soares.

House Conferees: Representatives Shito and Kawakami, Co-Chairmen; Crozier, Kim, Souki and Ikeda.

H.B. No. 2142-84, HD 1, SD 2:

Senate Conferees: Senators Chang, Chairman; B. Kobayashi, Cobb and George.

House Conferees: Representatives Stanley, Chairman; Andrews, Tom and Medeiros.

H.B. No. 2163-84, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; Hagino and George.

House Conferees: Representatives Stanley, Chairman; Honda, Taniguchi, Tom and Medeiros.

H.B. No. 2196-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Uwaine and Henderson.

House Conferees: Representatives Shito, Chairman; Andrews, Hayes, Kim, Taniguchi and Ikeda.

H.B. No. 2224-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling and Henderson.

House Conferees: Representatives Shito, Chairman; Honda, Kim, Lardizabal, Tom and Ikeda.

H.B. No. 2281-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Fernandes Salling and Soares.

House Conferees: Representatives Shito, Chairman; Andrews, Hayes, Hirono, Kim and Ikeda.

H.B. No. 2320-84, HD 2, SD 1:

Senate Conferees: Senators Yamasaki, Chairman; Chang, Uwaine and Ajifu.

House Conferees: Representatives Stanley and Kiyabu, Co-Chairmen; Honda, Lardizabal, Morgado, Yoshimura and Anderson.

H.B. No. 2333-84, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; Kuroda and A. Kobayashi.

House Conferees: Representatives Stanley, Chairman; Andrews, Honda, Tungpalan and Medeiros.

H.B. No. 2340-84, HD 1, SD 1:

Senate Conferees: Senators Chang, Chairman; B. Kobayashi, Cobb and A. Kobayashi.

House Conferees: Representatives Stanley, Chairman; Honda, Tom and Medeiros.

H.B. No. 2418-84, HD 1, SD 1:

Senate Conferees: Senators Cobb, Chairman; Uwaine and Henderson.

House Conferees: Representatives Shito, Chairman; Honda, Kim, Lardizabal, Matsuura and Ikeda.

#### MISCELLANEOUS COMMUNICATIONS

The following communications (Misc. Com. Nos. 1 to 10) were read by the Clerk and were disposed of as follows:

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 1) acknowledging receipt of a House Resolution concerning the reduction of nuclear arms, was placed on file.

A communication from the Honorable Melvin Price, Chairman, Committee on Armed Services, U.S. House of Representatives (Misc. Com. No. 2) acknowledging receipt of House Resolution No. 63, requesting the U.S. Navy to make available a small part of the inner harbor and land of Midway Island to the State of Hawaii for use as a civilian fishing base, was placed on file.

A communication from Anne Higgins, Special Assistant to the President and Director of Correspondence, The White House (Misc. Com. No. 3) acknowledging receipt of House Resolution Nos. 59 and 63, was placed on file.

A communication from Bert W. Hawkins, Administrator, Animal and Plant Health Inspection Service, U.S. Department of Agriculture (Misc. Com. No. 4) acknowledging receipt of House Resolution No. 97, relating to the possible termination of a cooperative agreement with the State of Hawaii governing interline agricultural inspection, was placed on file.

A communication from Robert Dean, Deputy Assistant Secretary, Bureau of Politico-Military Affairs, U.S. Department of State (Misc. Com. No. 5) acknowledging receipt of House Resolution No. 59, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 6) acknowledging receipt of a copy of House Resolution No. 13, requesting the U.S. government to sponsor earthquake insurance, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 7) acknowl-

edging receipt of House Resolution No. 184, was placed on file.

A communication from Anne Higgins, Special Assistant to the President and Director of Correspondence, The White House (Misc. Com. No. 8) acknowledging receipt of House Resolution No. 50, was placed on file.

A communication from the Honorable Daniel K. Inouye, United States Senator (Misc. Com. No. 9) acknowledging receipt of a copy of House Resolution No. 57, was placed on file.

A communication from the Honorable Spark Matsunaga, United States Senator (Misc. Com. No. 10) acknowledging receipt of a copy of House Resolution No. 97, urging the Congress of the United States to support legislation to maintain the cooperative agreement between the Animal and Plant Health Inspection Service (APHIS) and the State of Hawaii for the agricultural inspection of interlining baggage on the Neighbor Islands, was placed on file.

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

Representative Apo introduced a group of 35 students from Nanakuli High School. They were accompanied by Mr. Bob Hu, counselor/teacher; and chaperones, Mrs. Birch, Mrs. Pangalan and Mrs. Abraham.

Representative Tam introduced an out-of-state guest, Mr. Morris Wintrop, a former Speaker of the House of Representatives of the Kentucky Legislature. He was accompanied by Mr. Irwin.

Representative Okamura introduced 6 students from the Aiea Community School for Adults. These students are from New Zealand, the Philippines, Vietnam and Hawaii. They were accompanied by their teacher, Janet Dudoit, and Stella Uno, chaperone.

Representative Albano introduced a group of 26 students from Puuhale Elementary School. They were accompanied by their teacher, Mrs. June Ishii.

#### ORDER OF THE DAY

#### DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 355 to 365) and concurrent

resolutions (H.C.R. Nos. 133 to 140 and S.C.R. No. 71) were disposed of as follows:

#### H.R. Nos.            Referred to:

- 355 Jointly to the Committees on Agriculture and Energy, Ecology and Environmental Protection, then to the Committee on Finance
- 356 Jointly to the Committees on Transportation and Agriculture
- 357 Committee on Finance
- 358 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 359 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 360 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Energy, Ecology and Environmental Protection, then to the Committee on Finance
- 361 Jointly to the Committees on Consumer Protection and Commerce and Housing, then to the Committee on Finance
- 362 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 363 Committee on Finance, then to the Committee on Legislative Management
- 364 Committee on Water, Land Use, Development and Hawaiian Affairs
- 365 Committee on Judiciary

#### H.C.R. Nos.

- 133 Jointly to the Committees on Agriculture and Energy, Ecology and Environmental Protection, then to the Committee on Finance
- 134 Committee on Finance
- 135 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 136 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 137 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Energy, Ecology and Environmental Protec-

- tion, then to the Committee on Finance
- 138 Committee on Water, Land Use, Development and Hawaiian Affairs
- 139 Committee on Finance
- 140 Committee on Judiciary

S.C.R. No.

- 71 Committee on Tourism

COMMITTEE REASSIGNMENTS

H.R. No. 341 was re-referred to the Committee on Education, then to the Committee on Finance.

H.C.R. No. 130 was re-referred to the Committee on Tourism.

SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of considering certain resolutions.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 398 and 399) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 398) honoring the Japanese American Citizens League was jointly offered by Representatives Marumoto, Hagino and Okamura.

On motion by Representative Marumoto, seconded by Representative Hagino and carried, H.R. No. 398 was adopted.

Representative Marumoto then rose and stated:

"Mr. Speaker, every ethnic group has faced adversity in becoming established in the United States and the Japanese have been no exception. At one time or another, they have been denied ownership of land, denied attendance to public schools, and during World War II, approximately 120,000 of them were incarcerated in relocation camps.

The Japanese American Citizens League was formed 54 years ago to battle this type of discrimination and has ably represented Americans of

Japanese ancestry. Today, the League maintains an office in Washington, D.C. and can speak directly to contemporary national issues.

The resolution today mentions, Mr. Speaker, the Japanese American Citizens League will be bringing hundreds of delegates to Honolulu this summer for their annual convention. So, today, we honor the host chapter and the local members who will be working very hard to assure a productive session. We are grateful for their leadership and their service.

It is my pleasure to introduce this group to you, Mr. Speaker, and ask them to rise when I call their name, after which we can give them a hand," and proceeded to introduce the following: Mr. Choki Kanetake, Fourth Vice President; Kay Kaneko; Mr. Larry Kumabe, President; Mr. Steven Nagamine; Mr. Earl Yoshimura; Mr. Takeo Okada, Treasurer; Mr. Alvin Onaka, Fifth Vice President; Mr. Heinie Peters, Third Vice President; Lillian Takeshita; and Mr. Teddie Tanaka, Second Vice President.

Floral leis were presented to the honorees by Representatives Kiyabu-Saballa, Okamura, Tungpalan, Isbell, Ikeda, Hayes, Kim, Stanley, Apo and Wong.

A resolution (H.R. No. 399) commending Francis S. Morgan for his lifelong commitment and dedication to Hawaii's sugar industry was jointly offered by Representatives Takamine, Albano, Anderson, Andrews, Apo, Blair, Bunda, Chun, Crozier, Dang, Grauly, Hagino, Hashimoto, Hayes, Hee, Hirono, Honda, Ige, Ikeda, Isbell, Jones, Kawakami, Kihano, Kim, Kiyabu, Kiyabu-Saballa, Lardizabal, Leong, Levin, Marumoto, Matsuura, Medeiros, Menor, Morgado, Nakasato, Nakata, Okamura, Rohlfing, Say, Segawa, Shito, Souki, Stanley, Tam, Taniguchi, Tom, Tungpalan and Wong.

On motion by Representative Takamine, seconded by Representative Crozier and carried, H.R. No. 399 was adopted.

Representative Takamine then rose to introduce the honoree, stating:

"Mr. Speaker and members of this House, much has already been written and said about Mr. Francis Morgan and his purchase of Theo Davies Hamakua and I think everybody realize now that it's much, much



different than the takeover of Castle and Cooke. The important things have already been said, but I would like to, because the Senate is also waiting to have floor presentation, that we will try to make it as brief as possible.

First, Mr. Speaker, I have to declare a slight conflict. I am an employee of this company for forty years."

The Chair ruled, "no conflict."

Representative Takamine continued his remarks, stating:

"Well, in fact, I worked for one of the sugar companies for 5-1/2 years and the remainder of the 40 years for the ILWU so you can imagine that most of the time I was sitting across Mr. Francis Morgan on the bargaining table, and also, as you know, most of my years that I spent here was chairing the Labor Committee. So again, we have had some friendly differences.

But, also, I believe that we have worked very closely together. I can still recall 1962 when everybody in the State were paying 2 percent excise tax and, here, the sugar industry was also assessed 2 percent and, therefore, in 1962, to equalize the tax with the other processors, we reduced the sugar tax from 2 percent to 1-1/2 percent in 1962, one percent in 1963, and half of one percent in 1964.

Also, I recall in 1963, the Hamakua plantations were caught in a very severe drought and over fifty percent of those plantations just dried out. And here again, the Legislature gave tax relief to this particular section of the State and I must say that it is thanks to all of the Oahu legislators who actually make majority here. And also, in the 1970's, if you can recall because many of you are very young, we had to help the cane growers by giving them low interest loans and also, in the end, no collateral loans for the last several years, and hopefully we can continue aiding the sugar industry with research and development funds.

I would like to insert my remarks regarding the sugar industry into the Journal, Mr. Speaker."

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

Representative Takamine continued, stating:

"I would like to read some of the remarks from the communities because when Puna Sugar Company announced that they were going to phase out in January of 1962, you can imagine the shock throughout the State, and more especially in Puna and in Hilo, in that particular area. But soon thereafter, about June of that same year, there was some discussion as to Davies Hamakua making a study because of the economy, because of the losses, whether they should close down Ookala Mill and that is more than fifty percent of the plantation. So you can just imagine all up and down the Hamakua Coast the feelings of the community and, therefore, I would like to read some of the remarks from the people out there.

This is in behalf of the Honokaa Business Association by President Edwin Castillo: 'The Honokaa Business Association wishes to express its support of Francis S. Morgan and the Hamakua Sugar Company. Mr. Morgan's life long commitment to the sugar industry has been a vital part of this area's growth for many years.

'The business people of the Hamakua coast, realizing the enormous impact that the sugar industry has on the economy of this region, unanimously support Mr. Morgan in his effort to keep the sugar business healthy and growing in Hamakua.'

There is another from the Hamakua District Development Council by Dr. Quentin Tomich, President: 'The community of Hamakua is honored to participate in the commendation of Francis S. Morgan for his contributions to the Hawaii sugar industry.

'It is of particular significance to us that ownership of traditional sugar producing lands of the Hamakua Coast have been returned to local control and ownership.

'Under the newly formed Hamakua Sugar Company, Inc., under the leadership of Mr. Morgan, we look forward to a new era of close working relationships between sugar manufacture and the people of Hamakua District.'

We have similar letters from the Honokaa Merchants Association, statement from the North Hilo Community Council, Laupahoehoe -- the ILWU -- but rather than prolong this presentation, Mr. Speaker, I would ask that all these statements be placed in the Journal."

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

Representative Takamine's remarks are as follows:

"Hawaii's sugar industry is presently experiencing a period of economic and functional transition. Following several years of poor production and profitability, the industry last year showed renewed signs of health; acreage productivity increased and profitability (while still small) returned, but most importantly, a renewed sense of industry optimism spread across the State.

To maintain this momentum and to assure Hawaii's competitive edge, it is essential that our sugar industry continue to improve its productivity and efficiency. This improvement can best be achieved through continued cost-cutting efforts and focused investment in capital improvements and research.

We are, today, at the crossroads of the sugar industry's future. With hard work, and the faith and commitment of the industry's leaders and employees, we hope there will soon emerge a rejuvenated sugar industry -- a viable and competitive sugar industry.

The signs of change in the sugar industry are evident all across our State. Marginal, non-profitable operations are closing, shifting their product emphasis, or being incorporated into more viable sugar operations. Viable sugar operations are also trimming their fat the positioning themselves, through targeted investment and the upgrading of their facilities, to regain their competitive and profitable status.

The 'shakeouts' which accompany this transition, while admittedly painful, are necessary steps in the industry's advancement. They should, therefore, be looked upon, not with despair, but with enthusiasm and an eye towards the future. It is from these changes that the seeds of the industry's future are sown.

Reviving the sugar industry has not been an easy task. This is because many of the factors upon which sugar's profitability depends (such as federal price supports, import quotas and the world market price for sugar) are beyond the direct control of local industry. This situation, however, has not deterred our active pursuit of those factors which are subject to local influence --

namely, reducing production costs and enhancing acreage yields. Both of these factors are direct beneficiaries of the innovations and advancements attained through investment in capital improvements and research.

Briefly, some of the major innovations or advancements which have resulted from recent research efforts, and which have been instrumental in reviving Hawaii's sugar industry, include: The development of smut, rust, and other disease-resistant varieties of sugar cane; the refinement of the drip irrigation processes; the discovery of information on plant nutrition and the resultant cutback in fertilization requirements; the development of new and safe pest control measures; the development of a central seed processing system; and the refinement of bagasse combustion and energy production processes.

This Legislature has played an important role in assisting sugar's revival. Rather than providing short-term subsidies or bail-outs to merely tie the industry over its hard times, we chose instead to help the industry help itself, by funding, on a dollar-for-dollar matching basis, efforts oriented toward research and development. This was our investment in the future of the industry.

Industry owners and operators have also contributed to the long-term future of the industry in a variety of ways. Recognizing that future profitability depends upon upgrading current facilities, many sugar companies have embarked upon ambitious modernization plans, including the construction of new processing plants; the mechanization and computerization of facilities; replacement of antiquated equipment; and the improvement of basic infrastructure requirements such as cane haul roads.

Nowhere is the future potential of the sugar industry nor the painful effects of its transition more evident than on the Big Island. The shocking announcement in January of 1981 that AmFac would close down its Puna Sugar Company is a prime example of the attrition which occurs during such transition periods. This casualty, as well as reduced acreage at other plantations, shifts to alternate crops such as macadamia nuts and papaya, the phase-out of marginal sugar lands, and employee lay-offs and work furloughs clearly demonstrate the adverse impacts that

the industry's evolution can have.

On the other hand, up the Hamakua Coast, north of Hilo, the Theo Davies Hamakua Sugar Company has, for the past several years, steadily been investing in excess of \$85 million in the upgrading and modernization of its facilities, machinery, and infrastructure. This commitment to the future of sugar on the Big Island was reaffirmed just a few months ago when Francis S. Morgan, one of Hawaii's most respected sugar managers, exemplified his faith in the future of sugar by purchasing, and thereby returning to local control, the Hamakua Sugar Company.

These two companies, Puna and Hamakua, are examples of the transition that Hawaii's sugar industry is currently experiencing. Continued investments by the Legislature in the industry's ongoing research and development efforts will help, not only to prevent the demise of other sugar companies in our State, but will also contribute to a brighter future for the industry, such as that promised by innovative and progressive companies like Hamakua Sugar."

A letter from Lucille Chung, President of the North Hilo Community Council: "We the members of North Hilo Community Council would like to commend Francis Morgan and show our appreciation to a man of his stature for having purchased the Theo Davies Sugar holdings along the Hamakua Coast and giving the sugar industry here a new lease on life.

"Most of the people in our community depend on sugar for their livelihood, as have generations before them and we are most grateful for this man's dedication to the sugar industry along this coast. Knowing that here is a man of the land who has a direct interest and feeling for the local lifestyle and its people leaves us with a feeling of security, which was not evident in the most recent past.

"We sincerely thank Mr. Morgan for his love of the aina and its people and the sugar industry and its unique lifestyle.

"It is our hope that the sugar industry along the Hamakua Coast will thrive under his expert guidance of his years of experience and that his return on his investment will be profitable. With this in mind, we salute Mr. Morgan for his generosity and belief in Hawaii's sugar industry

and the many generations who have grown up with it."

Statement of ILWU 142 on House Resolution commending Francis S. Morgan for his lifelong commitment and dedication to Hawaii's sugar industry:

"The ILWU Local 142 enthusiastically supports this House Resolution commending Francis S. Morgan for his lifelong commitment and dedication to Hawaii's sugar industry.

"The ILWU has represented the sugar workers of this State since the early 1940's. Students of history and those of us who went through that period know that management and labor did not, to say the very least, agree on many things in those early days.

"Our relations have matured over the years and while we still have our respective points of views, we have worked together to better insure the survival of our vital sugar industry.

"During this time, we have come to have much respect and aloha for this man Francis Morgan, who we also call Frannie.

"The announcement of his purchase of the Theo Davies Hamakua Sugar Company did not come as a surprise to the Union. We had, on many occasions, listened to his concerns for the industry and for the workers who labored on this plantation and we knew he spoke from his heart.

"Anyone who has had the pleasure of coming to know this man can understand that it is simply a part of his measure that he has recommitted himself and his family to an industry which is going through such difficult times.

"No one can talk with Frannie about the sugar industry and the future of sugar without being uplifted by his confidence and vigor.

"When Francis Morgan came to the ILWU to let us know of his intention to purchase the Hamakua Sugar Plantation, all that he asked for was cooperation and goodwill.

"Neither Frannie or the Union are naive enough to believe that we will agree on all issues, but if there ever was a Santa in this world, then, for the Hamakua Sugar Plantation workers, he must be named Francis Morgan.

"Therefore, we are pleased to strongly support this House Resolution commending Francis S. Morgan."

Letter from Clarence W. Garcia, President of the Honokaa Merchants Association:

"Mr. Francis Morgan is a very special person. While most everyone has been negative about the sugar industry and the economy, for that matter, Mr. Morgan has taken a bold and positive step. By acquiring Davies Hamakua Sugar Company, he has made a commitment that the sugar industry will continue to thrive along the Hamakua Coast. His action has brought about a new confidence in sugar.

"This, I believe, is a result of his life-long commitment and dedication to the sugar industry and agriculture in Hawaii.

"The people and the business community of Honokaa and the surrounding area were concerned about the future. The economy of the area is dependent on sugar. There is a new sense of confidence. People are looking forward to a more secure future.

"The man responsible for this new attitude is Francis Morgan. The business community has enjoyed his participation in community affairs in the past. We look forward to continued involvement with a new commitment - a commitment to assure the continued success and growth of Hamakua Sugar Company and the business community as well."

Representative Crozier then rose and stated:

"Mr. Speaker, Representative Takamine talks of the history of Mr. Morgan and I look to Mr. Morgan as the future because of his willingness to take on this challenge. Most people are . . . more sugar industries are . . . major companies are trying to work ways out so that they can protect themselves and, maybe, finally ease away from sugar.

Mr. Morgan is going just the opposite way. He has made a total commitment to sugar for Hawaii and I salute him for taking on this challenge. It must be kind of lonely when you are going the opposite way. And I would just like to kind of reflect that the spirit that you have that drives you to this challenge is something like the same spirit the

pioneers had when they moved West. They wanted to challenge the New Frontier and they put their work and went for it. That's similar to what the whalers also did when they came around the Cape of Good Hope. All they had was their sailing ability and their guts and fortitude and they made it happen. That's also true with the Polynesians when they moved from Tahiti to Samoa to Hawaii. They were willing to take on the whole Pacific Ocean because they had confidence in themselves.

And, Mr. Morgan, I think you have confidence in yourself and I have confidence in you, too.

Just one more remark. Had James Michener not written the book 'Hawaii', you would probably have had a chapter in there.

Good luck to you."

Representative Segawa then rose and stated:

"Mr. Speaker and colleagues, today I believe we are honoring a very great man and I don't think we will know the true greatness of Mr. Morgan until a few years down the road. But, as you may know, Mr. Speaker, I was born and raised on a sugar plantation and I remember some of the bosses -- the lunas -- and we used to call them 'wild jackasses.'

But, Mr. Morgan here, as I have come to know him, is quite a different person from the image that I have always had of the 'wild jackasses' that some of our parents or forefathers had to work with. I have come to know Mr. Morgan -- he is a very kind, soft-spoken, mild mannered man. And this is quite exceptional, I believe, that a man in his position as an executive, making very important decisions day to day and to be, at the same time, so friendly and nice, I think really speaks for himself.

We have talked about his experiences in the sugar industry and the expertise that he has had now for some 40 some years. But I believe that more than that, I believe Mr. Morgan, in going into this business, has the confidence in people that he has in himself. I have already heard comments how differently many of the workers there are reacting to the takeover that Mr. Morgan has done.

And so, Mr. Speaker, it is not often that we would honor someone on this floor for something that he intends to do. Usually we are

honoring someone who has accomplished something and I think it is significant that we are honoring somebody here who has the guts to put his life savings into this business and to take the chance and to be able to work with the people of this community.

Mr. Morgan, we congratulate you and wish you the best of luck."

Representative Takamine then asked Mr. Francis Morgan, "this remarkable, compassionate and very thoughtful person who has public gambling in the future, but the future good for the State of Hawaii, and who has a very strong belief in all of his employees," to stand and be recognized.

Accompanying Mr. Morgan was Mr. Sam Caldwell, "who doesn't need any introduction. He knows every corner of this hall."

Representative Isbell then presented Mr. Morgan with a red carnation lei while Representative Kiyabu-Saballa presented Mr. Caldwell with a rose lei, and Representative Takamine presented the honoree with a certified copy of the resolution.

At 12:01 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal aloha to our honorees."

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

#### STANDING COMMITTEE REPORTS

Representatives Albano and Hayes, for the Committees on Public Employment and Government Operations and Transportation, presented a joint report (Stand. Com. Rep. No. 775-84) recommending that H.R. No. 195, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Albano, seconded by Representative Hayes and carried, the report of the Committee was adopted and H.R. No. 195, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE IMPACT OF STAGGERED WORK HOURS FOR STATE EMPLOYEES", was referred to the Committee on Finance.

Representatives Albano and Shito, for the Committees on Public Employment and Government Operations and Consumer Protection and Commerce,

presented a joint report (Stand. Com. Rep. No. 776-84) recommending that H.R. No. 19, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Albano, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.R. No. 19, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE CONCEPT OF SHIFTING RELIANCE IN EXISTING STATE LOAN PROGRAMS FROM DIRECT LOANS BY THE STATE TO THE GUARANTEE OF LOANS MADE BY PRIVATE LENDERS", was referred to the Committee on Finance.

Representative Tungpalan, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 777-84) recommending that H.R. No. 280 be referred to the Committee on Finance.

On motion by Representative Tungpalan, seconded by Representative Levin and carried, the report of the Committee was adopted and H.R. No. 280, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF EMPLOYMENT AT-WILL", was referred to the Committee on Finance.

Representative Nakasato, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 778-84) recommending that H.R. No. 133, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Nakasato, seconded by Representative Lardizabal and carried, the report of the Committee was adopted and H.R. No. 133, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE MAYOR AND THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU TO STUDY THE FEASIBILITY OF THE USE OF ITS ZONING AUTHORITY TO PROHIBIT PROSTITUTION, PORNOGRAPHY AND OTHER UNDESIRED ACTIVITIES AND ESTABLISHMENTS IN THE WAIKIKI AREA", was referred to the Committee on Finance.

Representative Takamine, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 779-84) recommending that H.R. No. 221, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Takamine, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.R. No.

221, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN INVESTIGATION OF THE PROBLEM OF LIVESTOCK RUSTLING IN THE STATE OF HAWAII", was referred to the Committee on Legislative Management.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 780-84) recommending that H.R. No. 89, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Hayes, seconded by Representative Grauly and carried, the report of the Committee was adopted and H.R. No. 89, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING A PORT AUTHORITY FOR HAWAII", was referred to the Committee on Finance.

Representatives Takamine and Tungpalan, for the Committees on Agriculture and Employment Opportunities and Labor Relations, presented a joint report (Stand. Com. Rep. No. 781-84) recommending that H.R. No. 206 be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and H.R. No. 206, entitled: "HOUSE RESOLUTION REQUESTING THE MAYOR OF THE COUNTY OF HAWAII AND THE CHAIRPERSON OF THE HAWAII COUNTY COUNCIL TO ASSEMBLE AN ECONOMIC TRANSITION ASSISTANCE TEAM TO AID THOSE AFFECTED BY THE CLOSING OF THE PUNA SUGAR COMPANY", was referred to the Committee on Finance.

Representatives Takamine and Tungpalan, for the Committees on Agriculture and Employment Opportunities and Labor Relations, presented a joint report (Stand. Com. Rep. No. 782-84) recommending that H.C.R. No. 84 be referred to the Committee on Finance.

On motion by Representative Takamine, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE MAYOR OF THE COUNTY OF HAWAII AND THE CHAIRPERSON OF THE HAWAII COUNTY COUNCIL TO ASSEMBLE AN ECONOMIC TRANSITION ASSISTANCE TEAM TO AID THOSE AFFECTED BY THE CLOSING OF PUNA SUGAR COMPANY", was referred to the Committee on Finance.

At 12:19 o'clock p.m., Representative Kiyabu asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:20 o'clock p.m., Representative Kiyabu made the following announcement:

"Mr. Speaker, today is really a significant day. While some of us were working to 5:00 o'clock this morning, some other person was in deep labor and at 3:30 a.m. this morning, weighing 7-1/2 pounds, we have a proud new father, Representative Calvin Say."

At 12:23 o'clock p.m., Representative Stanley asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:24 o'clock p.m., the Chair stated:

"Representative Say, on behalf of all the members of this House, we congratulate you, extend to you our best wishes."

#### ADJOURNMENT

At 12:25 o'clock p.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Wednesday, April 11, 1984.

## FIFTY-FOURTH DAY

Friday, April 11, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:05 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Reverend Jiho Michida representing Soto Mission, after which the Roll was called showing all members present with the exception of Representatives Baker, Kim and Wong, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fiftieth Day.

On motion by Representative Segawa, seconded by Representative Marumoto and carried, reading of the Journal was dispensed with and the Journal of the Fiftieth Day was approved.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 6 to 8) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 6) returning House Bill No. 1297, HD2, SD1 and informing the House that bills containing bond authorization language substantially similar to the subject bill have been interpreted to contain an "implied appropriation" of the bond proceeds and deemed to be an "appropriation bill" for purposes of Hawaii Constitution, Article VII, Section 9; and because the 1984 supplemental appropriations bills has not been transmitted yet, that he does not recommend that House Bill No. 1297 for immediate passage, House Bill No. 1297 was passed in violation of Hawaii Constitution, Article VII, Section 9, was placed on file.

A message from the Governor (Gov. Msg. No. 7) informing the House that on April 12, 1984, he had signed S.B. No. 538 as Act 5, entitled: "RELATING TO HILO HOSPITAL", was placed on file.

A message from the Governor (Gov. Msg. No. 8) informing the House that on April 13, 1984, he signed the following bills into law

was placed on file:

Senate Bill No. 1546-84 as Act 6 entitled: "RELATING TO SERVICE FEES".

Senate Bill No. 1551-84 as Act 7 entitled: "RELATING TO BOARDS AND COMMISSIONS".

Senate Bill No. 1951-84 as Act 8 entitled: "RELATING TO AGRICULTURE".

Senate Bill No. 2157-84 as Act 9 entitled: "RELATING TO PEST CONTROL OPERATORS".

House Bill No. 530 as Act 10 entitled: "RELATING TO EMPLOYEES IN CERTAIN EXEMPT POSITIONS IN THE PLANNING AND DEVELOPMENT OFFICE OF THE DEPARTMENT OF AGRICULTURE".

House Bill No. 531 as Act 11 entitled: "RELATING TO CERTAIN EMPLOYEES IN THE DIVISION OF MILK CONTROL OF THE DEPARTMENT OF AGRICULTURE".

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 377 to 378) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 377) transmitting Senate Concurrent Resolution No. 11 requesting a financial and management audit of the State Foundation on Culture and the Arts which was adopted by the Senate on April 10, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 378) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to the following House Bills and the request for a conference on the subject of said amendments, the President had appointed on April 10, 1984, Managers on the part of the Senate for the consideration of said amendments as follows:

<u>H.B. Nos.</u>	<u>Conferees</u>
183, HD2, SD2	Senators Yamasaki, Chairman; Young and Ajifu
267, HD2, SD1	Senators Aki,

- Chairman; Fernandes Salling and A. Kobayashi
- 271, HD1, SD2 Senators  
Yamasaki, Chairman; Aki, Hagino, Kuroda, Machida and Henderson
- 1319, HD2, SD1 Senators  
Yamasaki, Chairman; Kuroda, Aki and A. Kobayashi
- 1431, HD2, SD1 Senators  
Yamasaki, Chairman; Young, Holt and Ajifu
- 1549, HD1, SD1 Senators  
Yamasaki, Chairman; Holt, Abercrombie and Soares
- 1640-84, HD1, SD1 Senators  
Yamasaki, Chairman; B. Kobayashi, Aki, Hagino, Holt, Kawasaki, Machida, Mizuguchi, Solomon, Uwaine, Young, Ajifu, Henderson and Soares
- 1726-84, HD1, SD1 Senators  
Yamasaki, Chairman; Kawasaki and George
- 1751-84, HD1, SD2 Senators  
Yamasaki, Chairman; Mizuguchi and A. Kobayashi
- 1794-84, HD1, SD1 Senators  
Chang, Chairman; Hagino and A. Kobayashi
- 1796-84, HD2, SD1 Senators  
Young, Chairman; Holt and A. Kobayashi
- 1799-84, SD1 Senators Young,  
Chairman; Holt and A. Kobayashi
- 1811-84, HD1, SD1 Senators  
Yamasaki, Chairman; Holt, Uwaine and Ajifu
- 1828-84, HD1, SD1 Senators  
Yamasaki,  
Chairman; B. Kobayashi and George
- 1874-84, SD1 Senators  
Yamasaki, Chairman; B. Kobayashi, Aki, Hagino, Holt, Kawasaki, Machida, Mizuguchi, Solomon, Uwaine, Young, Ajifu, Henderson and Soares
- 1905-84, HD1, SD2 Senators  
Yamasaki, Chairman; Hagino, Solomon and Ajifu
- 1906-84, HD1, SD2 Senators  
Yamasaki, Chairman; Hagino, Solomon, Fernandes Salling and Ajifu
- 1921-84, HD2, SD2 Senators  
Yamasaki, Chairman; Solomon,
- Toguchi and A. Kobayashi
- 1933-84, HD2, SD2 Senators  
Yamasaki, Chairman; Machida, B. Kobayashi and George
- 1940-84, HD2, SD1 Senators  
Yamasaki, Chairman; Holt, Mizuguchi, Abercrombie and Ajifu
- 1946-84, SD2 Senators  
Yamasaki, Chairman; Mizuguchi and A. Kobayashi
- 1956-84, HD2, SD2 Senators  
Yamasaki, Chairman; Mizuguchi and Ajifu
- 2036-84, HD1, SD1 Senators  
Solomon and B. Kobayashi,  
Co-Chairmen; Abercrombie and A. Kobayashi
- 2044-84, HD1, SD1 Senators  
Mizuguchi, Chairman; Abercrombie, Cobb, Holt and A. Kobayashi
- 2075-84, HD1, SD1 Senators  
Machida, Chairman; Fernandes Salling and George
- 2092-84, HD1, SD2 Senators  
Yamasaki, Chairman; Chang, B. Kobayashi, Aki, Hagino, Holt, Kawasaki, Machida, Mizuguchi, Solomon, Uwaine, Young, Ajifu, Henderson and Soares
- 2108-84, HD1, SD1 Senators Aki,  
Chairman; Machida and A. Kobayashi
- 2143-84, HD2, SD1 Senators B.  
Kobayashi, Chairman; Toguchi and Soares
- 2151-84, HD2, SD2 Senators  
Yamasaki, Chairman; B. Kobayashi, Aki, Hagino, Holt, Machida, Mizuguchi, Solomon, Toguchi, Young, Ajifu, Henderson and George
- 2161-84, HD2, SD1 Senators B.  
Kobayashi, Chairman; Uwaine and George
- 2169-84, HD2, SD2 Senators  
Yamasaki, Chairman; Holt and Ajifu
- 2181-84, SD1 Senators Young,  
Holt and A. Kobayashi
- 2203-84, HD2, SD1 Senators Aki,  
Chairman; Fernandes Salling and A. Kobayashi
- 2257-84, HD2, SD2 Senators  
Yamasaki, Chairman; Machida, B. Kobayashi and George



- 2275-84, HD1, SD1 Senators B. Kobayashi, Chairman; Solomon and George
- 2308-84, HD1, SD1 Senators Machida, Chairman; B. Kobayashi and George
- 2337-84, HD1, SD1 Senators B. Kobayashi, Chairman; Carpenter and Soares
- 2402-84, SD1 Senators Yamasaki, Chairman; Aki and Henderson
- 2486-84, HD2, SD1 Senators Yamasaki, Chairman; B. Kobayashi and George
- 2597-84, SD1 Senators Young, Chairman; Holt and A. Kobayashi
- 2612-84, HD2, SD2 Senators Yamasaki, Chairman; Machida and George

At this time, Representative Ige introduced 74 Kaneohe Senior Citizens who were escorted by Hannah Sollis.

Representative Ige also introduced Mr. Shintaku, "a person, closer than a brother", and his wife.

ORDER OF THE DAY

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 366 to 397) and concurrent resolutions (H.C.R. Nos. 141 to 151 and S.C.R. No. 58) were disposed of as follows:

- | <u>H.R. Nos.</u> | <u>Referred to:</u>   |
|------------------|---|
| 366              | Committee on Transportation, then to the Committee on Finance                               |
| 367              | Committee on Finance  |
| 368              | Committee on Consumer Protection and Commerce   |
| 369              | Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance |
| 370              | Committee on Water, Land Use, Development and Hawaiian Affairs                              |
| 371              | Jointly to the Committees on Human Services; and Health, then to the Committee on Finance   |
| 372              | Committee on Transpor-  |

- tation, then to the Committee on Finance
- 373 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 374 Committee on Transportation, then to the Committee on Finance
- 375 Committee on Tourism
- 376 Committee on Agriculture, then to the Committee on Finance
- 377 Committee on Judiciary, then to the Committee on Legislative Management
- 378 Committee on Education, then to the Committee on Finance
- 379 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 380 Committee on Water, Land Use, Development and Hawaiian Affairs
- 381 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Agriculture, then to the Committee on Finance
- 382 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Energy, Ecology and Environmental Protection, then to the Committee on Finance
- 383 Committee on Education
- 384 Jointly to the Committees on Housing and Agriculture, then to the Committee on Finance
- 385 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 386 Committee on Transportation, then to the Committee on Finance
- 387 Committee on Employment Opportunities and Labor Relations
- 388 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Energy, Ecology and Environmental Protection, then to the Committee on Finance

- 389 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 390 Committee on Education, then to the Committee on Finance
- 391 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Energy, Ecology and Environmental Protection, then to the Committee on Legislative Management
- 392 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Energy, Ecology and Environmental Protection
- 393 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 394 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Energy, Ecology and Environmental Protection, then to the Committee on Finance
- 395 Jointly to the Committees on Education and Health, then to the Committee on Finance
- 396 Jointly to the Committees on Education and Health, then to the Committee on Finance
- 397 Jointly to the Committees on Health and Human Services, then to the Committee on Legislative Management

H.C.R. Nos.

- 141 Committee on Water, Land Use, Development and Hawaiian Affairs
- 142 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 143 Committee on Transportation, then to the Committee on Finance
- 144 Committee on Tourism
- 145 Committee on Judiciary
- 146 Committee on Transportation
- 147 Committee on Public Employment and Government Operations, then to the Committee on Finance

- 148 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 149 Committee on Higher Education and the Arts
- 150 Committee on Ocean and Marine Resources
- 151 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs; and Energy, Ecology and Environmental Protection, then to the Committee on Finance

S.C.R. No.

- 58 Committee on Tourism, then to the Committee on Finance

## COMMITTEE REASSIGNMENTS

House Resolution No. 243 was re-referred to the Committee on Health, then to the Committee on Finance.

House Resolution No. 326 was re-referred to the Committee on Consumer Protection and Commerce.

## SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of considering a resolution out of order.

## INTRODUCTION OF RESOLUTION

The following resolutions (H.R. Nos. 400 to 401 and 403) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 400) honoring the Hawaii Yacht Club for 83 years of notable achievement was offered by Representative Hayes and Taniguchi.

On motion by Representative Hayes, seconded by Representative Taniguchi and carried, H.R. No. 400 was adopted.

A resolution (H.R. No. 401) honoring the Waikiki Yacht Club on 40 years of notable achievements was jointly offered by Representatives Hayes and Taniguchi.

On motion by Representative Hayes, seconded by Representative Taniguchi and carried, H.B. No. 401 was

adopted.

Representative Hayes rose and stated:

"Mr. Speaker, it's a pleasure for me to present these two resolutions for the notable achievements of the Hawaii Yacht Club, which is celebrating its 83rd birthday, and the Waikiki Yacht Club which is celebrating 40 years.

"Both these clubs are in my district and you've heard in the resolutions all of their contributions to the people of Hawaii. I was fascinated to learn that in 1906, when the Hawaii Yacht Club initiated the Transpac Races, it did so with a sailing to San Francisco. Unfortunately it arrived two days after the earthquake and nobody was interested in yachting. So, the boat proceeded to Los Angeles and a two boat race was organized. This became the start of the famous Trans-Pacific Yacht Races.

"Equally fascinating is the fact that the Waikiki Yacht Club's present site came about by chance. It was on Saturday, December 6, that the Pearl Harbor Yacht Club started a weekend sail to Waikiki. Of course, they never returned to Pearl Harbor. The small group of sailors continued to drop anchor in the Ala Wai Yacht Harbor and when the war began to wind down, they reorganized as the Waikiki Yacht Club and started their club with a couple of old army shacks which they commandeered.

"Today, these sophisticated clubs have hundreds of members and sponsor numerous racing events and youth programs."

At this time, Representative Hayes introduced Mr. Robert Rhine, Commodore of the Hawaii Yacht Club; Mr. Robert Johnson, immediate past Commodore of the Hawaii Yacht Club; Mr. Charles Sutton, Commodore of the Waikiki Yacht Club; and Mr. Rush Clark, Vice Commodore on Waikiki Yacht Club.

"I would like to add one remark, I just learned that Commodore Sutton was one of the designing group who produced our beautiful State Capitol."

Representative Hayes then acknowledged some of the members of the clubs who were seated in the gallery.

Representative Ige rose and addressed his remarks on behalf of the Waikiki Yacht Club stating:

"I just want to extend my appreciation for the honorary membership card that they extended to this body. I've taken advantage of their generosity and I just want to say that it's really been a tremendous pleasure to do so. Thank you."

Representatives Stanley, Hashimoto, Hirono and Isbell presented the honorees with leis, and Representatives Hayes and Taniguchi presented certified copies of the resolution.

A resolution (H.R. No. 403) congratulating the Living Treasures of Hawaii was jointly offered by Representatives Apo and Hagino.

On motion by Representative Apo, seconded by Representative Hagino and carried, H.R. No. 403 was adopted.

Representative Apo rose and stated:

"Mr. Speaker, it gives me a great deal of pleasure, this morning, to bring before this body, several outstanding kamaainas who have distinguished themselves through a lifelong commitment to excellence in their respective disciplines. These living treasures have exceeded all the expectations of society in their dedication toward the advancement of Hawaii's history, cultures and the arts.

"And as an extemporaneous comment, Mr. Speaker, another great pleasure and reason that we bring these people down here, I think, sometimes, governments of the world, these days, being preoccupied with deliberations over commerce and industry, and things that are more materially oriented, I think sometimes we forget that it's very important for us to maintain a strong posture and support for those human endeavors that attempt to address the needs of the soul and the needs of the heart. For it is not through government that I think that the peoples of the world will be united, I think that will come through a sharing of common cultures, perhaps uncommon cultures. And for that reason, I think it's especially significant that these living treasures here today, have been working in an area that sometimes is ignored by government and so it's a great pleasure to finally bring about some kind of recognition for their contribution to society in an area that perhaps, government sometimes fails to do.

"I would like to start with Mr.

Satoru Abe, who is a painter and sculptor. He was born in Honolulu in 1926, graduated from McKinley High School in 1945 and was part of the Art Students League in New York from 1948 to 1950. He received a Geggenheim Fellowship Award in 1963 and was the first recipient of the NEA Art-in-Residence in Hawaii in 1970. His pieces are in the collections of the Whitney Museum, Virginia Museum, and others. They have been exhibited in Greece, France and Tokyo as part of the Art-in-Embassy program.

"Mr. Abe has been awarded countless public and private commissions and his works are on display throughout the State and in many other locations on the mainland and throughout the world."

At this time, Representative Apo introduced Mr. Abe to the members of the House.

Representative Apo then continued:

"Mr. Speaker, a second recipient of the Living Treasure Award from the Hongpa Hongwanji Mission is Mr. Francis Haar, an imminent photographer-filmmaker, no doubt a master of photography. He was born in Csernatfalu, Hungary. He received numerous grants for films from the Rockefeller Foundation out of Chicago, the State Foundation on Culture and the Arts, and the National Endowment for the Arts.

"He's had exhibitions throughout the world. In the United States, it includes the American Cultural Center, Tokyo, Japan; University of Chicago; the de Cordova Museum in Massachusetts; Michigan University in Ann Arbor; Indiana University; Auburn University; Cleveland Museum of Arts; San Francisco State College and at the University of Hawaii art department.

"Some of his collections and commissions are included in the Museum of Modern Art in New York; USIA, State Department, American Embassy in Tokyo, Japan; the Art Institute of Chicago; the Honolulu Academy of Arts; and the University Press of Hawaii.

"His lists of credits are too numerous to mention."

Representative Apo then introduced Mr. Francis Haar to the members of the House.

Representative Apo then continued:

"Mrs. Irmgard Aluli - certainly a well-known figure in Hawaii and a beloved kupuna of the Hawaii people and the State of Hawaii. Irmgard Aluli has written more than 300 songs in the past 50 years-most of them surprises that have come to her in dreams, while doing housework, driving on the freeway and preparing for rummage sales. She has been called 'the most prolific of female Hawaiian composers since Queen Liliuokalani in George Kanahele's authoritative Hawaiian Music and Musicians. Her melodies run the gamut in mood and tempo, from light-hearted children's numbers with pidgin English lyrics to prayerful Hawaiian hymns.

"Mrs. Aluli is 71 years old. She was born and raised in Lahaina, Maui and she is a member of the very gifted Farden family, whose contributions fill many pages in the chronicle of contemporary Island music. Her childhood was nurtured by close family ties and an equally strong bond with music."

Representative Apo then introduced Mrs. Aluli to the members of the House.

Representative Apo then continued:

"Just as a postscript to Mrs. Aluli, I'd just like to point out that the accomplishments of the Farden family covers the gamut of music - teaching, composing, entertaining, radio, television, producing shows, directing choirs and orchestras, and she is truly carrying on a very fine and excellent family tradition."

"Emma Kapiolani Farden Sharpe continues a long family tradition of excellence in music, and here again, I am going to repeat what I just said. The accomplishments of the Farden cover the gamut of music - teaching, composing, entertaining, radio and television, producing shows, directing choirs and orchestras. Mrs. Sharpe has been a teacher in the public schools for many years. She's gained fame as a teacher of the hula and chanting, having trained under such masters as Aunty Kawena Pukui, Joseph Ilalaole and Rosalie Lokalia Montgomery. Her students number in the hundreds from many parts of the world. She has also been a successful producer of Hawaiian shows and in recent years has had long runs in Maui's hotel showrooms.

"She is also another very, very beloved daughter of Hawaii Nei and the people of Hawaii."

Representative Apo then introduced Mrs. Sharpe to the members of the House.

Representative Apo then concluded:

"To you, Living Treasures of Hawaii Nei, on behalf of this honorable body, I extend the warmest Aloha for your major contributions to the human spirit and the people of Hawaii, and I would like all of you, at this point, to once again to stand, as a group, to be recognized."

At this time, Representative Hee addressed the honorees in Hawaiian.

A resolution (H.R. No. 417) congratulating the 1983 recipient of the Hawaii Award for Literature was jointly offered by Representatives Apo, Hagino.

Representative Apo rose and stated:

"Mr. Speaker, Katherine Luomala's contribution to Polynesian and Hawaiian culture and literature is incalculable. Throughout her career as a writer, she has not only done landmark work in the literature of our region, but also has set very, very high standards of literary excellence. The Hawaii Award for Literature is the highest honor Hawaii can bestow upon a writer. Previous winners include Mary Kawena Pukui, Samuel Elbert, Alfons Korn, Aldyth Morris, Leon Edel, Marjorie Sinclair Edel, Gavan Daws, O.A. Bushnell and Maxine Hong Kingston.

Representative Apo then introduced Katherine Luomala to the members of the House.

At this time, Representatives Hagino, Hee, Ikeda, Leong and Stanley presented the honorees with leis and Representatives Crozier, Isbell, Kiyabu-Saballa, Say and Tungpalan presented the certified copies of the resolution.

At 11:44 o'clock a.m., the Chair declared a recess for the purposes of extending the Aloha of the members of the House to the honorees, subject to the call of the Chair.

The House of Representatives reconvened at 11:56 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com.

Rep. No. 783-84) recommending that H.R. No. 102, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Matsuura, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 102, HD1 entitled: "HOUSE RESOLUTION REQUESTING THAT THE GOVERNOR OF THE STATE OF HAWAII IMMEDIATELY ESTABLISH AND FUND A STATE COMMISSION FOR THE PRESERVATION OF FORT DERUSSY", was referred to the Committee on Finance.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 784-84) recommending that H.R. No. 237, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Matsuura, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 237, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE STATE TAX REVIEW COMMISSION TO EXAMINE MEASURES TO ENCOURAGE THE FLOW OF VENTURE CAPITAL INTO HAWAII", was referred to the Committee on Finance.

Representative Say, for the majority of the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 785-84) recommending that H.R. No. 304, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Matsuura and carried, the report of the majority of the Committee was adopted and H.R. No. 304, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF SETTING ASIDE STATE LANDS TO PERMIT CERTAIN RESIDENTS TO PRACTICE A SUBSISTENCE LIFESTYLE", was referred to the Committee on Finance.

Representative Say, for the majority of the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 786-84) recommending that H.C.R. No. 116, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Matsuura and carried, the report of the

majority of the Committee was adopted and H.C.R. No. 116, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF SETTING ASIDE STATE LANDS TO PERMIT CERTAIN RESIDENTS TO PRACTICE A SUBSISTENCE LIFESTYLE", was referred to the Committee on Finance.

Representative Say, for the majority of the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 787-84) recommending that H.R. No. 279, as amended in HD1, be referred to the Committee on Finance.

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

Representative Say, for the majority of the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 788-84) recommending that H.C.R. No. 110, as amended in HD1, be referred to the Committee on Finance.

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

At this time, the referral of H.R. No. 279, HD1, and H.C.R. No. 110, HD1 to the Committee on Finance was waived by the Chair.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 789-84) recommending that H.R. No. 259, as amended in HD1, be adopted.

On motion by Representative Say, seconded by Representative Matsuura and carried, the report of the Committee was adopted and H.R. No. 259, HD1 entitled: "HOUSE RESOLUTION REQUESTING AN INFORMATIONAL MEETING TO DISCUSS THE FEASIBILITY OF DESIGNATING DIFFERENT AGENCIES TO IMPLEMENT THE PROPOSED WATER CODE", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 790-84) recommending that H.C.R. No. 52, as amended in HD1, be adopted.

On motion by Representative Say, seconded by Representative Matsuura and carried, the report of the Com-

mittee was adopted and H.C.R. No. 52, HD1 entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES' INTENT TO EXPAND THE USE OF CONCESSION AGREEMENTS TO DEVELOP AND OPERATE CAMPING AND CABIN RENTAL FACILITIES IN CERTAIN STATE PARKS", was adopted.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 791-84) recommending that H.R. No. 94, as amended in HD1, be adopted.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted and H.R. No. 94, HD1 entitled: "HOUSE RESOLUTION REQUESTING A DETERMINATION OF THE SOURCE OF THE EDB CONTAMINATION OF THE WAIPAHU WELLS", was adopted.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 792-84) recommending that H.C.R. No. 39, as amended in HD1, be adopted.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted and H.C.R. No. 39, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A DETERMINATION OF THE SOURCE OF THE EDB CONTAMINATION OF THE WAIPAHU WELLS", was adopted.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 793-84) recommending that H.R. No. 275, as amended in HD1, be adopted.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted and H.R. No. 275, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY TO ESTABLISH MAXIMUM CONTAMINANT LEVELS IN DRINKING WATER FOR DBCP, EDB, TCP, AND OTHER CHEMICALS CONTAMINANTS", was adopted.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a

report (Stand. Com. Rep. No. 794-84) recommending that H.C.R. No. 105, as amended in HD1, adopted.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted and H.C.R. No. 105, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY TO ESTABLISH MAXIMUM CONTAMINANT LEVELS IN DRINKING WATER FOR DBCP, EDB, TCP, AND OTHER CHEMICAL CONTAMINANTS", was adopted.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 795-84) recommending that H.R. No. 235, as amended in HD1, be adopted.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted and H.R. No. 235, HD1 entitled: "HOUSE RESOLUTION RELATING TO PESTICIDE USAGE BY THE MILITARY", was adopted.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 796-84) recommending that H.C.R. No. 95, as amended in HD1, be adopted.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted and H.C.R. No. 95, HD1 entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO PESTICIDE USAGE BY THE MILITARY", was adopted.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 797-84) recommending that H.R. No. 211, be adopted.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted and H.R. No. 211 entitled: "HOUSE RESOLUTION URGING THE UNITED STATES AND THE SOVIET UNION TO ADOPT A TREATY ABOLISHING THE PRODUCTION, STOCKPILING, AND USE OF CHEMICAL, BIOLOGICAL AND RADIOLOGICAL WEAPONS", was adopted.

Representatives Takamine and Okamura, for the Committees on Agriculture; and Energy, Ecology and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 798-84) recommending that H.R. No. 33, as amended in HD1, be adopted.

On motion by Representative Takamine, seconded by Representative Okamura and carried, the joint report of the Committees was adopted and H.R. No. 33, HD1 entitled: "HOUSE RESOLUTION REQUESTING PUBLIC HEARINGS ON ALTERNATIVE TREATMENTS OR PROCESSES TO REPLACE THE USE OF PESTICIDES WHICH HAVE BEEN BANNED", was adopted.

At 12:01 o'clock p.m., at the request of Representative Grauly, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:03 o'clock p.m.

#### INTRODUCTION OF RESOLUTIONS

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the following resolution (H.R. No. 402) was adopted:

A resolution (H.R. No. 402) commending and recognizing the citizens of Waipahu and the volunteers who participated in the formation of the Waipahu 2000 community master plan and the creation of the Waipahu Community Council was jointly offered by Representatives Shito, Kihano, Andrews, Apo, Chun, Hashimoto, Hayes, Hee, Hirono, Honda, Kim, Lardizabal, Levin, Nakata, Say, Stanley, Takamine, Tam and Wong.

#### SUSPENSION OF RULES

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

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. Nos. 162, HD2; 787, HD1; 1721-84, HD1; 1838-84; 1842-84, HD1; 1845-84, HD1; 1848-84, HD1; 1892-84; 2002-84, HD2; 2077-84, HD1; 2471-84, HD1; and 2451-84, HD1, as amended by the Senate, were taken from the Clerk's desk.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 162, HD2, and H.B. No. 162, HD2, SD1, having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Dang, Marumoto and Rohlfing voting no, and Representatives Baker, Kim and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 162 had passed Final Reading at 12:03 o'clock p.m.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 787, HD1, and H.B. No. 787, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kim and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 787 had passed Final Reading at 12:05 o'clock p.m.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1721-84, HD1, and H.B. No. 1721-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kim and Wong being excused.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1838-84, and H.B. No. 1838-84, SD1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representative Anderson voting no and Representatives Baker, Kim and Wong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1721-84 and 1838-84 had passed Final Reading at 12:06 o'clock p.m.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1842-84, HD1, and H.B. No. 1842-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kim and Wong being excused.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1845-84, HD1, and H.B. No. 1845-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kim and Wong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1842-84 and 1845-84 had passed Final Reading at 12:07 o'clock p.m.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1848-84, HD1, and H.B. No. 1848-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kim and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1848-84 had passed Final Reading at 12:08 o'clock p.m.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1892-84, and H.B. No. 1892-84, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kim and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1892-84 had passed Final Reading at 12:09 o'clock p.m.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2002-84, HD2, and H.B. No. 2002-84, HD2, SD2, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kim and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2002-84 had passed Final Reading at 12:10 o'clock p.m.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2077-84, HD1, and H.B. No. 2077-84, HD1, SD1,



having been read throughout, passed Final Reading by a vote of 47 ayes, with Representative Souki voting no and Representatives Baker, Kim and Wong being excused.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2451-84, HD1, and H.B. No. 2451-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kim and Wong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2077-84 and 2451-84 had passed Final Reading at 12:13 o'clock p.m.

On motion by Representative Stanley, seconded by Representative Tom and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2604-84, and H.B. No. 2604-84, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kim and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2604-84 had passed Final Reading at 12:14 o'clock p.m.

At 12:15 o'clock p.m., at the request of Representative Souki, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:42 o'clock p.m.

At this time, the Chair directed the Clerk to note the presence of Representative Kim.

By unanimous consent, H.B. Nos. 556; 847, HD1; 1777-84; 1779-84, HD1; 1925-84, HD1; 2020-84; 2181-84; 2201-84, HD1; 2396-84; 2477-84, HD1; and 2484-84, HD1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 556, and H.B. No. 556, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

On motion by Representative Shito, seconded by Representative Hashimoto and carried, the House agreed to the

amendments proposed by the Senate to H.B. No. 847, HD1, and H.B. No. 847, HD1, SD1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Ikeda and Isbell voting no and Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. Nos. 556 and 847 had passed Final Reading at 12:43 o'clock p.m.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1777-84, and H.B. No. 1777-84, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1777-84 had passed Final Reading at 12:44 o'clock p.m.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1779-84, HD1, and H.B. No. 1779-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1779-84 had passed Final Reading at 12:45 o'clock p.m.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1925-84, HD1, and H.B. No. 1925-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1925-84 had passed Final Reading at 12:47 o'clock p.m.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2020-84, and H.B. No. 2020-84, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being

excused.

The Chair directed the Clerk to note that H.B. No. 2020-84 had passed Final Reading at 12:47 o'clock p.m.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2181-84, and H.B. No. 2181-84, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2201-84, HD1, and H.B. No. 2201-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2181-84 and 2201-84 had passed Final Reading at 12:48 o'clock p.m.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2396-84, and H.B. No. 2396-84, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2477-84, HD1, and H.B. No. 2477-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2396-84 and 2477-84 had passed Final Reading at 12:49 o'clock p.m.

On motion by Representative Shito, seconded by Representative Kim and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2484-84, HD1, and H.B. No. 2484-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2484-84 had passed Final Reading at 12:50 o'clock p.m.

By unanimous consent, H.B. No. 2261-84, HD1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Hagino, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2261-84, HD1, and H.B. No. 2261-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2261-84 had passed Final Reading at 12:51 o'clock p.m.

By unanimous consent, H.B. No. 1742-84, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Chun, seconded by Representative Stanley and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1742-84, and H.B. No. 1742-84, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1742-84 had passed Final Reading at 12:52 o'clock p.m.

By unanimous consent, H.B. Nos. 537, HD1; 1740-84; and 2268-84, as amended by the Senate, were taken from the Clerk's desk.

Representative Ige moved that the House agree to the amendments proposed by the Senate to H.B. No. 537, HD1, and H.B. No. 537, HD1, SD2, having been read throughout, pass Final Reading, seconded by Representative Stanley.

Representative Hagino rose to speak against the bill stating:

"I realize this is rather late in the session to oppose this measure; I only regret that I hadn't done so earlier, so I rise to speak against this bill.

"I find it rather ironic that when we considered this measure on Third Reading, the only person who voted against this bill was the minority

leader, who, I think, restored my conscience a little.

"I'd like to address my remarks to this body in opposition to this bill. I feel I do not have to address my remarks to people who have served as former VISTA volunteers or adherence to the 'Great Society', people who believe in the war against poverty many years ago. I think this bill, there are many reasons why I believe that this bill is wrong at this time. I do not, of course, condone welfare fraud and I have supported measures to increase the welfare fraud units of the Department of the Attorney General.

"This bill is rather overbroad in its construction. I believe that it does, possibly, restrict certain rights of applicants for public assistance. But what I think that the sword that the poor people are faced in the definition of their rights under this bill, is two-fold. One is the passage of this bill, and secondly, in order to determine their rights, they will have to turn to the Legal Aid Society so that a judicial determination may be made as to the rights under this bill. We have, also, as a body, passed a measure, which if inacted into law, severely restricts the Legal Aid Society in attempting to define the rights of poor people. As you know, in the executive budget bill, we're going to restrict the Legal Aid Society in bringing suits against the department, and in this case, under 537, a suit will have to be brought against the Department of Social Services and Housing. So I feel it really is a compound burden on the poor people on the definition of their rights if we were to pass this bill.

"The second reason that I oppose this bill is that yesterday, we brought to this floor, members of the Japanese-American Citizen League. Basically the league was formed in the 1930's and grew in strength after World War II. I think that the main reason the group grew in strength was because in those days, a particular group was singled out after the bombing of Pearl Harbor, and it was noted that as a group, perhaps there was a propensity to commit a crime, perhaps treason or whatever it may be, that they could be treated in a preemptive fashion and sent to certain places such as Manzanar and Tule Lake. I see the same kind of mentality in this bill in that we again, are focusing on a particular group, noting that perhaps, they have a propensity to commit a particular crime of fraud, and as a preemptive

measure to deal with them, we will restrict certain rights that they must surrender voluntarily by consenting to such a search by the Department of Social Services and Housing. So it is for these two measures: 1. They may be unable to define what their rights are under this bill because of other legislation that we may consider; and 2. because there is a fundamental constitutional problem directly noted in House Bill No. 537, HD1, SD2. It is for these reasons that I now stand, rather late, to speak against this bill."

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

"Mr. Speaker, as one of the co-chairmen of this bill, I wish to assure every member of this body that it was given adequate discussion, thorough discussion, and particularly thorough scrutiny by myself, having before, in this House, authored measures to the benefit of welfare recipients, I bear special responsibility for their needs, and I can assure every member that I would never allow a measure to come to this floor that would be a detriment to anyone in this State."

"Representative Rohlfing rose to speak against the bill stating:

"Mr. Speaker, I, like Representative Hagino, am hardly one to accept the position to encourage welfare fraud or abuse, since I think it's a real problem and something that obviously takes from all of us who support government in the proper manner.

"But I find it ironic that we cannot, in many cases, get disclosures from government agencies about what they're doing, and that the public, really, does not have access to the records of our government - state and county. We've had, during the course of this session, a situation where we had child care agencies and the issue regarding what should and should not be disclosed to the public at large from government sources. And yet, we find it very simple, easy, to enact a broad, five year requirement that our financial institutions go into the records of our citizens. In order to conduct a wiretap, there is usually required, some showing to a judge or the Attorney General of the United States, that there's some reasonable cause. This bill does not require any prior showing - it's an investigative tool. It was explained to me that there would not be these violations, that we would only go in, 'in-camera',

so to speak, and take an instant reading. And yet, I think, the bill goes too far and it is too broad. It is, I think, part of a psychology which our federal government has adopted. The federal government, the Internal Revenue Service, can look at your checks, get them from the banks, and can discover all sorts of information, unrelated to whether you paid your taxes or not, which will show up in the records of other agencies, and in due course, will report to various people about your lifestyle and-

who you do business with, and a lot of other information, which as Americans, I think, we are entitled to keep to ourselves.

"I do not say that this bill will result in that. I do not say that our Attorney General is motivated to do that. But as a legislator, who has an obligation to my constituents under the Constitution of the State, I cannot support this bill."

Representative Ige rose in support of the measure stating:

"Mr. Speaker, I rise to speak in support of H.B. No 537, HD1, SD1, a bill which seeks to provide the Department of Social Services and Housing with a mechanism to verify assets of welfare applicants and recipients as reflected in bank and savings institutions.

"Mr. Speaker, testimony from the Department of Social Services and Housing and the Attorney General's office indicated that many persons illegally receive public assistance benefits even though they have substantial assets. These assets are often in the form of accounts at banks and savings institutions. Presently, the department has no way of verifying if these resources exist, but if those assets could be revealed, these persons would be disqualified from welfare.

"It is difficult to believe that an applicant or recipient can falsify an application or report and escape detection for months, sometimes even years. The amount of benefits illegally or improperly obtained is roughly ten million dollars. Of the 592 cases investigated in 1983, 478 cases were identified as overpayments in excess of \$1.1 million. In one case alone, the State was defrauded of almost \$60,000 over six years before the situation was detected and is now pending occur action.

"Adding to the magnitude of this

dilemma is the fact that the Department of Social Services and Housing now has over 3,500 cases awaiting investigation involving various forms of fraud. This amounts to almost 15% of their 27,000 caseload. Corrective action must be taken.

"Mr. Speaker, a public welfare system that permits widespread fraud and abuse can only defeat the purpose of Hawaii's public assistance programs, and frustrate the spirit of public compassion for those in need. With the financial assistance program expenditures exceeding \$100 million annually, more vigorous measures must be taken to detect and prosecute welfare fraud.

"Welfare waste and duplication must be eliminated if we are to maintain public confidence and fiscal integrity in programs that are meant to assist those who are truly in need. One small way of accomplishing this is with independent verification of the resources of welfare applicants and recipients. To this end, H.B. NO. 537, HD1, SD1, will authorize the Department of Social Services and Housing to verify bank account records through a computer cross-matching system which has been used effectively in other states.

"Mr. Speaker, I am aware that there are some concerns as to whether this type of information exchange would violate the right to privacy as expressed in our Constitution and in State and Federal laws. This measure has been designed to address those concerns. We recognize 'the right to privacy', was meant to protect citizens from unwarranted governmental intrusion into their daily lives. It was never meant to be a shield from criminals to escape detection.

"Mr. Speaker, the Attorney General has informed me that other states using back-match programs have in no way been found to be illegal.

"More importantly, the program itself has been designed to protect the privacy of the individuals. The actual names of welfare recipients are never released to the banks, nor are the names of bank depositors released to the Department of Social Services and Housing. In addition, applicants will be asked to give written consent for verification of their financial information.

"Mr. Speaker, the Hawaii Bankers Association, the Attorney General's office and this committee took two

years to develop a workable system. The cost of doing the computer match is modest and will be paid for by the Department of Social Services and Housing. The cost is especially insignificant in comparison to the long range benefits for the State. This bill will provide an effective tool for the Department of Social Services and Housing in their ongoing struggle for improved welfare management.

"Mr. Speaker, I do not believe that we are forcing these individuals to give up their rights to privacy, or making them a suspect class. In fact, MAHRE & Roe Supreme Court case clearly state that 'this court has never held that financial need alone identifies a suspect class for purposes of equal protection analysis.' The applicant's consent establishes a 'rational relationship to a legitimate government interest.

"Mr. Speaker, in these times of increasing financial demands for Hawaii's limited resources, we must make every effort to ensure that our State dollars are going to those who need it most. Mr. Speaker, let us begin now to deal with a not so popular issue, welfare fraud, and assure those truly in need of our support. Thank you."

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

"As former chairman of Public Assistance and Human Services, I agree with Representative Ige that there is indeed, a big problem out there, and this is only the start, where we, as legislators, can give to the truly needy what they need and not give it to the fraudulent people. To me, this bill will deter those people that has something to hide. They will not even go to the public welfare department to apply because they know that their social security numbers will be matched with those bank deposits, wherever they are in the State. To me, that is deterrent enough and monies that will go to those fraudulent people will be saved to go to the truly needy and we will be able to help the poor better. I would also like for the Clerk to incorporate Representative Ige's words as if they were mine. Thank you."

Representative Apo rose to speak against the measure stating:

"I had not intended to say any words on this bill, but I do rise to speak against it.

"First of all, I do believe in the sincerity of the chairman involved and the good intentions of this bill. But it seems to me, what we are doing, is we are singling out a class of people, poor people, for undue treatment under the law. There are many other classes within our society that also cost government thousands and thousands of dollars - tax fraud, much of the white collar crime. I think it would be unthinkable for a legislative body to think about invasion of privacy for those people who are doing well, who vote, who are articulate and who have the ability to handle and cope with themselves and society.

"If we take a look at actual faces that would be affected by this bill, we are talking some again about Pacific Island peoples. The poor people of this State, where we have overrepresentation on the part Samoans, Hawaiians, Filipinos - people who have lived in the Pacific area for many, many years and who have to a great extent, suffered because of the westernization of the societies of the Pacific Islands. Once again, I say to you that I think the bill is well intended, but it is overly broad.

"For myself, because I was unemployed last year, and because of the way our salaries are set up, I qualified for public assistance in the interim, and I would resent an invasion of my privacy in terms of allowing the government to come in and look at my bank statements.

"The last reason that I oppose this bill is that I don't believe that it's going to solve the problem. Those people who are . . . who have a pension for fraud, will simply stop putting their money in the banks. Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 537, HD1, SD1, passed Final Reading by a vote of 44 ayes, with Representatives Apo, Hagino, Marumoto, Nakata and Rohlifing voting no, and Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 537 had passed Final Reading at 1:12 o'clock p.m.

On motion by Representative Ige, seconded by Representative Leong and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1740-84, and H.B. No. 1740-84, SD1, having been read

throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1740-84 had passed Final Reading at 1:12 o'clock p.m.

On motion by Representative Ige, seconded by Representative Stanley and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2268-84, and H.B. No. 2268-84, SD1, having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Baker and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2268-84 had passed Final Reading at 1:13 o'clock p.m.

At 1:13 o'clock p.m., at the request of Representative Kiyabu, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:14 o'clock p.m.

At 1:14 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 1:15 o'clock p.m.

#### MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 787-84 on H.R. No. 279, HD1:

Representative Say moved that H.R. No. 279, HD1 be adopted, seconded by Representative Matsuura.

Representative Hee rose to speak against the resolution stating:

"Mr. Speaker, I rise with some difficulty as much as the resolution before us addresses a district to which is not mine, however, as a representative of the State, of its people, as a representative of people who will be affected directly from my district, namely the people of Kalaupapa, I wish to relay some thoughts and concerns with respect to the Hale Mohalu lands in question.

"Mr. Speaker, words could not express, nor time could allow me to explain to you, or any of the mem-

bers of this House, the feelings of the patients of Kalaupapa. And for the brief moments that I have spent with them, as a representative, listening to their problems and concerns regarding their Hansen's disease. Many of whom, Mr. Speaker, like you and I, are part Hawaiian, and also many of whom, unlike us, Mr. Speaker, are Oriental, and many of whom, Mr. Speaker, have chosen to spend their lives at Kalaupapa, and have chosen not to participate in the general activities which you and I enjoy.

"Mr. Speaker, I would be remiss if I could not express to you and the members of this body, not my objections to the good intentions by the authors of this resolution, and certainly the intentions for providing athletic and recreation activities for the people. But simply put, Mr. Speaker, I do not believe that it my place, as a member of the legislature, to intrude myself in a disagreement and eviction that has been taking place with the executive branch of this State and not the legislature. Should the chief executive officer or the chairman of the Department of Land and Natural Resources choose to continue to participate in this problem with the Hale Mohalu patients, that's their choice. But for the legislature now to give its stamp of approval on any other kind of activity which has just passed before us, Mr. Speaker, I think is untimely and improper.

"Mr. Speaker, as was brought out in caucus, and as articulated in the committee report, the Office of Hawaiian Affairs and the Hale Mohalu patients have expressed their interests in also utilizing these lands as a Hawaiian organization and as people who once resided there. The committee report stipulates, Mr. Speaker, that should they choose to become involved in the future of the Hale Mohalu site, that they can so request directly to the Department of Land and Natural Resources. I would say to the body that as they may choose to do so, so can any group athletics, eleemosynary, or any other group, so they may also go to the DLNR. But for us as a legislative body, to give our stamp of approval over a group which is not yet incorporated, and imply whether we mean it or not, indirectly or not, that we have determined legislative intent over an issue which has caused much grief and pain. An issue which has taken the lives of people, and ironically, as what was stated on this floor with respect to other measures, issues which rip off the Hawaiians.

"Mr. Speaker, I do not choose to speak in favor or against the patients or the executive branches activities with respect to Hale Mohalu, but rather to impress upon this body that as a representative directly involved with the Kalaupapa people, and as a representative, why I feel is taking license by directing a department in the executive branch to do certain things is improper and precludes the department from making an objective decision. Thank you, Mr. Speaker."

Representative Hagino rose to speak against the resolution stating:

"I agree with the comments of Representative Hee and add that by those two resolutions, indirectly, and I do mean indirectly, I think we have caused harm to another group of poor people. Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and Stand. Com. Rep. No. 787-84 was adopted and notwithstanding the recommendation of the Committee, H.R. No. 279, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES", was adopted.

Stand. Com. Rep. No. 788-84 on

H.C.R. No. 110, HD1:

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 788-84) recommending that H.C.R. No. 110, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Matsuura and carried, and notwithstanding the report of the Committee, H.C.R. No. 110, HD1 entitled: HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO LEASE THE FORMER HALE MOHALU SITE TO AN ELEEMOSYNARY ORGANIZATION FOR YOUTH ATHLETIC AND RECREATION ACTIVITIES", was adopted.

At this time, Representative Nakasato requested a waiver of the 48-hour notice requirement for hearings be waived on H.R. No. 375, H.C.R. No. 144 and S.C.R. Nos. 58 and 71.

#### ADJOURNMENT

At 1:24 o'clock p.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m., tomorrow, Thursday, April 12, 1984.

## FIFTY-FIFTH DAY

Thursday, April 12, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Dan H. Kong, Executive Director of the Hawaii Baptist Convention, after which the Roll was called showing all members present with the exception of Representatives Baker, Ikeda, Morgado, Nakasato, Say, Taniguchi and Tungpalan, who were excused.

By unanimous consent, reading of the Journal of the Fifty-Fourth Day was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 379 to 401) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 379) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 177, HD 1 (SD 1), and the request for a conference on the subject matter of said amendments, Senators Aki, Chairman; Hagino, Kuroda, Yamasaki and Henderson have been appointed as Managers on the part of the Senate at such conference, was placed on file.

In accordance therewith, the Chair appointed Representatives Andrews, Chairman; Apo, Kiyabu, Leong, Morgado, Tom and Jones as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 380) informing the House of an error in a Senate communication dated April 10, 1984, wherein on page 4 of said communication, the House was erroneously informed that Senator Young, as chairman, and Senators Holt and A. Kobayashi, as members, were appointed Managers for the consideration of H.B. No. 2181-84, SD 1, and instead said Senators have been appointed as Managers for the consideration of H.B. No. 2194-84, SD 1, and that no conferees have been named with respect to H.B. No. 2181-84, SD 1, was placed on file.

A communication from the Senate (Sen. Com. No. 381) informing the House that the Senate has reconsidered its action taken on April 5, 1984, and that the amendments proposed by the House to Senate Bill No. 785, SD 1 (HD 2), were agreed to by the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 382) informing the House that the Senate has reconsidered its action taken on April 5, 1984, and that the amendments proposed by the House to Senate Bill No. 1577-84, SD 1 (HD 2), were agreed to by the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 383) informing the House that the Senate has reconsidered its action taken on April 5, 1984, and that the amendments proposed by the House to Senate Bill No. 1890-84, SD 1 (HD 1), were agreed to by the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 384) returning House Bill No. 359, entitled: "A BILL FOR AN ACT RELATING TO NATIONAL GUARD AND RESERVE TUITION WAIVERS", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 385) returning House Bill No. 851, entitled: "A BILL FOR AN ACT RELATING TO THE STATUS OF WOMEN", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 386) returning House Bill No. 1185, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A PUBLIC GUARDIANSHIP AGENCY", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 387) returning House Bill No. 1213, entitled: "A BILL FOR AN ACT PROPOSING THE REPEAL OF ARTICLE VII, SECTION 6, OF THE HAWAII CONSTITUTION, TO ELIMINATE THE REQUIREMENT THAT EXCESS REVENUE BE REFUNDED TO TAXPAYERS UNDER CERTAIN CONDITIONS", which passed Third Reading in the Senate on April 11, 1984, was placed on file.



A communication from the Senate (Sen. Com. No. 388) returning House Bill No. 1636-84, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HILO HOSPITAL, HILO, COUNTY OF HAWAII", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 389) returning House Bill No. 1662-84, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S MENTAL HEALTH SERVICES", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 390) returning House Bill No. 1718-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 391) returning House Bill No. 1720-84, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 1984 HAWAII STATEHOOD SILVER JUBILEE", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 392) returning House Bill No. 1738-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PREMARITAL EXAMINATION FOR RUBELLA", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 393) returning House Bill No. 1739-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE COMPREHENSIVE EMERGENCY MEDICAL SERVICES SYSTEMS", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 394) returning House Bill No. 1741-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 395) returning House Bill No. 1797-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 396) returning House Bill No. 1827-84, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 397) returning House Bill No. 1854-84, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 398) returning House Bill No. 1948-84, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION TO ALLOW FLEXIBILITY IN SCHEDULING THE MANDATORY RECESS", which passed Third Reading in the Senate on April 11, 1984, by not less than two-thirds vote of all the members to which the Senate is entitled, was placed on file.

A communication from the Senate (Sen. Com. No. 399) returning House Bill No. 2039-84, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 400) returning House Bill No. 2184-84, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC", which passed Third Reading in the Senate on April 11, 1984, by not less than two-thirds vote of all the members to which the Senate is entitled, was placed on file.

A communication from the Senate (Sen. Com. No. 401) returning House Bill No. 2233-84, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", which passed Third Reading in the Senate on April 11, 1984, was placed on file.

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

Representative Kiyabu-Saballa introduced her Alpha Beta Sigma Phi sorority sisters, as follows: Bonnie Parsons, President of the Oahu City Council; Emogene Martin, incoming

President of the Alpha Beta Chapter and "my campaign manager"; and Esther D. Valsall. From the Alpha Epsilon Chapter were Anne Holmes who came dressed as the Easter Bunny; Dee Pagan and Jeanette Detert. Accompanying them were Mrs. Elizabeth Oba, Mrs. Loretta Dudoit and Mr. Val Dudoit.

Representative Albano introduced a group of 25 sixth grade students from Puuhale Elementary School in Kalihi. They were accompanied by their teacher, Mrs. Audrey Mijo.

Representative Jones introduced a group of fourth and fifth grade students from Christian Academy. They were accompanied by their teachers, Mrs. Marilyn Burgess and Meredith.

#### SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of considering certain resolutions.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 407 to 409) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 407) commending the University of Hawaii's men's and women's swimming and diving teams for their respective superior performances in winning the Western Athletic Conference Championship and the West Coast Independent College Swimming and Diving Championship was jointly offered by Representatives Apo and Hagino.

On motion by Representative Apo, seconded by Representative Hagino and carried, H.R. No. 407 was adopted.

Representative Apo then rose and stated:

"Mr. Speaker, on behalf of Representative Hagino and myself, it gives me great pleasure, this morning, to offer a few brief remarks with respect to the outstanding performances of the University of Hawaii swimming and diving teams.

Mr. Speaker, I would like to begin by noting that for 90 percent of the general public, the only real contact

with the University is through the many excellent publicly witnessed performances of our athletes and the subsequent media coverage. Much of the public support for the University is generated as a direct result of the mounting successes of our highly visible athletic programs and so, it is always significant when any of our programs achieve national recognition by performing with excellence on the field of competition.

I don't wish to be redundant by restating the accomplishments of the 1984 swimming program as outlined in the resolution except to add a postscript that the women's team, in capturing the West Coast Independent College Championship which included teams from the Pacific Coast Athletic Association, I wish to note that the women's team outdistanced their closest competitor by more than 200 points, racking up a colossal accumulation of 750 points.

Mr. Speaker, both teams are laced with superior athletes and it would take more time than we have to also note the many outstanding individual performances of our swimmers and divers.

Finally, Mr. Speaker, as we all know, the heartbeat of any athletic program is the quality of leadership provided by its coaches and supporting staff. When we talk about a team effort, we are talking about everyone involved in the program. The swimming program has obviously succeeded in bringing about that elusive combination of good coaching, great athletes and a great organization."

Representative Apo then introduced the following coaches and team captains of the University, as follows: Mr. Dane Kane, co-captain for the men's team; Mr. Elsworth Oshiro, co-captain for the men's team; Mr. Albert Minn, women's coach; Andrea Hartridge, women's captain; and Dr. Yonting, men's coach.

Floral leis and certified copies of the resolution were presented to the honorees by Representatives Hirono, Kim, Kiyabu-Saballa, Rohlifing and Wong.

Representative Rohlifing then rose and stated:

"Mr. Speaker, I believe I would be remiss if I did not say just a couple of words, with your permission, regarding the people we are honoring here today.

As sort of a side activity of mine, I tried to do a little swimming and over the past few years, I have done some after swimming and a little rough water swimming, so I have come in contact then, and even previously, with the coaching staff at the University of Hawaii. And I would like to mention that these people put in some very long hours, not only with the University of Hawaii swimming team which has done such a great job in winning the WAC, but also an unbelievable amount of time working with the young people in this State, to age/group swimming and other activities with our young people. They also even have time for us old. . . whatever you want to call us these days -- old turks or whatever. I was once called a young turk; I think I am an old turkey now.

At any rate, there are a lot of people who are indebted to these gentlemen for their dedication to the sport and athletic regimen of swimming, and I once took a stroke clinic from Youn and I am still trying to do it right but he has come out with a book about swimming strokes which anybody who wants to get into swimming should go down and buy. That's a commercial -- I hope you don't mind. But, they have spent a lot of time with master swimmers, the UH program, the UH pool has been made available to young and old, and I particularly want to take my hat off to that kind of dedication that has been shown to the people of this State by both of them and, of course, those who are the champion swimmers who are here today.

Thank you, Mr. Speaker."

A resolution (H.R. No. 408) extending congratulations to the Queen's Medical Center on its 125th Anniversary was jointly offered by Representatives Stanley, Andrews, Blair, Matsuura, Taniguchi and Tom.

On motion by Representative Stanley, seconded by Representative Blair and carried, H.R. No. 408 was adopted.

Representative Stanley then rose and stated:

"Mr. Speaker, it is with a great deal of pleasure that I introduced this resolution and seeing it adopted on the floor this morning. We have two honorees here that I will ask them to rise after I introduce them and say a little bit about them.

First, I would like to say that Queen's Medical Center has a special place in my heart because in 1983, just this past year, they provided excellent care both to my mother-in-law and to my husband. So, it's with real feeling that I acknowledge Queen's on their 125th birthday.

We have with us this morning, the President of Queen's Medical Center, Dr. George Bolian. He has been in Hawaii for 14 years and then with Queen's for more than 10 years. Prior to being appointed the President, he has served as a Senior Vice President of Patient Care Services. I would also like to share with you, Mr. Speaker and members of the House, that during my freshman term, Dr. Bolian invited me to give a short talk to some of his staff and I either did such a good job or such a poor job, I have never been invited back. There is another side of Dr. Bolian that I really appreciate and I am a little disappointed in this morning is that he always wears his white physician's coat and I sort of wish he had it on this morning."

Representative Stanley then asked Dr. George Bolian to stand and be recognized.

Representative Stanley continued, saying:

"Also here with us this morning is Mrs. Ruth Ono, Vice President of Queen's Medical Center. She needs no introduction to all of us who know her very well. She has been with Queen's for 21 years and has been previously honored by the House when she was named one of the ten top business women in the United States for her community service efforts. I would also like to thank Ruth personally today for the concern and consideration she extended to my family."

Representative Stanley then asked Mrs. Ruth Ono to stand and be recognized.

Orchid leis were presented to Dr. Bolian by Representative Chun and to Mrs. Ono by Representative Blair. Representative Stanley presented the honorees with certified copies of the resolution.

A resolution (H.R. No. 409) recognizing the Hawaii Chinese Living Treasures Program and its sponsor, the Chinese Youths of Hawaii, for their cultural contributions to the

people of the State of Hawaii was jointly offered by Representatives Tam, Dang, Crozier, Graulty, Hashimoto, Hayes, Hirono, Honda, Leong, Levin, Menor, Nakata, Say, Souki, Stanley, Tom, Tungpalan and Wong.

On motion by Representative Tam, seconded by Representative Wong and carried, H.R. No. 409 was adopted.

Representative Tam then rose and stated:

"Mr. Speaker, I am very pleased this morning to introduce to you and my fellow colleagues the honored guests before us today. Our guests are being honored today for their contributions to the preservation and enhancement of the Chinese culture, traditions and values in Hawaii. Their contributions have truly added to the multi-cultural heritage of Hawaii's people. And now, I would like to introduce my guests.

My first honored guest is Mr. T.C. Ching. Mr. Ching has won numerous trophies in kite-flying contests and is an expert in Chinese kite-making.

My next honored guest is Mrs. Ruth L. Chow. Mrs. Chow has exhibited tremendous dedication in her work with various senior citizen programs and has shared with her spirit of commitment to the community.

Next honored guest is a good friend of mine whom I have known for several years. He is Mr. Lawrence T.W. Ing. Mr. Ing is a graphic artist who has contributed his talents to news letters and other activities of the Hawaii-Chinese Civic Association, the Chinese Chamber of Commerce, and numerous other community organizations.

The fourth guest is also a good friend of mine who I have known as a fellow Jaycee member. He is Mr. Steven K.S. Kau. Mr. Kau has taught himself an ancient Chinese craft on the traditional art of Chinese seal engraving.

The fifth honored guest is Mrs. Margaret Y. Pang. Mrs. Pang has instilled the magic and wonder of the traditional Cantonese opera in the hearts of many audiences as a performer. She is the author of several books and has produced three record albums which can be used as educational sources by public school teachers in their ethnic heritage units.

Our sixth honored guest is Mr. Wah Tan Tom. Mr. Tom is also an uncle of mine. Mr. Tom is one of the finest Chinese handwriters in Hawaii. He has shared his skill by painting scrolls for many Chinese organizations and individuals. I might also add that Mr. Tom was also a 1983 Chinese Father of the Year.

Mr. Speaker, I would also like to introduce Mr. Benjamin Seto. Mr. Seto is the Executive Director of the Chinese Living Treasures Program for the Chinese Youths of Hawaii."

Representative Tam then asked all of the above-mentioned guests to stand and be recognized.

Representative Tam continued, saying:

"Mr. Speaker, the Senate and I had agreed to split up the group because we have 14 living Chinese Living Treasures, but then the Senate finished before we did so in the gallery we have before us the other Treasures and also the associates of the Program."

Representative Tam then asked those guests who were seated in the gallery to stand and be recognized.

Representative Dang then rose and stated:

"Mr. Speaker, the Hawaii Chinese Living Treasures Program is a highly commendable program. The Chinese Youths of Hawaii should be commended for instituting this recognition effort. The individuals honored here today, and also the other 'Living Treasures' certainly deserve this recognition by us today of their talents."

Floral leis were presented to the honored guests by Representatives Chun, Hashimoto, Hayes, Levin, Kim, Yoshimura and Isbell, while Representatives Dang, Hee, Leong, Tom, Medeiros and Hagino presented them with certified copies of the resolution.

At 12:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of extending our personal aloha and congratulations to all of our honorees this morning."

Upon reconvening at 12:15 o'clock p.m., the Chair directed the Clerk to note the presence of Representatives Ikeda, Taniguchi and Tungpalan.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENT

H.R. No. 279 was re-referred to the Committee on Water, Land Use, Development and Hawaiian Affairs.

## STANDING COMMITTEE REPORTS

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 799-84) recommending that H.R. No. 238, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, the report of the Committee was adopted and H.R. No. 238, HD 1, entitled: "HOUSE RESOLUTION REQUESTING PROVISIONS FOR YACHT CHARTER OPERATIONS AT KEWALO BASIN", was referred to the Committee on Finance.

Representative Stanley, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 800-84) recommending that H.R. No. 180, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Stanley, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 180, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE FAMILY COURT TO STUDY AND IMPLEMENT MEDIATION BETWEEN THE PARTIES IN CHILD CUSTODY CASES", was referred to the Committee on Finance.

Representative Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 801-84) recommending that H.R. No. 314, as amended in HD 1, be adopted.

On motion by Representative Chun, seconded by Representative Leong and carried, the report of the Committee was adopted and H.R. No. 314, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING MAY, 1984 AS BETTER HEARING AND SPEECH MONTH", was adopted.

Representative Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 802-84) recommending that H.C.R. No. 123, as amended in HD 1, be adopted.

On motion by Representative Chun,

seconded by Representative Leong and carried, the report of the Committee was adopted and H.C.R. No. 123, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MAY, 1984 AS BETTER HEARING AND SPEECH MONTH", was adopted.

Representatives Okamura and Baker, for the Committees on Energy, Ecology and Environmental Protection and Health, presented a joint report (Stand. Com. Rep. No. 803-84) recommending that H.R. No. 234, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Chun and carried, the joint report of the Committees was adopted and H.R. No. 234, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO DETERMINE HEALTH RISKS TO PESTICIDES AND OTHER RELATED CHEMICALS IN THE ENVIRONMENT", was adopted.

Representatives Okamura and Baker, for the Committees on Energy, Ecology and Environmental Protection and Health, presented a joint report (Stand. Com. Rep. No. 804-84) recommending that H.C.R. No. 94, as amended in HD 1, be adopted.

On motion by Representative Okamura, seconded by Representative Chun and carried, the joint report of the Committees was adopted and H.C.R. No. 94, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FEDERAL GOVERNMENT TO DETERMINE HEALTH RISKS OF PESTICIDES AND OTHER RELATED CHEMICALS IN THE ENVIRONMENT", was adopted.

Representatives Matsuura and Taniguchi, for the Committees on Ocean and Marine Resources and Transportation, presented a joint report (Stand. Com. Rep. No. 805-84) recommending that H.R. No. 208, as amended in HD 1, be adopted.

Representative Crozier then rose to speak in favor of the resolution, stating:

"Mr. Speaker, this purse seining bill may not seem very important to most of the members of this House, but I would just like to share a phone call that I received early this morning. . .not early, in fact at 11:00 o'clock, from San Diego. But before I share that news, I would just like to give you a history of San Diego.

San Diego has been the tuna capital of the world for at least the last forty years. They had 136 boats or ships working out of San Diego and at one time, employed over 12,000 jobs. These purse seiners have found a new fishing ground out in the Western Pacific and, in doing so, they have moved their fishing area and also traded new canneries throughout the Pacific Basin.

This morning, I just got a call from San Diego from the San Diego Union newspaper saying that Van Camp will be closing their last cannery on July 1st, so with that, these boats and an industry will be looking for a new home.

I hope this resolution will be the first step for us to welcome these people and possibly create 4,000 new jobs for our people here in Hawaii.

Thank you, Mr. Speaker."

On motion by Representative Matsuura, seconded by Representative Taniguchi and carried, the joint report of the Committee was adopted and H.R. No. 208, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO PROVIDE NECESSARY WHARFAGE SPACE TO PURSE SEINERS", was adopted.

Representatives Matsuura and Taniguchi, for the Committees on Ocean and Marine Resources and Transportation, presented a joint report (Stand. Com. Rep. No. 806-84) recommending that H.C.R. No. 87, as amended in HD 1, be adopted.

On motion by Representative Matsuura, seconded by Representative Taniguchi and carried, the joint report of the Committees was adopted and H.C.R. No. 87, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO PROVIDE NECESSARY WHARFAGE SPACE TO PURSE SEINERS", was adopted.

Representative Albano, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 807-84) recommending that H.C.R. No. 115 be referred to the Committee on Finance.

On motion by Representative Albano, seconded by Representative Yoshimura and carried, the report of the Committee was adopted and H.C.R. No. 115, entitled: "HOUSE

CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF", was referred to the Committee on Finance.

Representative Albano, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 808-84) recommending that H.C.R. No. 104 be referred to the Committee on Finance.

On motion by Representative Albano, seconded by Representative Yoshimura and carried, the report of the Committee was adopted and H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON TELECOMMUNICATIONS RESOURCES WITHIN STATE GOVERNMENT", was referred to the Committee on Finance.

Representative Albano, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 809-84) recommending that H.R. No. 248, as amended in HD 1, be referred to the Committee on Legislative Management.

Representative Rohlfing then rose to speak in favor of the resolution, with reservations, stating:

"Very briefly, Mr. Speaker, I think we do very definitely need a review of collective bargaining law but I question seriously whether we should proceed with the committee as proposed in this resolution -- advisory or what have you. That committee, as proposed, will be made up of union members, management people from the government and so on. And it is my opinion, for whatever it is worth, that the members of this body and the Senate and with the leadership representation should undertake this task on our own and that we should, of course, invite the people who are dealing with the law daily or at least on a regular basis in to testify before that committee. I do not think that this kind of a committee is going to work. I think that ultimately the policy decisions are here; it would make sense to go as an interim committee with balanced representation from both bodies of elected officials and, therefore, while I agree with the purpose, I disagree with the method.

Thank you, Mr. Speaker."

On motion by Representative Albano, seconded by Representative Yoshimura and carried, the report of

the Committee was adopted and H.R. No. 248, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE COLLECTIVE BARGAINING LAW", was referred to the Committee on Legislative Management.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 810-84) recommending that H.R. No. 273 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted and H.R. No. 273, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE AVAILABILITY OF FEDERAL FUNDS AND PROGRAMS TO ASSIST STATE AND COUNTY AGENCIES IN ADDRESSING THE PROBLEM OF PESTICIDE CONTAMINATION IN HAWAII", was referred to the Committee on Finance.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 811-84) recommending that H.C.R. No. 103 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted and H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE AVAILABILITY OF FEDERAL FUNDS AND PROGRAMS TO ASSIST STATE AND COUNTY AGENCIES IN ADDRESSING THE PROBLEM OF PESTICIDE CONTAMINATION IN HAWAII", was referred to the Committee on Finance.

Representatives Okamura and Takamine, for the Committees on Energy, Ecology and Environmental Protection and Agriculture, presented a joint report (Stand. Com. Rep. No. 812-84) recommending that H.R. No. 277 be referred to the Committee on Finance.

On motion by Representative Menor, seconded by Representative Takamine and carried, the joint report of the Committees was adopted and H.R. No. 277, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE CREATION OF A STATE PESTICIDE SUPERFUND", was referred to the Committee on Finance.

Representatives Okamura and Takamine, for the Committees on Energy, Ecology and Environmental Protection and Agriculture, presented a joint report (Stand. Com. Rep. No. 813-84) recommending that H.C.R. No. 107 be referred to the Committee on Finance.

On motion by Representative Menor, seconded by Representative Takamine and carried, the joint report of the Committees was adopted and H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE CREATION OF A STATE PESTICIDE SUPERFUND", was referred to the Committee on Finance.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 814-84) recommending that H.C.R. No. 120 be referred to the Committee on Finance.

Representative Apo then rose to speak in support of the concurrent resolution, stating:

"Mr. Speaker, I just wanted to briefly thank Representative Hashimoto and Representative Hee for showing their concern and finally addressing the long-standing problem via this resolution, and I realize there was recently a bill introduced to try to address the problem. However, I am really glad to see that we didn't drop it all together and that there will be some action taken in addressing the needs of the children of Niihau.

Thank you."

Representative Hee then rose and spoke in favor of the resolution in Hawaiian.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE BOARD OF EDUCATION TO SUBMIT A PLAN FOR THE EDUCATION OF THE CHILDREN OF THE NIIHAU ISLAND COMMUNITY", was referred to the Committee on Finance.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 815-84) recommending that H.R. No. 127, as amended in HD 1, be referred to the Committee on Finance.

At 12:25 o'clock p.m., Represen-

tative Blair asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.R. No. 127, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP SPECIFIC RECOMMENDATIONS AND PLANS OF ACTION TO STRENGTHEN MATH AND SCIENCE EDUCATION", was referred to the Committee on Finance.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 816-84) recommending that H.R. No. 159, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.R. No. 159, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF CRITERIA FOR THE IDENTIFICATION OF HIGH RISK SCHOOLS IN THE STATE", was referred to the Committee on Finance.

Representative Hashimoto, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 817-84) recommending that H.C.R. No. 64, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.C.R. No. 64, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF CRITERIA FOR THE IDENTIFICATION OF HIGH RISK SCHOOLS IN THE STATE", was referred to the Committee on Finance.

Representative Hashimoto then rose and stated:

"Mr. Speaker, just for the record regarding H.R. No. 159, HD 1, and H.C.R. No. 64, HD 1, I would like to note that the title of these resolutions is for the identification of schools with unique needs, not high risk.

Thank you."

Representative Hashimoto, for the Committee on Education, presented a

report (Stand. Com. Rep. No. 818-84) recommending that H.R. No. 311 be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.R. No. 311, entitled: "HOUSE RESOLUTION REQUESTING THE STATE BOARD OF EDUCATION TO SUBMIT A PLAN FOR THE EDUCATION OF THE CHILDREN OF THE NIIHAU ISLAND COMMUNITY", was referred to the Committee on Finance.

#### INTRODUCTION OF RESOLUTIONS

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the following resolutions (H.R. Nos. 404 to 406) were adopted:

A resolution (H.R. No. 404) relating to the late Mr. Dewey Kobayashi was jointly offered by Representatives Honda, Souki, Andrews, Hee, Albano, Anderson, Apo, Bunda, Chun, Crozier, Dang, Hagino, Hashimoto, Hayes, Ige, Ikeda, Isbell, Jones, Kawakami, Kihano, Kim, Kiyabu-Saballa, Lardizabal, Leong, Levin, Marumoto, Matsuura, Medeiros, Nakasato, Nakata, Okamura, Rohlfing, Say, Segawa, Shito, Stanley, Takamine, Tam, Taniguchi, Tungpalan, Wong and Yoshimura.

A resolution (H.R. No. 405) commending those individuals and organizations who work to improve community-based mental health services in Hawaii and celebrating May, 1984, as Mental Health Month in Hawaii was jointly offered by Representatives Chun, Albano, Anderson, Andrews, Apo, Bunda, Crozier, Dang, Gaulty, Hagino, Hashimoto, Hayes, Hee, Hirono, Honda, Ige, Ikeda, Isbell, Jones, Kim, Kiyabu-Saballa, Lardizabal, Leong, Levin, Marumoto, Medeiros, Menor, Morgado, Nakasato, Nakata, Okamura, Segawa, Shito, Souki, Stanley, Takamine, Tam, Taniguchi, Tom and Tungpalan.

A resolution (H.R. No. 406) commending Hawaii's entertainers and healers who have promoted public and professional awareness of the importance of laughter and music in overcoming illness was jointly offered by Representatives Chun, Anderson, Andrews, Apo, Baker, Blair, Bunda, Crozier, Dang, Gaulty, Hashimoto, Hayes, Hee, Hirono, Honda, Ige,



Ikeda, Isbell, Kawakami, Kihano, Kim, Kiyabu, Kiyabu-Saballa, Lardizabal, Leong, Levin, Matsuura, Medeiros, Menor, Morgado, Nakasato, Nakata, Okamura, Segawa, Tam, Taniguchi, Wong and Yoshimura.

At this time, Representative Kawakami was given permission to make a late introduction and he introduced a group of 15 students from three high schools from the island of Kauai. They were accompanied by their chaperones, Mrs. Shirley Akita, Mrs. Janice Nitta and Mrs. Jane Awa.

#### SUSPENSION OF RULES

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

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 1422, HD 1, as amended by the Senate, was taken from the Clerk's desk.

Representative Takamine moved that the House agree to the amendments proposed by the Senate to H.B. No. 1422, HD 1, and H.B. No. 1422, HD 1, SD 2, having been read through-out, pass Final Reading, seconded by Representative Nakata.

At 12:31 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 12:32 o'clock p.m.

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

"Mr. Speaker, in our session last year when I voted on this bill. . .we all voted on it, to limit the shelf life of processed milk, I thought we were assisting the local milk industry and consumers following the heptachlor crisis. I believe that many of us here were not aware then that this bill would effectively bar importation of mainland processed milk into the State as a practical matter.

Mr. Speaker, I don't believe that there is any question now but that this bill's purpose and effect will be

to bar Safeway from selling its California processed milk in its Hawaii stores. It takes five days to ship milk from California to Hawaii. Because of the shipping schedule and time to get the milk to the store -- two days -- the shortened shelf life called for in this measure -- ten days -- will, therefore, all but preclude mainland milk from being marketed here in Hawaii.

After intensive hearings lasting some nine days before the Board of Agriculture, Jack Suwa, Chairman of the Board of Agriculture, recommended to the Board in the most persuasive and complete decision that Safeway be issued a license to distribute its milk locally. Agricultural Board Chairman Suwa found that Safeway is qualified to properly ship milk from California to Hawaii without risk of spoilage or contamination and that it is in the public interest for it to be so. The Board, however, claimed it needed more information on which to base its decision and voted to reopen the hearings next month, in May.

Safeway has been shipping fresh milk products from Washington State to its retail stores in Alaska since 1976. The shipping procedures from Washington to Alaska are identical to those which Safeway proposes for Hawaii. The shipments from Washington to Alaska involve a total of six to seven days between the packing date and the arrival of the shipment in the stores. Because of the lower temperatures during the containerized shipment, Safeway is able to add an additional three days to the product pull date for a total of fifteen days from its packing date. There have been no complaints or recalls by Alaskan authorities.

Chairman Suwa also held that healthy competition would not destroy the local milk industry. Economists testified that premarket competition is the basic principle of our country's economic organization. If the free competition establishes a different price, the economy would operate more efficiently, costing a net benefit to both producers and consumers.

Safeway intends to import approximately 20,000 gallons per week which is only 7.5 percent of the daily Oahu production quota. Therefore, even if the Hawaii dairy industry achieves no greater efficiency, due to competition, any dislocation of our industry would be minimal. Also, there is the possibility that imported milk might be consumed only by those

who now refuse to buy local milk and this would be in no way destructive to the market for locally produced milk.

By effectively denying the implication of California milk, could we cause retaliation by California? It is not hard to project California prohibiting the importation of papayas because of fruit fly contamination. California has taxed beef imports from other states, and Colorado now threatens to retaliate with a tax on California wine. How are those of you who represent papaya growers or the fresh fruit and flower growers in Hawaii explain such a retaliatory ban to your constituents?

I firmly believe that under the Hawaii State Constitution and the United States Constitution, Safeway has the right to import its mainland processed milk. This bill, in my opinion, is an attempt to accomplish indirectly, under the guise of public health, what can't be feasibly achieved by an outright ban.

Low bacteria count is the key to good milk, not shelf life. Safeway, Meadow Gold and Foremost Dairies all keep the bacteria count of their milk far below the 20,000 per millimeter allowed after pasteurization. Safeway presently uses pull dates of twelve to fifteen days throughout its market areas and has had satisfactory experience with this twelve to fifteen days shelf life. In the Denver area, both Meadow Gold and Foremost use a fifteen to sixteen days shelf life.

Most states, and I think this is most important, regulate shelf life by rules and regulations. In Hawaii, the individual processors voluntarily set their own pull dates for processed milk. We have had no public health problem, no public concern with respect to milk shelf life.

House Bill 1422, therefore, legislates in an area that does not need to be legislated. Should this bill die, shelf life could still be controlled for health reasons by the Director of Health of this State. It is my opinion that a vote for this bill is a vote which would subvert the free market and substitute, therefore, a self-defeating subsidy. For those, maybe inefficient, they are unwilling to take the competitive heat.

Passage of this bill, in my view, Mr. Speaker, therefore is not in the interest of the people we were elected to represent. I urge the members of this body to vote no on this bill.

Thank you, Mr. Speaker."

Representative Hayes then rose and stated:

"Mr. Speaker, there is very little I can add to what Representative Rohlfing has said. I think I would be remiss if I did not stand up on behalf of my constituents to protest the passage of this bill. The research I have done indicated that testing had been done for heptachlor on mainland milk and no trace at all was found.

Would you please ask that Representative Rohlfing's remarks be reprinted as my own. (By reference only)

Thank you."

Representative Dang then rose to speak against H.B. No. 1422, HD 1, SD 2, stating:

"Mr. Speaker, this bill is a good example why we should not rush legislation through. In the 13-month period that has elapsed since this bill was last before us, a lot of new information has come to our attention.

In voting on this bill today, we must look at the real purpose of this bill and ask ourselves: 'Who are we really protecting? Are we protecting the consumers or are we really protecting our dairy industry from outside competition?'

If we are in fact protecting our consumers, why is it that there has not been a loud outcry by consumers for this type of legislation? Currently, we do not have any legislation providing for shelf-life or pull dates for milk. Our milk processors here have voluntarily had ten to twelve day pull dates and apparently, there haven't been any real problems with spoiled milk. With this voluntary situation, there has been no consumer movement to mandate pull dates for milk based on any health or safety reasons.

Mr. Speaker, we should only be passing legislation where there is a clear and convincing need for such legislation. We don't need this type of bill because right now with voluntary pull dates, we don't have any public health or safety problems in this regard. No responsible milk processor -- whether it is Foremost, Meadow Gold, Safeway, or any other processor -- will knowingly allow 'spoiled' milk to be sold to consumers. Obviously, if they do so, their

reputation will be damaged and consumer confidence in them will be shaken.

We haven't heard of any organized consumer groups lobbying for this bill. In fact, consumers have been lobbying against this bill because they feel that this bill is, in fact, restricting consumers from a freedom of choice of milk processors.

That outside competition is, right now, Safeway which has applied for a milk distributor's license to bring in mainland milk. The hearing officer for that application, Jack Suwa, Chairman of the Board of Agriculture, made certain findings of fact, conclusions of law and a recommended decision on December 2, 1983. He recommended that Safeway be granted a milk distributor's license, subject to certain conditions, and his conclusions are very revealing. Among other things, he concluded in his report, as a matter of law, that the issuance of a milk distributor's license to Safeway will not tend to promote destructive or demoralizing competition; and the Honolulu milk market is not already adequately served, and the issuance of the milk distributor's license will tend to make such market better served; and he also concluded that the issuance of the milk distributor's license to Safeway is otherwise in the public interest. These conclusions and recommendations were made after we had passed this bill out of the House in March of 1983.

Mr. Speaker, this bill will restrict any retailing opportunities in Hawaii for fresh milk processed on the mainland. As Representative Rohlfing said, the transit time for surface shipment from the West Coast ports is just under five days. You take into account the delivery and loading time from the processing plant to the container transport, and the unloading and delivery time to the retail outlet, about six days will have elapsed before mainland processed milk can reach retail shelves in Hawaii. This bill would limit the total available retail time to about four days and conceivably, retailers would be less willing to risk stocking such mainland processed milk for such a short sale time. This situation would not be in the public interest.

Mr. Speaker, I believe we should not be passing this bill under the guise of consumer protection when, in fact, this bill reduces the consumer's freedom of choice.

For these reasons, Mr. Speaker, I urge my colleagues to vote against this bill.

Thank you."

Representative Takamine then requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Takamine's remarks are as follows:

"Mr. Speaker, milk is a food of exceptionally high nutritive value. It is an excellent and relatively inexpensive source of protein. Milk is also a good source of minerals -- most notably calcium and phosphorus; and of vitamins--chiefly vitamins A and D and some of the B complex vitamins. In short, milk is among the most nutritionally dense foods, and contributes greatly to a sound diet. Because milk and other dairy products are rich in several nutrients not readily available in other traditional foods, it is important that fluid processed milk of a consistently high quality and maximum wholesomeness be made available to the public.

Scientific studies reveal that as shelf-life is extended, milk undergoes an appreciable loss of essential nutrients. As much as 75 percent of the vitamin A content, 18 percent of the vitamin B12 content, and 14 percent of the riboflavin content is lost in older milk that would yet be considered 'drinkable.'

Perhaps more important than the loss of vitamins in stored milk is the decline in its per capita consumption. Per capita consumption of milk in Hawaii is among the lowest of all the states, and has been steadily decreasing over the past decade. One way of reversing this decline is to ensure that flavorful quality of fresh processed milk will be maintained.

Scientific research has revealed that two types of bacteria flourish in milk -- mesophilic and psychotrophic. Mesophilic bacteria can be controlled by low temperatures; hence, H.B. No. 1422, HD 1, SD 2, specifies that fluid processed milk to be offered for sale must be cooled to, and packaged and stored at a temperature of not more than 45 degrees Fahrenheit before it is purchased by or delivered to the customer.

Psychotrophs, however, are cold tolerant organisms. Although most of the cold tolerant bacteria are killed by pasteurization, it is virtually impossible to process milk without post-pasteurization contamination by these organisms. Even when present in low numbers after processing, these organisms can, in a matter of a few hours, multiply at refrigeration temperature and produce fruity, fermented, and unclean flavors. Furthermore, certain enzymes that exist in the psychotrophic bacteria can survive pasteurization even when the bacteria have been killed. These enzymes also produce bitter flavors in the pasteurized milk during extended storage.

In addition to changes that occur in milk due to micro-organisms, there are changes that result from chemical and biochemical reactions. Milk is very susceptible to an irradiated flavor defect caused by the combined effects of photo degradation of some protein component, and lipid oxidation. Although milk in paper cartons is more resistant to this defect than milk in plastic jugs or glass bottles, cartoned milk will, over an extended period, develop an objectionable off-flavor.

Arising from the need to encourage consumption of high quality milk in Hawaii is the need to maintain the high nutritive value, good flavor quality, and longevity of milk following purchase. Insofar as H.B. No. 1422, HD 1, SD 2, helps to ensure that processed milk available for purchase will be fresh and wholesome, I urge the members of the House of Representatives to vote for passage of this measure."

Representative Anderson then rose and stated:

"Mr. Speaker, I would like my remarks heard. I am for the bill and I would like to say, Mr. Speaker, after listening to everybody and trying to go over the reports that I have, I feel that it would be injustice; we put our remarks in the book, have the consumers think that we are against them when, in fact, Mr. Speaker, we have asked even our federal government to help us here for our sugar industry.

What's wrong with trying to protect the milk industry who is in trouble through no fault of its own. We're not trying to do anything with the processors -- just the producers that we are trying to help; an industry that has gone from \$31 million down

to about \$27 million.

If, in fact, mainland competition would like to come in, I would welcome them if they would like to come in as processors. They have 17 processors, as far as I can read here, throughout the mainland, processing some 23-million gallons a month. If that is the kind of protection that they want, come here, set up a plant, and try to get the producers to back them, and I can buy that, Mr. Speaker. But to go ahead and let a large firm come in with 23-million gallons that they can purchase, make the market drop, put people out of work, and then turn around and raise their prices, I don't think would be fair to our dairy industry.

Furthermore, Mr. Speaker, if, in fact, this is one of the largest chains that we are talking about, there are many, many other products that they have -- name brands -- that run maybe two cents more than any other product that they have. And if you are familiar with name brand things, you can normally drop it a lot less than that. If, in fact, you are trying to go ahead and back the consumer, let's look at what's really happening. You could have the consumer paying more and not really getting any fresher milk than they are getting right here in our State.

For that reason, Mr. Speaker, I would hope my colleagues would vote aye.

Thank you very much."

The motion was put by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1422, HD 1, and H.B. No. 1422, HD 1, SD 2, having been read throughout, passed Final Reading by a vote of 36 ayes to 11 noes, with Representatives Blair, Dang, Hayes, Hee, Hirono, Jones, Lardizabal, Marumoto, Menor, Rohlfing and Tam voting no, and Representatives Baker, Morgado, Nakasato and Say being excused.

The Chair directed the Clerk to note that H.B. No. 1422 had passed Final Reading at 12:49 o'clock p.m.

By unanimous consent, H.B. No. 1727-84, HD 1, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative

Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1727-84, HD 1, and H.B. No. 1727-84, HD 1, SD 1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representatives Baker, Morgado, Nakasato and Say being excused.

The Chair directed the Clerk to note that H.B. No. 1727-84 had passed Final Reading at 12:50 o'clock p.m.

At 12:50 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:51 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Kawakami moved that the House reconsider its action taken earlier in disagreeing to the amendments proposed by the Senate to H.B. No. 1726-84, HD 1, seconded by Representative Kiyabu and carried.

Representative Kawakami then gave notice of their intent to agree with the amendments made by the Senate to H.B. No. 1726-84, HD 1.

#### ADJOURNMENT

At 12:53 o'clock p.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Friday, April 13, 1984.

## FIFTY-SIXTH DAY

Friday, April 13, 1984

The House of Representatives of the Twelfth Legislature of the State of Hawaii, Regular Session of 1984, convened at 11:36 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Sister Brenda Lau representing the Catholic Schools Department, after which the Roll was called showing all members present with the exception of Representatives Baker, Kihano and Wong, who were excused.

By unanimous consent, reading of the Journal was deferred.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 402 to 403 and 406 to 412) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 402) transmitting Senate Concurrent Resolution No. 51, SD1 relating to Kahana Valley State Park, which was adopted by the Senate on April 12, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 403) informing the House that the President had discharged the Managers on the part of the Senate to Senate Bill No. 785, SD1, and Senate Bill No. 785, SD2, HD2, had passed Final Reading on April 12, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 404) informing the House that the President had discharged the Managers on the part of the Senate to Senate Bill No. 1577-84, SD1, and Senate Bill No. 1577-84, SD1, HD2, had passed Final Reading on April 12, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 405) informing the House that the President had discharged the Managers on the part of the Senate to Senate Bill No. 1890-84, SD1, and Senate Bill No. 1890-84, SD1, HD1, had passed Final Reading on April 12, 1984, was placed on file.

A communication from the Senate

(Sen. Com. No. 406) returning House Bill No. 194, HD1, which passed Third Reading in the Senate on April 12, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 407) returning House Bill No. 786, HD1, which passed Third Reading in the Senate on April 12, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 408) returning House Bill No. 1839-84, HD1, which passed Third Reading in the Senate on April 12, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 409) returning House Bill No. 1846-84, which passed Third Reading in the Senate on April 12, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 410) returning House Bill No. 1980-84, HD1, which passed Third Reading in the Senate on April 12, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 411) returning House Bill No. 1999-84, HD1, which passed Third Reading in the Senate on April 12, 1984, was placed on file.

A communication from the Senate (Sen. Com. No. 412) returning House Bill No. 2116-84, HD1, which passed Third Reading in the Senate on April 12, 1984, was placed on file.

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

Representative Tam introduced students from the seventh and eighth grades of Sacred Hearts Convent, who were accompanied by their teacher, Miss Lisa Higuchi.

Representative Anderson introduced 2 friends from San Francisco, Mr. and Mrs. Roger Flint.

Representative Andrews introduced the eighth grade class from Makawao.

Representative Okamura introduced 45 students from Aiea High School who were accompanied by Shannon Higa, Priscilla Kur, June Ching and Dalisay Galura.

Representative Apo introduced 10 students from Nanakuli Intermediate and High School who were accompanied by Mrs. Pona Soi, Mr. Motu

Tuatoo and Mrs. Ruth Pilialoha.

#### ORDER OF THE DAY

#### SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of considering certain resolutions out of order.

#### INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 410) honoring Lieutenant Governor Tufele Li'amatua of American Samoa was jointly offered by Representative Rohlfing.

On motion by Representative Rohlfing, seconded by Representative Marumoto and carried, H.R. No. 410 was adopted.

Representative Rohlfing rose and stated:

"Talofa, Mr. Speaker. It is indeed a pleasure for me this morning to introduce to you and this body, a friend and former boss of mine, when I worked for the American Samoa government in Pago Pago, and also as Director of the American Samoan Office here in Hawaii. Lieutenant Governor Tufele Li'amatua is returning from a conference of lieutenant governors in Washington, D.C. He tells me he is not in his traditional lavalava because Washington was very cold, and as a consequence, he had to come dressed the palagi way, the haole way, if you will.

At any rate, it is indeed an honor for me to be the introducer of this resolution. I think that I could go on at great lengths about my guest today. I will say that his record is one of accomplishments and dedication to the welfare of his people. He is very possibly, the next Governor of American Samoa depending on a number of things, as we politicians know, sometimes you can't always control the events which decide those issues.

"I do want to say one thing about an incident that illustrates my feelings about Tufele. When I was working as the director of the office here, there was a big storm on the island of Tutuila, and the workers were trying to deal with the problems as a result of this storm. There was an electrical utility worker by the

name of Kulio Tupuola and he was electrocuted while trying to service the problem of a broken line on the island. And as a result of that, he sustained severe injury on the upper part of his body and lower leg requiring a number of years of rehabilitation, subsequently. But at that time he was being treated at Lyndon Baines Johnson Medical Center near Pago Pago, and the doctors amputated his arm and he was in pretty bad shape. The lieutenant governor went down to visit him at the time when he was injured and he talked to the man and to the doctor, and the doctors were about ready to throw in the towel. They were saying that there's really not much that we can do for him and we're going to lose him.

"The Lieutenant Governor got on the phone to me and said, I want this man evacuated from American Samoa, and I want him taken to the best burn center we can get him to, and we, collectively, together, were able to get him evacuated to, first to Tripler, subsequently to Saint Francis Memorial Hospital in San Francisco. He is alive and well today, and being rehabilitated.

"And I think it indicates the kind of commitment for the individual Samoan, the individual citizen that the lieutenant governor has.

"Fa'afetai tele lava, Mr. Speaker."

At this time, Representative Rohlfing introduced Lieutenant Governor Tufele Li'amatua to the members of the House. Representative Rohlfing also introduced Mr. Viefu Epenesa, the Director of Amerika Samoa Office (Hawaii), who accompanied Lieutenant Governor Li'amatua.

Representatives Ikeda and Isbell then presented the honorees with leis and Representative Apo presented the certified copy of the resolution.

The Chair then stated:

"Mr. Lieutenant Governor, on behalf of the members of this House, we thank you for joining us today. We hope that your stay here will be a very enjoyable one, and upon your return to American Samoa, would you extend our best wishes and Aloha to your Governor, and your very gracious brothers and sisters of American Samoa on our behalf? Thank you."

At 11:53 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:58 o'clock a.m.

A resolution (H.R. No. 411) honoring Dr. Fujio "Fudge" Matsuda was jointly offered by Representatives Hagino, Apo and Taniguchi.

On motion by Representative Hagino, seconded by Representative Apo and carried, H.R. No. 411 was adopted.

Representative Hagino rose and stated:

"My fellow colleagues and honored guests, a long and glorious tour of public service is about to end. For the past decade, from 1974 through 1984, President Fujio "Fudge" Matsuda has led the University of Hawaii and piloted its growth, both academically and in research. The University of Hawaii's reputation in national and international circles has grown immensely under his leadership.

"Dr. Matsuda began his career as a hydraulic engineer on the United States Geologic Survey in 1949. He has worked as a private engineer and consultant, he has taught at the University of Hawaii's engineering department. Then in 1963, he began public service as the director of the Department of Transportation. During the reign at the helm of DOT, he saw the most explosive growth for the State of Hawaii in terms of harbor construction, highway construction, and of course, airport construction. In 1973, he was named the vice-president for business affairs at the UH. After serving in that capacity for one year, in 1974, Dr. Matsuda, the first Hawaii-born individual to be named President of the University, was selected to that high, honored position because of his superb administrative skills.

"During his tenure at Bachman Hall, he has been a highly personable and warm administrator. Throughout his term, his sensitivities to the welfare of the University of Hawaii and its students and faculty has been highly evident. I believe that all of us who have come to know Fudge has come to deeply and admire, respect his character and integrity.

"Just as a side note, I first met Fudge when he was head of the Department of Transportation and I was lobbying on behalf of environmental groups, such as Save Our Surf, because we were concerned with what the DOT was doing, and Fudge and I were always on diametrically

opposite positions. But I was amazed that he always took the time to talk about his position and to discuss how we could probably come to a compromise, and we could on . . . one time we argued for two hours in a Senator's office, and I was always amazed that he took the time to talk to a college student. I've always remembered that and I think it's indicative of the kind of patience and understanding that he has.

"As he retires this year, his presence and intelligence will be sorely missed at Bachman Hall. However, the University of Hawaii Research Corporation will be gaining a fine administrator and a premier Hawaii academic resource."

Representative Hagino then introduced Dr. Fujio Matsuda to the members of the House. Representative Hagino also introduced Dr. Matsuda's wife, Amy, and Mr. Stanley Mukai, Chairperson of the Board of Regents.

Representatives Hirono, Kiyabu-Saballa and Apo presented leis to the honoree, and Representative Taniguchi presented a certified copy of the resolution.

Representative Segawa then rose and stated:

"Mr. Speaker, I would just like to add a few remarks to the ones that has been presented by Representative Hagino regarding President Matsuda in the remarkable that he has achieved in our government services as an individual and as the President of the University of Hawaii. I would like to comment on the side of the President that not too many people have been able to see.

"As you are aware, Mr. Speaker, our session used to be much, much longer. Our committee hearings used to be much, much longer due to the presence of certain legislators in the House, and we used to have hearings here at 3 o'clock in the morning in the Education Committee because we had certain legislators. And the President here had been present at all these hearings until 2:00 and 3:00 o'clock in the morning, but not just to be present, but to see the President of the University of Hawaii attacked and berated at committee hearings at 2:00 o'clock in the morning, and to see the non-reaction of the President in his patient and understanding manner really spoke so much of the man. The humanness of Fudge Matsuda which, I think, is far



beyond the doctorate degree that he has, the position that he had, but to know that this great man is a human being who understands the shortcomings and many misgivings of our body as a legislature and as legislators.

"I've had the privilege of playing several rounds of golf with the President and I think that more than being the President of the University, or the President of this new corporation that he's going to head up, I know what the President aspires to be - a single digit handicapped golfer. And to show this intensity, after we played eighteen holes of golf, before he had his five by-pass surgery, his heart, after he heard me say, 'you should be doing this', he said, 'let's go on the driving range', and he hit two bucketsful of golf balls on that range, and this amazing since we had just played eighteen holes. I was pooped and he was going to hit two bucketsful of golf balls. Well, I just wanted to leave the President with a little advice that in this quest to be a good golfer, the trouble he has in spite of all his education and his intelligence, is that he has his priorities all mixed up. And if he wants to be that single-digit golfer than he's got to put that priority in that order that maybe the job is interfering with your golf game. Good luck, Mr. President."

At 12:01 o'clock p.m., the Chair declared a recess for the purpose of extending the Aloha of the members of the House to the honoree, subject to the call of the Chair.

The House of Representatives reconvened at 12:18 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Albano, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 819-84) recommending that H.R. No. 274 be referred to the Committee on Finance.

On motion by Representative Albano, seconded by Representative Grauly and carried, the report of the Committee was adopted, and H.R. No. 274 entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON TELECOMMUNICATIONS RESOURCES WITHIN STATE GOVERNMENT", was referred to the Committee on Finance.

Representative Okamura, for the Committee on Energy, Ecology and

Environmental Protection, presented a report (Stand. Com. Rep. No. 820-84) recommending that H.R. No. 306 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted, and H.R. No. 306 entitled: "HOUSE RESOLUTION RELATING TO DEVELOPMENT OF A DEEP WATER CABLE AND ALTERNATIVE ENERGY RESOURCES TO SUPPLY BASELOAD ELECTRICITY FOR TRANSMISSION BY CABLE", was referred to the Committee on Finance.

Representative Okamura, for the Committee on Energy, Ecology and Environmental Protection, presented a report (Stand. Com. Rep. No. 821-84) recommending that H.C.R. No. 117 be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative Kiyabu-Saballa and carried, the report of the Committee was adopted, and H.C.R. No. 117 entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO DEVELOPMENT OF A DEEP WATER CABLE AND ALTERNATIVE ENERGY RESOURCES TO SUPPLY BASELOAD ELECTRICITY FOR TRANSMISSION BY CABLE", was referred to the Committee on Finance.

Representatives Okamura and Hagino, for the Committees on Energy, Ecology and Environmental Protection; and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 822-84) recommending that H.R. No. 207, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative Hagino and carried, the joint report of the Committee was adopted, and H.R. No. 207, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO EXAMINE AND STUDY CONGENERATION TECHNOLOGY, AND URGING THE ATHLETIC DEPARTMENT OF THE UNIVERSITY TO INSTALL A CO-GENERATION MODULE OR UNIT", was referred to the Committee on Finance.

Representatives Okamura and Hagino, for the Committees on Energy, Ecology and Environmental Protection and Higher Education, presented a joint report (Stand. Com. Rep. No. 823-84) recommending that H.C.R. No. 85, as amended in HD1,

be referred to the Committee on Finance.

On motion by Representative Okamura, seconded by Representative Hagino and carried, the joint report of the Committees was adopted, and H.R. No. 85, as amended in HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO EXAMINE AND STUDY CONGENERATION TECHNOLOGY, AND URGING THE ATHLETIC DEPARTMENT OF THE UNIVERSITY TO INSTALL A CO-GENERATION MODULE OR UNITS", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 824-84) recommending that H.R. No. 257, as amended in HD1 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted, and H.R. No. 257, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF THE PRICING AND MARKET-ING STRUCTURE OF PETROLEUM PRODUCTS IN HAWAII", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 825-84) recommending that H.R. No. 217, as amended in HD1 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Kim and carried, the report of the Committee was adopted, and H.R. No. 217, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT INVESTIGATIONS, RESEARCH, STUDIES AND ANALYSIS OF MATTERS PERTAINING TO MOTOR VEHICLES SALES", was referred to the Committee on Finance.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 826-84) recommending that H.R. No. 79, HD1 be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted, and H.R. No. 79, HD1 entitled: "HOUSE

RESOLUTION REQUESTING A STUDY TO ESTIMATE THE PREVALENCE OF INCONTINENCE AMONG HAWAII'S ELDERLY", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 827-84) recommending that H.R. No. 143, as amended in HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 143, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY ON ALTERNATIVE USES FOR THE OLINDA HONOR CAMP", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 828-84) recommending that H.R. No. 232, HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 232, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO ACQUIRE THE KOHALA DITCH SYSTEM", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 829-84) recommending that H.R. No. 17, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 17 entitled: "HOUSE RESOLUTION URGING CONGRESS TO INVESTIGATE TAX PROVISIONS RELATING TO TIPS RECEIVED FOOD AND BEVERAGE SERVICE WORKERS", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 830-84) recommending that H.R. No. 56, HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 56, HD1 entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ESTIMATE THE PREVALENCE OF ALZHEIMER'S DISEASE AMONG HAWAII'S ELDERLY", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 831-84) recommending that H.R. No. 35, HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 35, HD1 entitled: "HOUSE RESOLUTION REQUESTING FOR A STUDY OF THE FEASIBILITY OF DEVELOPING A SYSTEMATIC PROCESS FOR PRISON POPULATION MANAGEMENT", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 832-84) recommending that H.R. No. 118, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 118 entitled: "HOUSE RESOLUTION REQUESTING A COST ESTIMATE OF PROVIDING ESSENTIAL INTERPRETER SERVICES FOR THE HEARING IMPAIRED", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 833-84) recommending that H.R. No. 154, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.R. No. 154 entitled: "HOUSE RESOLUTION CONCERNING MARINE EDUCATION", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 834-84) recommending that H.C.R. No. 40, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.C.R. No. 40 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII", was adopted.

Representative Nakasato, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 835-84) recommending that H.C.R. No. 130, be adopted.

On motion by Representative

Nakasato, seconded by Representative Lardizabal and carried, the report of the Committee was adopted and H.C.R. No. 130 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY FOR THE ESTABLISHMENT OF A CONVENTION CENTER", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 836-84) recommending that H.C.R. No. 57, HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.C.R. No. 57, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON COUNSELING SERVICES IN THE PUBLIC SECONDARY SCHOOLS", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 837-84) recommending that H.C.R. No. 50, HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.C.R. No. 50, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE AUDITOR TO CONDUCT A STUDY OF THE PUBLIC LANDS AUTHORITY DEVICE FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 838-84) recommending that H.C.R. No. 8, HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.C.R. No. 8, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE DEPARTMENT OF EDUCATION", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 839-84) recommending that H.C.R. No. 7, HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Kawakami and carried, the report of the Committee was adopted and

H.C.R. No. 7, HD1 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRAM AND MANAGEMENT AUDIT FOR CORRECTIONS", was adopted.

Representative Hashimoto, for the Committee on Education, presented a report (Stand. Com. Rep. No. 840-84) recommending that H.R. No. 40, HD1, be adopted.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the report of the Committee was adopted and H.R. No. 40, HD1 entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF ESTABLISHING AND IMPLEMENTING A TEACHER RECERTIFICATION PROGRAM", was adopted.

Representatives Okamura and Baker, for the Committees on Energy, Ecology and Environmental Protection; and Health, presented a joint report (Stand. Com. Rep. No. 841-84) recommending that H.R. No. 276, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Menor, seconded by Representative Chun and carried, the joint report of the Committees was adopted, and H.R. No. 276, HD1 entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON THE DEVELOPMENT AND IMPLEMENTATION OF A STATE PROGRAM TO REGULATE THE TREATMENT, STORAGE, TRANSPORT, OR DISPOSAL OF HAZARDOUS WASTES IN HAWAII", was referred to the Committee on Finance.

Representatives Okamura and Baker, for the Committees on Energy, Ecology and Environmental Protection; and Health, presented a joint report (Stand. Com. Rep. No. 842-84) recommending that H.C.R. No. 106, HD1, be referred to the Committee on Finance.

On motion by Representative Menor, seconded by Representative Chun and carried, the joint report of the Committees was adopted, and H.C.R. No. 106, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE DEVELOPMENT AND IMPLEMENTATION OF A STATE PROGRAM TO REGULATE THE TREATMENT, STORAGE, TRANSPORT, OR DISPOSAL OF HAZARDOUS WASTES IN HAWAII", was referred to the Committee on Finance.

Representative Baker, for the Committee on Health, presented a

report (Stand. Com. Rep. No. 843-84) recommending that H.R. No. 329, as amended in HD1 be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Grauly and carried, the report of the Committee was adopted, and H.R. No. 329, HD1 entitled: "HOUSE RESOLUTION REQUESTING CREATION OF ALS/BLS AMBULANCE UNITS FOR HONOKAA, KAU AND KOHALA", was referred to the Committee on Finance.

Representative Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 844-84) recommending that H.R. No. 243, as amended in HD1, be referred to the Committee on Finance.

Representative Apo, at this time, rose to speak for the resolution, stating:

"Mr. Speaker, just very briefly, two days ago in Waianae, a close friend of our family who is 84 years old encountered a need for emergency service, medical emergency service and fortunately the need came up at a time when the emergency room, which closes at midnight, happened to be open.

"He was serviced by some paramedics and according to their manao, had the emergency room not been open in order to stabilize his condition, this man would have passed away.

"I believe this scenario is being repeated day in and day out across the State of Hawaii and I rise to speak in support of this resolution in the hope that out of this will come some daylight in terms of guidance and some recommendations as to how we can better close the gap for the people who are not only falling through the hole, but falling to their death.

"Mahalo."

On motion by Representative Chun, seconded by Representative Grauly and carried, the report of the Committee was adopted, and H.R. No. 243, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE EMERGENCY MEDICAL SERVICE SYSTEM", was referred to the Committee on Finance.

Representative Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 845-84) recommending that H.R. No.

218, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Graelty and carried, the report of the Committee was adopted, and H.R. No. 218, HD1 entitled: "HOUSE RESOLUTION REQUESTING THE INCLUSION OF VOLCANO COMMUNITY IN THE CURRENT HEALTH SURVEY OF PUNA BY THE STATE DEPARTMENT OF HEALTH", was referred to the Committee on Finance.

Representative Baker, for the Committee on Health, presented a report (Stand. Com. Rep. No. 846-84) recommending that H.R. No. 182, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Chun, seconded by Representative Graelty and carried, the report of the Committee was adopted, and H.R. No. 182, HD1 entitled: "HOUSE RESOLUTION REQUESTING CONSIDERATION OF THE FEASIBILITY OF MAKING A HELICOPTER AVAILABLE FOR THE EMERGENCY MEDICAL SERVICES SYSTEM OF THE BIG ISLAND", was referred to the Committee on Finance.

#### CONFERENCE COMMITTEE REPORT

Representative Bunda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H.B. No. 2402-84, presented a report (Conf. Com. Rep. No. 2-84) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 2-84 on H.B. No. 2402-84, 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. 2402-84, SD1, CD1, were made available to the members of the House at 11:30 o'clock a.m.

#### SUSPENSION OF RULES

On motion by Representative Segawa, seconded by Representative Marumoto and carried, the rules were suspended for the purpose of reconsidering action previously taken on certain House and Senate Bills.

#### RECONSIDERATION OF ACTION TAKEN

Representative Blair moved that the Senate return S.B. Nos. 1948-84, SD2, and 1949-84, pursuant to Rule 46.3.

Representative Rohlfing rose and requested the subject matter of said bills and Representative Blair answered:

"Those are revenue bond measures which need to be recalled so they can be passed subsequent to the budget."

Representative Rohlfing then seconded the motion and the motion was carried.

Representative Blair moved that the House reconsider its action taken on S.B. Nos. 1948-84, SD2 and 1949-84, seconded by Representative Rohlfing and carried.

#### SUSPENSION OF RULES

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

#### DISPOSITIONS OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. Nos. 1746-84, HD1, SD1; 1747-84, HD1, SD1; 1748-84, HD1, SD1; 1926-84, HD1, SD1 and 2429-84, HD1, SD1 were taken from the Clerk's desk.

On motion by Representative Tungpalan, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1746-84, HD2, and H.B. No. 1746-84, HD2, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1746-84 had passed Final Reading at 12:29 o'clock p.m.

On motion by Representative Tungpalan, seconded by Representative Hashimoto and carried, the House agreed to the amendments

proposed by the Senate to H.B. No. 1747-84, HD1, and H.B. No. 1747-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1747-84 had passed Final Reading at 12:30 o'clock p.m.

On motion by Representative Tungpalan, seconded by Representative Stanley and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1748-84, HD1, and H.B. No. 1748-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representative Anderson voting no, and Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1748-84 had passed Final Reading at 12:31 o'clock p.m.

On motion by Representative Tungpalan, seconded by Representative Shito and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1926-84, HD1, and H.B. No. 1926-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1926-84 had passed Final Reading at 12:32 o'clock p.m.

On motion by Representative Tungpalan, seconded by Representative Albano and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2429-84, HD1, and H.B. No. 2429-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representative Anderson voting no, and Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2429-84 had passed Final Reading at 12:33 o'clock p.m.

By unanimous consent, H.B. Nos. 1711-84, HD1, SD1; 2523-84, HD2, SD1; and 2612-84, HD2, SD2, were taken from the Clerk's desk.

On motion by Representative Okamura, seconded by Representative Say and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1711-84, HD1, and H.B. No. 1711-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1711-84 had passed Final Reading at 12:34 o'clock p.m.

On motion by Representative Okamura, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2523-84, HD2, and H.B. No. 2523-84, HD2, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2523-84 had passed Final Reading at 12:35 o'clock p.m.

Representative Okamura moved that the House reconsider its action taken on April 5, 1984, in disagreeing to the amendments proposed by the Senate to H.B. Nos. 2612-84, HD2, seconded by Representative Kawakami.

Representative Okamura then gave notice of his intent to agree to the amendments proposed by the Senate to H.B. No. 2612-84, HD2.

At 12:37 o'clock p.m., at the request of Representative Okamura, the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:38 o'clock p.m.

By unanimous consent, H.B. Nos. 1697-84, SD1; 2406-84, HD2, SD2 and 2407-84, HD1, SD1, were taken from the Clerk's desk.

On motion by Representative Hashimoto, seconded by Representative Hee and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1697-84, and H.B. No. 1697-84, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to

note that H.B. No. 1697-84 had passed Final Reading at 12:38 o'clock p.m.

On motion by Representative Hashimoto, seconded by Representative Albano and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2406-84, HD2, and H.B. No. 2406-84, HD2, SD2, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2406-84 had passed Final Reading at 12:39 o'clock p.m.

On motion by Representative Hashimoto, seconded by Representative Albano and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2407-84, HD1, and H.B. No. 2407-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2407 had passed Final Reading at 12:40 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Kawakami moved that the House reconsider its action taken on April 5, 1984, in disagreeing to the amendments proposed by the Senate to H.B. No. 1726-84, HD1, 1811-84, HD1, seconded by Representative Bunda and carried.

Representative Kawakami then gave notice of his intent to agree to the amendments proposed by the Senate to H.B. No. 1726-84, HD1, 1811-84, HD1.

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. Nos. 791, SD2; 1681-84, HD1, SD1; and 1749-84, HD1, SD1, were taken from the Clerk's desk.

On motion by Representative Albano, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 791, and H.B. No. 791, SD2, having been read throughout, passed Final Reading by

a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

On motion by Representative Albano, seconded by Representative Grauly and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1681-84, HD1, and H.B. No. 1681-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. Nos. 791 and 1681-84 had passed Final Reading at 12:42 o'clock p.m.

On motion by Representative Albano, seconded by Representative Tungpalan and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1749-84, HD1, and H.B. No. 1749-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representative Menor voting no and Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1749-84 had passed Final Reading at 12:43 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Hagino moved that the House reconsider its action taken on April 5, 1984, in disagreeing to the amendments proposed by the Senate to H.B. Nos. 1549-84, HD1 and 1811-84, HD1, seconded by Representative Kiyabu and carried.

Representative Hagino then gave notice of his intent to agree to the amendments proposed by the Senate to H.B. Nos. 1549-84, HD1 and 1811-84, HD1.

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. Nos. 1753-84, HD1, SD1 and 1757-84, SD1, were taken from the Clerk's desk.

On motion by Representative Matsuura, seconded by Representative Souki and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1753-84, HD1, and H.B. No. 1753-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes,

with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1753-84 had passed Final Reading at 12:44 o'clock p.m.

On motion by Representative Matsuura, seconded by Representative Andrews and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1757-84, and H.B. No. 1757-84, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1757-84 had passed Final Reading at 12:45 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Matsuura moved that the House reconsider its action taken on April 5, 1984, in disagreeing to the amendments proposed by the Senate to H.B. No. 1431, HD2 and 2194-84, HD1, seconded by Representative Say and carried.

Representative Matsuura then gave notice of his intent to agree to the amendments proposed by the Senate to H.B. Nos. 1431, HD2 and 2194-84, HD1.

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. Nos. 1637-84, HD1, SD1 and 2078-84, HD1, SD1, were taken from the Clerk's desk.

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1637-84, HD1, and H.B. No. 1637-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1637-84 had passed Final Reading at 12:47 o'clock p.m.

On motion by Representative Taniguchi, seconded by Representative Hayes and carried, the

House agreed to the amendments proposed by the Senate to H.B. No. 2078-84, HD1, and H.B. No. 2078-84, HD1, SD1, having been read throughout, passed Final Reading by a vote of 45 ayes, with Representatives Andrews, Lardizabal and Souki voting no, and Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2078-84 had passed Final Reading at 12:48 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Shito moved that the House reconsider its action taken on April 5, 1984, in disagreeing to the amendments proposed by the Senate to H.B. Nos. 1785-84, HD1; 1878-84; 1880-84, HD1; 1882-84, HD1, and 2196-84, HD1, seconded by Representative Kim and carried.

Representative Shito then gave notice of his intent to agree to the amendments proposed by the Senate to H.B. Nos. 1785-84, HD1; 1878-84; 1880-84, HD1; 1882-84, HD1 and 2196-84, HD1.

Representative Hirono moved that the House reconsider its action taken on April 5, 1984, in disagreeing to the amendments proposed by the Senate to H.B. No. 183, HD2, seconded by Representative Kiyabu and carried.

Representative Hirono then gave notice of her intent to agree to the amendments proposed by the Senate to H.B. No. 183, HD2.

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 1985-84, SD1, was taken from the Clerk's desk.

On motion by Representative Hirono, seconded by Representative Tam and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1985-84, and H.B. No. 1985-84, SD1, having been read throughout, passed Final Reading by a vote of 47 ayes, with Representative Levin voting no and Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 1985-84 had passed Final Reading at 12:50 o'clock



p.m.

By unanimous consent, H.B. No. 2179-84, HD1, SD1, was taken from the Clerk's desk.

On motion by Representative Takamine, seconded by Representative Stanley and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2179-84, and H.B. No. 2179-84, SD1, having been read throughout, passed Final Reading by a vote of 48 ayes, with Representatives Baker, Kihano and Wong being excused.

The Chair directed the Clerk to note that H.B. No. 2179-84 had passed Final Reading at 12:52 o'clock p.m.

At this time, the following waivers for the 48-hour notice requirement for hearings were requested, and the Chair "so ordered:"

Representative Say requested the waiver for all resolutions and concurrent resolutions referred to the Committee on Water, Land Use, Development and Hawaiian Affairs.

Representative Kiyabu requested the waiver for all resolutions and concurrent resolutions referred to the Committee on Finance.

The Chair then announced that "all members of this House are reminded to make themselves available. Time is running out."

#### ADJOURNMENT

At 12:57 o'clock p.m., on motion by Representative Segawa, seconded by Representative Marumoto and carried, the House of Representatives adjourned until 11:30 o'clock a.m., Monday, April 16, 1984.