

## 58TH DAY

Wednesday, April 12, 1972

The House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, was called to order at 11:00 o'clock a.m.

The Vice Speaker presided.

The Divine Blessing was invoked by Reverend Samuel Lee of Parker United Methodist Church.

Roll call of the members of the House of Representatives showed that all members were present with the exception of Representatives Kimura and O'Connor, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Seventh Day.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, reading of the Journal was dispensed with and the Journal of the Fifty-Seventh Day was approved.

### GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Mess. Nos. 84 and 85) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Mess. No. 84) transmitting copies of a report which was prepared by the University of Hawaii in response to House Concurrent Resolution No. 21 of the Regular Session of 1971, requesting the University of Hawaii to conduct a study on the feasibility of establishing a School of Public Affairs, was placed on file.

A message from the Governor (Gov. Mess. No. 85) informing the House that the Governor has signed the following bills on April 11, 1972: Senate Bill No. 310 as Act 10; Senate Bill No. 1014 as Act 11; House Bill No. 1748-72 as Act 12 and House Bill No. 434 as Act 13, was placed on file.

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 203 and 204) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 203) returning House Bill No. 54 which passed Third Reading in the Senate on April 11, 1972, in an amended form, was placed on file.

By unanimous consent, H. B. No. 54, as amended by the Senate, was placed on the Clerk's desk.

The Chair directed the Clerk to note that printed copies of H. B. No. 54, HD 1, SD 2, were made available to the members of the House at 11:05 o'clock a.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

A communication from the Senate (Sen. Com. No. 204) returning House Bill No. 2500-72 which passed Third Reading in the Senate on April 11, 1972, was placed on file.

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

Representative Wasai introduced a group of mothers who are connected with the Department of Parks and Recreation's Tiny Tots Program with their coordinator, Miss Mae Iwata.

Representative Morioka introduced 30 fourth grade students from Palolo Elementary School with their teacher, Mrs. Ohara and parent, Mrs. Kaleimamahu.

Representative Lunasco introduced 100 fifth grade students from Wheeler Elementary School with their teachers, Miss Okawa, Miss Hopkins, Miss Soriano and Mr. Hirata and Mrs. Adams, room mother.

Representative Kondo introduced 110 eighth grade students from Iao Elementary School on Maui with their principal, Mr. Roy Hirose and teachers, Miss Betty Ota, Mr. Abe Kauhui and Mr. Ed. Linsey.

Representative Ushijima introduced a group of students who are participating in the Hawaii English Program. They are from Okinawa, Taiwan, Japan and Mexico. They were accompanied by Mrs. Lazarre and Mrs. Peterson.

At 11:10 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 11:17 o'clock a.m., the House of Representatives reconvened and the Chair directed the Clerk to note the presence of Representatives Kimura and O'Connor.

Representative Soares then introduced 20 Kalani High School students with their teacher, Mr. Bill Pierce.

Representative Beppu then introduced 6 members of the House of Representatives of the Ohio State Legislature, as follows: the Honorable Joseph Tulley, Chairman of the Judiciary Committee, and Mrs. Tulley of Mentor, Ohio; the Honorable James Thorpe, Chairman, Local Government Committee; the Honorable Richard Reichel, Chairman of the Judicial Administration Committee, of Massillon, Ohio; the Honorable Chester Cruze of Cincinnati, Ohio; the Honorable Michael Del Bane and Mrs. Del Bane of Hubbard, Ohio, and the Honorable Bill Heinig. They were accompanied by Miss Sandy Carney.

The Chair then appointed Representative O'Connor to escort Representative Tulley to the rostrum whereupon he addressed the members of the House.

At 11:23 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 12:25 o'clock p.m., the House of Representatives reconvened and the Speaker assumed the rostrum.

## ORDER OF THE DAY

### STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 731-72) informing the House that House Resolution Nos. 381 to 392, House Concurrent Resolution No. 56, Standing Committee Report Nos. 678-72 to 730-72, Senate Bill No. 1382-72, Senate Draft No. 1, House Draft No. 2; Senate Bill No. 1729-72, Senate Draft No. 1, House Draft No. 2, and Standing Committee Report Nos. 732-72 and 733-72, had been printed and distributed.

On motion by Representative Akizaki, seconded by Representative Kishinami and carried, the report of the Committee was adopted.

Representative Yap, for the Committee on Housing and Consumer Protection, presented a report (Stand. Com. Rep. No. 732-72) approving the intent and purpose of H. R. No. 162 and recommending its adoption with certain amendments.

On motion by Representative Yap, seconded by Representative R. Garcia and carried, the report of the Committee was adopted and H. R. No. 162, as amended, was adopted.

Representative Sakima, for the Committee on Education, presented a report (Stand. Com. Rep. No. 733-72) approving the intent and purpose of S.C.R. No. 28 and recommending its adoption.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and S.C.R. No. 28 was adopted.

### INTRODUCTION OF RESOLUTIONS

The following resolutions (H. R. Nos. 393 and 394) were read by the Clerk and were disposed of as follows:

A resolution (H. R. No. 393) commending Mr. Katsuji Sakuma for his untiring efforts working for the Waipahu Highlands Community was jointly offered by Representatives Kihano, Akizaki, de la Cruz, Duponte, J. Garcia, R. Garcia, Iha, Inaba, Kaneshiro, Kato, Kishinami, Kondo, Kunimura, Lee, Lunasco, Nakama, Sakima, Suwa, Takamine, Uechi, Unemori, Wasai, Yamada, Yap, Yim and Young.

On motion by Representative Kihano, seconded by Representative Kishinami and carried, H. R. No. 393 was adopted.

A resolution (H. R. No. 394) commending the Outdoor Circle, Construction Laborers Training Program and the Construction Industry Pollution Control Committee for their beautification efforts on Keeaumoku Street and the Sand Island cleanup project was jointly offered by

Representatives Lee, Aduja, Ajifu, Aki, Akizaki, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kimura, Kishinami, Kondo, Kunimura, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Saiki, Soares, Suwa, Takamine, Uechi, Unemori, Ushijima, Wasai, Wong, Yamada, Yap, Yim, Young and Beppu.

On motion by Representative Lee, seconded by Representative Uechi and carried, H. R. No. 394 was adopted.

By unanimous consent, the following resolution (H. R. No. 395) was referred to the Committee on Legislative Management and further action was deferred until later in the calendar:

A resolution (H. R. No. 395) requesting the City and County Planning Department to establish a tree preservation program was jointly offered by Representatives Ushijima, Aduja, Aki, Akizaki, Carroll, Chong, de la Cruz, Duponte, J. Garcia, R. Garcia, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Sakima, Suwa, Takamine, Uechi, Unemori, Wakatsuki, Wasai, Wedemeyer, Wong, Yap, Yim, Young and Beppu.

### SUSPENSION OF RULES

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried unanimously, the rules were suspended for the purpose of considering bills on Third and Final Readings on the basis of a modified consent calendar.

### THIRD READING

Third Reading of S. B. No. 288.

By unanimous consent, consideration of S. B. No. 288 on Third Reading was deferred until the end of the calendar.

### UNFINISHED BUSINESS

Consideration of Conf. Com. Rep. No. 4 on S. B. No. 766, as amended, which had been deferred to this day.

By unanimous consent, consideration

of Conf. Com. Rep. No. 4 on S. B. No. 766, as amended, was deferred until the end of the calendar.

Consideration of Stand. Com. Rep. No. 595-72 on H. B. No. 2360-72, as amended, which had been deferred to this day.

On motion by Representative Kunimura, seconded by Representative Kawakami and carried, Stand. Com. Rep. No. 595-72 and H. B. No. 2360-72, as amended, were recommitted to the Joint Select Committees of Kauai Representatives, Maui Representatives, Oahu Representatives and Hawaii Representatives.

Consideration of S. B. No. 1580-72 on Third Reading which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1580-72, having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S. B. No. 1580-72 had passed Third Reading at 12:29 o'clock p.m.

Consideration of S. B. No. 1061 on Third Reading which had been deferred to this day.

By unanimous consent, consideration of S. B. No. 1061 on Third Reading was deferred until tomorrow, April 13, 1972.

Consideration of S. B. No. 1829-72 on Third Reading which had been deferred to this day.

By unanimous consent, consideration of S. B. No. 1829-72 on Third Reading was deferred until tomorrow, April 13, 1972.

Consideration of S. B. No. 1742-72 on Third Reading which had been deferred to this day.

By unanimous consent, consideration of S. B. No. 1742-72 on Third Reading was deferred until tomorrow, April 13, 1972.

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

At 12:32 o'clock p.m., the House of Representatives reconvened.

#### DEFERRED MATTERS

Consideration of Conf. Com. Rep. No. 4 on S. B. No. 766, as amended, which had been deferred to this time.

By unanimous consent, consideration of Conf. Com. Rep. No. 4 on S. B. No. 766 was deferred until the end of the evening calendar.

At 12:33 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 12:35 o'clock p.m., the House of Representatives reconvened.

#### DISPOSITION OF MATTER PLACED ON THE CLERK'S DESK

By unanimous consent, H. B. No. 54, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House disagree to the amendments proposed by the Senate to H. B. No. 54 and requested a conference on the subject matter of said amendments, seconded by Representative Kimura.

Representative Saiki then rose and spoke in favor of the motion to disagree to the amendments proposed by the Senate to H. B. No. 54.

The motion was put by the Chair and carried, and the House disagreed to the amendments proposed by the Senate to H. B. No. 54 and requested a conference on the subject matter of said amendments.

In accordance therewith, the Chair appointed Representatives O'Connor, Chairman; Kimura, Sakima, Wedemeyer, Judd, Yamada and Carroll as Managers on the part of the House at such conference.

#### RECONSIDERATION OF ACTION TAKEN BY THE HOUSE

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House reconsidered its action taken on April 11, 1972 in adopting Stand. Com. Rep. No. 729-72 on S. B. No. 95, as amended, and passing said bill

on Second Reading and placing it on the Order of the Day for Third Reading on April 12, 1972.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 729-72 was adopted and notwithstanding the recommendation contained therein, S. B. No. 95, as amended, passed Second Reading and was recommitted to the Committee on Finance.

At this time, the members of the House extended birthday greetings to Representative Kunimura.

At 12:42 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 5:00 o'clock p.m. this afternoon.

#### AFTERNOON SESSION

The House of Representatives reconvened at 5:30 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN BY THE HOUSE

Representative Suwa moved that the House reconsider its action taken on April 11, 1972, in placing S. B. No. 576, as amended, on 24-hour notice, seconded by Representative Akizaki and carried.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 726-72 and S. B. No. 576, as amended, were recommitted to the Committee on Finance.

#### THIRD READING

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

Third Reading of S. B. No. 1177.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1177 passed Third Reading by a vote of 46 ayes to 1 no, with Representative Aduja voting no and Representatives Kato, Morioka, Sakima and Young being excused.

Third Reading of S. B. No. 2008-72.



On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 2008-72 passed Third Reading by a vote of 47 ayes, with Representatives Kato, Morioka, Sakima and Young being excused.

Third Reading of S. B. No. 802.

On motion by Representative O'Connor, seconded by Representative Kimura, roll call vote having been requested, S.B. No. 802 passed Third Reading by a vote of 38 ayes to 10 noes, with Representatives Carroll, Devereux, Fong, J. Garcia, Hansen, Judd, Medeiros, Poepoe, Saiki and Soares voting no and Representatives Kato, Sakima and Young being excused.

Third Reading of S. B. No. 1611-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S.B. No. 1611-72 passed Third Reading by a vote of 48 ayes, with Representatives Kato, Sakima and Young being excused.

Third Reading of S. B. No. 1345-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1345-72 passed Third Reading by a vote of 48 ayes, with Representatives Kato, Sakima and Young being excused.

Third Reading of S. B. No. 1433-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1433-72 passed Third Reading by a vote of 48 ayes, with Representatives Kato, Sakima and Young being excused.

Third Reading of S. B. No. 1411-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1411-72 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Third Reading of S. B. No. 1343-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1343-72 passed Third Reading by a vote of 49 ayes, with

Representatives Kato and Young being excused.

Third Reading of S. B. No. 1716-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1716-72 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Third Reading of S. B. No. 1341-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1341-72 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Third Reading of S. B. No. 1518-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1518-72 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Third Reading of S. B. No. 1344-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1344-72 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Third Reading of S. B. No. 1365-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1365-72 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Third Reading of S. B. No. 1342-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1342-72 passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Third Reading of S. B. No. 1593-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1593-72 passed Third

Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

The Chair here directed the Clerk to note that S. B. Nos. 1177, 2008-72, 802, 1611-72, 1345-72, 1433-72, 1411-72, 1343-72, 1716-72, 1341-72, 1518-72, 1344-72, 1365-72, 1342-72 and 1593-72 had passed Third Reading not earlier than 5:32 o'clock p.m.

#### UNFINISHED BUSINESS

Consideration of Stand. Com. Rep. No. 683-72 on S. B. No. 866 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 683-72 and S. B. No. 866, SD 1, were recommitted to the Committee on Finance.

Consideration of Stand. Com. Rep. No. 684-72 on S. B. No. 1436-72 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1436-72, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Consideration of Stand. Com. Rep. No. 685-72 on S. B. No. 1471-72 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1471-72, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Consideration of Stand. Com. Rep. No. 686-72 on S. B. No. 1577-72 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1577-72, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Consideration of Stand. Com. Rep. No. 687-72 on S. B. No. 1737-72 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1737-72, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Consideration of Stand. Com. Rep. No. 688-72 on S. B. No. 1972-72 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1972-72, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

The Chair directed the Clerk to note that S. B. Nos. 1436-72, 1471-72, 1577-72, 1737-72 and 1972-72 had passed Third Reading not earlier than 5:41 o'clock p.m.

At 5:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 5:46 o'clock p.m., the House of Representatives reconvened and resumed the Order of Unfinished Business.

Consideration of Stand. Com. Rep. No. 689-72 on S. B. No. 1988-72 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1988-72, having been read throughout, passed Third Reading by a roll call vote of 38 ayes to 11 noes, with Representatives Ajifu, Carroll, Devereux, Fong, J. Garcia, Hansen, Judd, Oda, Poepoe, Saiki and Soares voting no and Representatives Kato and Young being excused.

Consideration of Stand. Com. Rep. No. 690-72 on S. B. No. 2014-72 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and

carried, the report of the Committee was adopted and S. B. No. 2014-72, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Kato and Young being excused.

Consideration of Stand. Com. Rep. No. 703-72 on S. B. No. 1649-72 which had been deferred to this day.

By unanimous consent, consideration of Stand. Com. Rep. No. 703-72 on S. B. No. 1649-72 was deferred until the end of the calendar.

Consideration of Stand. Com. Rep. No. 707-72 on S. B. No. 1547-72 which had been deferred to this day.

Representative O'Connor moved that the report of the Committee be adopted and S. B. No. 1547-72, having been read throughout, pass Third Reading, seconded by Representative Kimura.

Representative J. Garcia then rose and inquired whether Representative O'Connor would yield to a question to which Representative O'Connor replied in the affirmative.

Representative J. Garcia then inquired whether or not the Hatch Act will be involved where an appointed official from the Department of Health might be participating in politics.

Representative O'Connor then replied that it might be involved if Federal funding is involved with the individual's employment, in which case the Hatch Act would supersede, and its jurisdiction would be paramount and any State law would necessarily be inconsequential.

Representative J. Garcia further inquired whether or not the appointees of other departments can presently exercise the prerogative of political activity during working hours as compared to only the Department of Health.

Representative O'Connor replied that presently, only those individuals to whom the Hatch Act might apply are barred from political activity of the nature prescribed by the Hatch Act. He further stated that there is no State law other than the one before the Body which restrains employees of the government in political activity.

Representative Soares then rose and inquired whether Representative O'Connor would yield to a question to which Representative O'Connor replied in the affirmative.

Representative Soares then stated:

"The question that we are really trying to strive for is that there are programs within the Department of Health that are federally funded and would the employees involved in the programs be violating the Hatch Act?"

Representative O'Connor replied:

"The Hatch Act would have to be read and interpreted. It applies to State employees only in a very narrow section and whether or not individuals that are employed by the government are covered by the Hatch Act. The Hatch Act must be read—it is not a part of the bill that is before the House.

I would suggest that if there is doubt on any individual positions in the State government as to whether or not the Hatch Act applies to that individual position, it would be a matter for either the Attorney General or the United States Attorney to determine."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S. B. No. 1547-72 passed Third Reading by a roll call vote of 42 ayes to 7 noes, with Representatives Aduja, Carroll, Devereux, R. Garcia, Hansen, Judd and Soares voting no and Representatives Kato and Young being excused.

Consideration of Stand. Com. Rep. No. 720-72 on S. B. No. 1819-72 which had been deferred to this day.

By unanimous consent, consideration of Stand. Com. Rep. No. 720-72 on S. B. No. 1819-72 was deferred until the end of the calendar.

The Chair directed the Clerk to note that S. B. Nos. 1988-72, 2014-72 and 1547-72 had passed Third Reading not earlier than 5:47 o'clock p.m.

At 5:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 5:57 o'clock p.m., the House of Representatives reconvened.

### DEFERRED MATTERS

Consideration of S. B. No. 288 on Third Reading which had been deferred to this time.

Representative Suwa moved that S. B. No. 288, having been read throughout, pass Third Reading, seconded by Representative Akizaki.

Representative Leopold rose and spoke against the bill, as follows:

“Mr. Speaker, while it is clear that the bill before us does not give the State the authority to create State improvement districts without the consent of the County councils, I am still opposed to the measure because its intent is to provide enabling authority for carrying into effect the provisions of House Bill 2515-72. I am concerned that the bill would create a situation in which the City and County of Honolulu may be so pleased that their one-third share of Waikiki improvement costs would be paid by the State under the special assessment State improvement district formula, that it may weaken its insistence that property owners should finance only those improvements which accrue to their immediate benefit.

The Waikiki improvement district concept remains totally unacceptable to the overwhelming majority of Waikiki residents who believe that improvements in their area should be financed under existing, traditional city ordinances, just as improvement district projects are financed in every other community in this State.

Thank you, Mr. Speaker.”

Representative Wedemeyer then rose and spoke in favor of the measure, as follows:

“Mr. Speaker, the deterioration of Waikiki and the economic significance of Waikiki in the State of Hawaii focuses attention on the issue of whether public investment in Waikiki is needed with some State influence. Merely putting funds into an area would not assure that there would be cooperation from all affected parties, nor would it assure effective control by municipal regulatory

agencies.

S. B. No. 288 constitutes the enabling authority to carry into effect the provisions of H. B. No. 2515-72. S. B. No. 288 will enable the State Department of Transportation to participate in the counties to create, define and establish improvement districts according to ethical statutes insofar as practicable.

Although the approval of the petition rests with the legislative bodies of the counties, this bill will allow the State to exert effort and influence toward any determinant, betterment or improvement that is necessary in the public interest. For much too long our State has had no voice in the problems of deterioration in areas such as Waikiki. I believe it is time that we did so.

I urge my colleagues to act favorably on this measure.”

Representative Wong then rose and stated that the bill, as amended, is a workable bill as it gives the Council of the various political subdivisions veto power in their planning and urged the members of the House to vote in favor of this bill.

Representative Yim then rose and spoke in favor of the bill, stating that although he had very strong reservations on the original bill, he was satisfied with the amended bill and urged the members of the House to vote for S. B. No. 288, HD 1.

The motion was put by the Chair and carried and roll call having been requested, S. B. No. 288 passed Third Reading by a vote of 39 ayes to 10 noes, with Representatives Aduja, Aki, Carroll, Chong, Devereux, Fong, Hansen, Leopold, Oda and Yamada voting no and Representatives Kato and Young being excused.

The Chair directed the Clerk to note that S. B. No. 288 had passed Third Reading at 6:04 o'clock p.m.

Consideration of Conf. Com. Rep. No. 4 on S. B. No. 766, as amended, which had been deferred to this time.

Representative O'Connor moved that the report of the Committee be adopted and S. B. No. 766, as amended, pass Final Reading, seconded by Representative

Kimura.

Representative O'Connor then rose and stated:

"Mr. Speaker, I rise to add to the Conference Committee Report as drafted. A specific statement of legislative intent regarding the language found in Section 577A-2 is on Page 2, line 6 to 13 of the bill. Those lines read: 'be deemed to have, and shall have the same legal capacity to act, and the same legal obligations with regard to the giving of such consent to such hospitals and such clinics for medical care and services to be provided by a physician licensed to practice medicine, as a person of full legal age and capacity, the infancy of the said minor and any contrary provisions of law notwithstanding, and such consent shall not be subject to later disaffirmance by reason of such minority.'

The language in this section, Mr. Speaker, is designed to give to the minor the ability to consent to medical care and to absolve the physician from charges of assault and battery or other technical civil charges which might result from giving a minor medical care without the consent of his adult parent.

This section and this language is not meant to change in any way the financial responsibility of parents for the medical care and services of their minor children as set out in Section 577-7 of the Hawaii Revised Statutes. It is intended by your Committee that Section 577-7 shall supersede in the area of financial responsibility of parents for the medical care and services of their minor children.

The language that I have previously referred to is now in the law in Section 577-A2 and your Committee feels that its intent should be as I have expressed.

Thank you, Mr. Speaker."

Representative R. Garcia then rose and spoke against the passage of S. B. No. 766.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S. B. No. 766, as amended, passed Final Reading by a vote of 37 ayes to 12 noes, with Representatives Aduja, Ajifu, Aki, Chong, Fong, J. Garcia, Hansen, Leopold,

Oda, Soares, Uechi and Unemori voting no and Representatives Kato and Young being excused.

The Chair directed the Clerk to note that S. B. No. 766 had passed Final Reading at 6:10 o'clock p.m.

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 205 to 224) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 205) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 43 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Ushijima, Chairman; Kawasaki, Takitani, Wong, Mills and Lum had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives O'Connor, Chairman; Roehrig, Kawakami, Kimura, Soares, Judd and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 206) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 44 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Ushijima, Chairman; Kawasaki, Takitani, Wong, Altiery, Mills and Lum had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives O'Connor, Chairman; Kimura, Roehrig, Kawakami, Yamada, Judd and Aduja as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 207) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 623 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Brown, Chairman; Ching, Hulten

and Mirikitani had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives O'Connor, Chairman; Kimura, Kawakami, Duponte, Yamada, Judd and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 208) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1096 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Ushijima, Chairman; Kawasaki, Takitani, Wong, Mills and Lum had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives O'Connor, Chairman; Kimura, Kawakami, Roehrig, Judd, Aduja and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 209) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1340 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Toyofuku, Chairman; Yoshinaga and Henderson had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives O'Connor, Chairman; Kawakami, Kimura, Lee, Judd, Medeiros and Carroll as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 210) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1502-72 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Ushijima, Chairman; Kawasaki, Takitani, Wong, Mills and Lum had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair

appointed Representatives O'Connor, Chairman; Kimura, Kawakami, Roehrig, Judd, Yamada and Carroll as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 211) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1823-72 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Ushijima, Chairman; Kawasaki, Takitani, Wong, Mills and Lum had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives O'Connor, Chairman; Kimura, Kawakami, Wedemeyer, Judd, Yamada and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 212) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1636-72, as amended, and the request for a conference on the subject matter of said amendments, Senators Yoshinaga, Chairman; Toyofuku, Yamasaki, Nishimura, Lum and Henderson had been appointed as Managers on the part of the Senate at such conference was placed on file.

A communication from the Senate (Sen. Com. No. 213) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1638-72, as amended, and the request for a conference on the subject matter of said amendments, Senators Yoshinaga, Chairman; Toyofuku, Yamasaki, Nishimura, Lum and Henderson had been appointed as Managers on the part of the Senate at such conference was placed on file.

A communication from the Senate (Sen. Com. No. 214) returning House Bill No. 348 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 215) returning House Bill No. 498, HD 2, which passed Third

Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 216) returning House Bill No. 819, HD 1, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 217) returning House Bill No. 1658-72, HD 1, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 218) returning House Bill No. 1670-72, HD 2, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 219) returning House Bill No. 1672-72, HD 2, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 220) returning House Bill No. 1750-72, HD 1, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 221) returning House Bill No. 1780-72, HD 1, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 222) returning House Bill No. 2144-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 223) returning House Bill No. 2200-72, HD 2, which passed Third Reading in the Senate on April 12, 1972 by not less than two-thirds vote of all the members to which the Senate is entitled, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 224) returning House Bill No. 2222-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

By unanimous consent, H. B. Nos. 348, 498, 819, 1658-72, 1670-72,

1672-72, 1750-72, 1780-72, 2144-72, 2200-72 and 2222-72, as amended by the Senate, were placed on the Clerk's desk.

The Chair directed the Clerk to note that printed copies of H.B. No. 348, SD 1; H.B. No. 498, HD1, HD 2, SD 1; H.B. No. 819, HD 1, SD 1; H.B. No. 1658-72, HD 1, SD 1; H.B. No. 1670-72, HD 1, HD 2, SD 1; H.B. No. 1672-72, HD 1, HD 2, SD 1; H.B. No. 1750-72, HD 1, SD 1; H.B. No. 1780-72, HD 1, SD 2; H.B. No. 2144-72, SD 1, H.B. No. 2200-72, HD 1, HD 2, SD 1 and H.B. No. 2222-72, SD 1 were made available to the members of the House at 6:11 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

### CONFERENCE COMMITTEE REPORT

Representative Lunasco, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H. B. No. 356, presented a report (Conf. Com. Rep. No. 6) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 6 on H. B. No. 356, as amended, was deferred until tomorrow, April 13, 1972.

The Chair directed the Clerk to note that printed copies of H. B. No. 356, SD 1, CD 1, were made available to the members of the House at 3:50 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

### STANDING COMMITTEE REPORTS

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 734-72) approving the intent and purpose of H. R. No. 160 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 734-72 on H. R. No. 160 was deferred until the end of the calendar.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 735-72) approving the intent and purpose of H. R. No. 389 and recommending its adoption



with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 735-72 on H. R. No. 389 was deferred until the end of the calendar.

Representative Kawakami, for the Committee on Lands, presented a report (Stand. Com. Rep. No. 736-72) approving the intent and purpose of H. R. No. 392 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 736-72 on H. R. No. 392 was deferred until the end of the calendar.

Representative Kihano, for the Select Committee of Oahu Representatives, presented a report (Stand. Com. Rep. No. 737-72) approving the intent and purpose of S.C.R. No. 32 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 737-72 on S.C.R. No. 32 was deferred until later in the calendar.

#### COMMITTEE REASSIGNMENT

S. B. No. 1863-72 which had been referred to the Select Committee of Oahu Representatives and to the Committee on Finance on April 7, 1972, was referred solely to the Select Committee of Oahu Representatives.

#### STANDING COMMITTEE REPORT

Representative Kihano, for the Select Committee of Oahu Representatives, presented a report (Stand. Com. Rep. No. 738-72) approving the intent and purpose of S. B. No. 1863-72 and recommending its passage on Second Reading.

On motion by Representative Kihano, seconded by Representative Wedemeyer and carried, the report of the Committee was adopted and S. B. No. 1863-72 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 13, 1972.

The Chair directed the Clerk to note that S. B. No. 1863-72 had passed Second Reading at 6:13 o'clock p.m.

The Chair also directed the Clerk to note that printed copies of S. B. No. 1863-72 were made available to the members of the House at 4:30 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the

State of Hawaii.

At 6:15 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 10:00 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 10:27 o'clock p.m.

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 225 to 248) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 225) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1588-72 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Wong, Chairman; Yoshinaga and Mills had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives Kimura, Chairman; Kishinami and Devereux as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 226) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 2008-72 and had requested a conference on the subject matter of said amendments, in consequence of which Senators Ushijima, Chairman; Taira and Anderson had been appointed as Managers on the part of the Senate at such conference was placed on file.

In accordance therewith, the Chair appointed Representatives O'Connor, Chairman; Kawakami and Yamada as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 227) returning House Bill No. 42 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 228) returning House Bill



No. 1043, HD 2, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 229) returning House Bill No. 1893-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 230) returning House Bill No. 1956-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 231) returning House Bill No. 2040-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 232) returning House Bill No. 2044-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 233) returning House Bill No. 2045-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 234) returning House Bill No. 2046-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 235) returning House Bill No. 2047-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 236) returning House Bill No. 2048-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 237) returning House Bill No. 2049-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 238) returning House Bill No. 2050-72 which passed Third Reading in the Senate on April 12, 1972, in an

amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 239) returning House Bill No. 2051-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 240) returning House Bill No. 2052-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 241) returning House Bill No. 2053-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 242) returning House Bill No. 2054-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 243) returning House Bill No. 2058-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 244) returning House Bill No. 2281-72, HD 1, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 245) returning House Bill No. 2358-72, HD 1, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 246) returning House Bill No. 2439-72, HD 1, which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 247) returning House Bill No. 2524-72 which passed Third Reading in the Senate on April 12, 1972, in an amended form, was placed on file.

By unanimous consent, H. B. Nos. 42, 1043, 1893-72, 1956-72, 2040-72, 2044-72, 2045-72, 2046-72, 2047-72, 2048-72, 2049-72, 2050-72, 2051-72, 2052-72, 2053-72, 2054-72, 2058-72, 2281-72, 2358-72, 2439-72 and 2524-72,

as amended by the Senate, were placed on the Clerk's desk.

The Chair directed the Clerk to note that printed copies of H.B. No. 42, SD 1; H.B. No. 1043 HD 1, HD 2, SD 1; H.B. No. 1893-72, SD 1; H.B. No. 1956-72, SD 1; H.B. No. 2040-72, SD 1; H.B. No. 2044-72, SD 1; H.B. No. 2045-72, SD 1; H.B. No. 2046-72, SD 1; H.B. No. 2047-72, SD 1; H.B. No. 2048-72, HD 1, SD 1; H.B. No. 2049-72, SD 1; H.B. No. 2050-72, SD 1; H.B. No. 2051-72, SD 1; H.B. No. 2052-72, SD 1; H.B. No. 2053-72, SD 1; H.B. No. 2054-72, SD 1; H.B. No. 2058-72, SD 1; H.B. No. 2281-72, HD 1, SD 1; H.B. No. 2358-72, HD 1, SD 1; H.B. No. 2439-72, HD 1, SD 2 and H.B. No. 2524-72, SD 1 were made available to the members of the House at 10:05 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

A communication from the Senate (Sen. Com. No. 248) transmitting Senate Concurrent Resolution No. 30 relating to the establishment of a temporary visitor industry council which was adopted by the Senate on April 12, 1972, was placed on file.

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

#### STANDING COMMITTEE REPORTS

Representative Yap, for the Committee on Housing and Consumer Protection, presented a report (Stand. Com. Rep. No. 739-72) approving the intent and purpose of H. R. No. 380 and recommending its referral to the Committee on Finance.

On motion by Representative Yap, seconded by Representative R. Garcia and carried, the report of the Committee was adopted and H. R. No. 380 was referred to the Committee on Finance.

Representative Sakima, for the Committee on Education, presented a report (Stand. Com. Rep. No. 740-72) approving the intent and purpose of H. R. No. 328 and recommending its referral to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Yap and

carried, the report of the Committee was adopted and H. R. No. 328 was referred to the Committee on Finance.

Representative Sakima, for the Committee on Education, presented a report (Stand. Com. Rep. No. 741-72) approving the intent and purpose of H. R. No. 277 and recommending its referral to the Committee on Finance.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. R. No. 277 was referred to the Committee on Finance.

Representative R. Garcia, for the Committee on Public Health, Youth and General Welfare, presented a report (Stand. Com. Rep. No. 742-72) approving the intent and purpose of S.C.R. No. 53 and recommending its referral to the Committee on Finance.

On motion by Representative R. Garcia, seconded by Representative Uechi and carried, the report of the Committee was adopted and S.C.R. No. 53 was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 743-72) approving the intent and purpose of S. B. No. 95 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 743-72 on S. B. No. 95, as amended, was deferred until tomorrow, April 13, 1972.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 744-72) approving the intent and purpose of S. B. No. 1806-72 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 744-72 on S. B. No. 1806-72, as amended, was deferred until tomorrow, April 13, 1972.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 745-72) approving the intent and purpose of S. B. No. 1694-72 and recommending its

passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 745-72 on S. B. No. 1694-72, as amended, was deferred until tomorrow, April 13, 1972.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 746-72) approving the intent and purpose of S. B. No. 1472-72 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 746-72 on S. B. No. 1472-72, as amended, was deferred until tomorrow, April 13, 1972.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 747-72) approving the intent and purpose of S. B. No. 476 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 747-72 on S. B. No. 476, as amended, was deferred until tomorrow, April 13, 1972.

The Chair here directed the Clerk to note that printed copies of S. B. No. 95, HD 2; S. B. No. 1806-72, SD 2, HD 1; S. B. No. 1694-72, SD 1, HD 1; S. B. No. 1472-72 and S. B. No. 476, SD 2, HD 1, were made available to the members of the House at 8:00 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

Representative Roehrig, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 748-72) approving the intent and purpose of S.C.R. No. 47 and recommending its adoption.

On motion by Representative Roehrig, seconded by Representative Unemori and carried, the report of the Committee was adopted and S.C.R. No. 47 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 749-72) approving the intent and purpose of H. R. No. 184 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 184 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 750-72) approving the intent and purpose of H. R. No. 229 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 229 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 751-72) approving the intent and purpose of S. B. No. 576 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 751-72 on S. B. No. 576, as amended, was deferred until tomorrow, April 13, 1972.

Representative Sakima, for the Committee on Education, presented a report (Stand. Com. Rep. No. 752-72) approving the intent and purpose of S.C.R. No. 13 and recommending its adoption.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and S.C.R. No. 13 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 753-72) approving the intent and purpose of S. B. No. 1983-72 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 753-72 on S. B. No. 1983-72 was deferred until tomorrow, April 13, 1972.

The Chair here directed the Clerk to note that printed copies of S. B. No. 576, SD 1, HD 1 and S. B. No. 1983-72, SD 1, were made available to the members of the House at 8:20 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

## THIRD READING

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

Third Reading of S. B. No. 53.

On motion by Representative Suwa, seconded by Representative Akizaki, roll call having been requested, S. B. No. 53 passed Third Reading by a vote of 46 ayes to 3 noes, with Representatives Aduja, Aki and J. Garcia voting no and Representatives Iha and Nakama being excused.

Third Reading of S. B. No. 1822-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1822-72 passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Aduja, Devereux, Hansen and Lee voting no and Representatives Iha and Nakama being excused.

Third Reading of S. B. No. 1749-72.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, S. B. No. 1749-72 was recommitted to the Committee on Judiciary.

Third Reading of H. B. No. 2039-72.

By unanimous consent, consideration of H. B. No. 2039-72 on Third Reading was deferred until tomorrow, April 13, 1972.

Third Reading of S. B. No. 96.

On motion by Representative Suwa, seconded by Representative Akizaki, roll call having been requested, S. B. No. 96 passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Ajifu, Carroll, Fong, Hansen, Medeiros, Oda and Soares voting no and Representatives Iha and Nakama being excused.

The Chair directed the Clerk to note that S. B. Nos. 53, 1822-72 and 96 had passed Third Reading not earlier than 10:30 o'clock p.m.

## UNFINISHED BUSINESS

Consideration of Stand. Com. Rep. No. 721-72 on S. B. No. 46, as amended, which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S. B. No. 46, as amended, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Iha and Nakama being excused.

Consideration of Stand. Com. Rep. No. 722-72 on S. B. No. 1862-72, as amended, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1862-72, as amended, having been read throughout, passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Ajifu and Fong voting no and Representatives Iha and Nakama being excused.

Consideration of Stand. Com. Rep. No. 728-72 on S. B. No. 1805-72, as amended, which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S. B. No. 1805-72, as amended, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Iha and Nakama being excused.

Consideration of S. B. No. 1382-72 on Third Reading which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1382-72, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Iha and Nakama being excused.

Consideration of S. B. No. 1729-72 on Third Reading which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative

Kimura, S. B. No. 1729-72, having been read throughout, passed Third Reading by a vote of 49 ayes, with Representatives Iha and Nakama being excused.

The Chair directed the Clerk to note that S. B. Nos. 46, 1862-72, 1805-72, 1382-72 and 1729-72 had passed Third Reading not earlier than 10:35 o'clock p.m.

At 10:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 11:05 o'clock p.m., the House of Representatives reconvened.

#### DEFERRED RESOLUTIONS

The following resolution (H. R. No. 395) and concurrent resolution (S.C.R. No. 30) were disposed of as follows:

H. R. No. 395 was referred to the Select Committee of Oahu Representatives.

S.C.R. No. 30 was referred to the Committee on Finance.

#### DISPOSITION OF MATTER PLACED ON THE CLERK'S DESK

By unanimous consent, H. B. No. 2358-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Kimura moved that the House disagree with the amendments proposed by the Senate to H. B. No. 2358-72, seconded by Representative Kishinami and carried.

In accordance therewith, the Chair appointed Representatives Kimura, Chairman; Kishinami and Devereux as Managers on the part of the House at such conference.

#### DEFERRED MATTERS

Consideration of Stand. Com. Rep. No. 734-72 on H. R. No. 160 which had been deferred to this time.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 160 was adopted.

Consideration of Stand. Com. Rep. No. 735-72 on H. R. No. 389, as amended, which had been deferred to this time.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 389, as amended, entitled: "House Resolution requesting all heads of State and County agencies to evaluate and attach priorities to legislative resolutions requesting studies by, of or related to their respective agencies and to report the same to the appropriate standing legislative committee for consideration," was adopted.

Consideration of Stand. Com. Rep. No. 736-72 on H. R. No. 392 which had been deferred to this time.

On motion by Representative Kawakami, seconded by Representative Kaneshiro and carried, the report of the Committee was adopted and H. R. No. 392 was adopted.

Consideration of Stand. Com. Rep. No. 737-72 on S.C.R. No. 32 which had been deferred to this time.

On motion by Representative Kihano, seconded by Representative Wedemeyer and carried, the report of the Committee was adopted and S.C.R. No. 32 was adopted.

At 11:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 11:44 o'clock p.m., the House of Representatives reconvened.

#### STANDING COMMITTEE REPORTS

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 754-72) approving the intent and purpose of S. B. No. 2068-72 and recommending its passage on Second Reading.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S. B. No. 2068-72 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 13, 1972.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 755-72) approving the intent and purpose of S. B. No. 1355-72 and recommending its passage on Second Reading.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S. B. No. 1355-72 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 13, 1972.

Representative O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 756-72) approving the intent and purpose of S. B. No. 466 and recommending its passage on Third Reading with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 756-72 on S. B. No. 466, as amended, was deferred until tomorrow, April 13, 1972.

The Chair directed the Clerk to note that printed copies of S. B. No. 466, HD 2, were made available to the members of the House at 11:45 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

Representative O'Connor, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 757-72) approving the intent and purpose of S. B. No. 564 and recommending its passage on Second Reading.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the

majority of the Committee was adopted and S. B. No. 564 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 13, 1972.

The Chair directed the Clerk to note that S. B. Nos. 2068-72, 1355-72 and 564 had passed Second Reading not earlier than 11:52 o'clock p.m.

At 11:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 11:56 o'clock p.m., the House of Representatives reconvened.

#### DEFERRED MATTER

Consideration of Stand. Com. Rep. No. 703-72 on S. B. No. 1649-72 which had been deferred to this time.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1649-72, having been read throughout, passed Third Reading by a roll call vote of 39 ayes to 12 noes, with Representatives Aduja, Ajifu, Aki, Carroll, Devereux, Fong, J. Garcia, Hansen, Judd, Leopold, Medeiros and Soares voting no.

The Chair directed the Clerk to note that S. B. No. 1649-72 had passed Third Reading at 11:57 o'clock p.m.

At 11:59 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives adjourned to 11:00 o'clock a.m. tomorrow, April 13, 1972.

## 59TH DAY

Thursday, April 13, 1972

The House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, was called to order at 11:00 o'clock a.m.

The Speaker presided.

The Divine Blessing was invoked by Reverend Yoshiaki Fujitani of the Honpa Hongwanji Buddhist Temple.

Roll call of the members of the House of Representatives showed that all members were present with the exception of Representatives Aki, Iha, Inaba, Kato, Kimura, Kunimura, Medeiros, O'Connor, Roehrig, Saiki, Wong and Yap, who were excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Eighth Day.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, reading of the Journal was dispensed with and the Journal of the Fifty-Eighth Day was approved.

At this time, Representative Ushijima introduced to the members of the House 23 students from the fourth grade at Hanahauoli School, with their teachers, Mrs. Jo Ann Hebing and Mrs. Mary Wou.

The Chair introduced to the members of the House Mr. and Mrs. Alvin Spetz from Rochester, New York.

The Chair declared a recess at 11:05 o'clock a.m., subject to the call of the Chair.

At 11:25 o'clock a.m., the House of Representatives reconvened and the Chair directed the Clerk to note the presence of Representatives Inaba, Kato, Kimura, Roehrig and Wong.

### ORDER OF THE DAY

#### STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 758-72) informing the House that House Resolution Nos. 393 to 395, Conference Committee Report No. 6, Re: House Bill No. 356, SD1, HD1, CD1, and Standing

Committee Report Nos. 734 to 757-72 and 759-72 had been printed and distributed.

On motion by Representative Akizaki, seconded by Representative Kishinami and carried, the report of the Committee was adopted.

Representative Lunasco, for the Committee on Public Institutions, presented a report (Stand. Com. Rep. No. 759-72) approving the intent and purpose of H. R. No. 275 and recommending its adoption, with certain amendments.

On motion by Representative Lunasco, seconded by Representative Nakama and carried, the report of the Committee was adopted and H. R. No. 275, as amended, entitled, "House Resolution relating to community based correctional programs," was adopted.

### INTRODUCTION OF RESOLUTIONS

The following resolutions (H. R. Nos. 396 to 399) were read by the Clerk and were disposed of as follows:

A resolution (H. R. No. 396) congratulating and extending best wishes to the Cherry Blossom Queen's Court and commending the Honolulu Japanese Chamber of Commerce for the successful 1972 Cherry Blossom Festival was jointly offered by Representatives Ushijima, Aduja, Ajifu, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young and Beppu.

On motion by Representative Ushijima, seconded by Representative Devereux and carried, H. R. No. 396 was adopted.

A resolution (H. R. No. 397) congratulating Rae Hisayo Tanaka upon being crowned the 1972 Cherry Blossom Queen was jointly offered by Representatives Ushijima, Aduja, Ajifu, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd,

Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young and Beppu.

On motion by Representative Ushijima, seconded by Representative Devereux and carried, H. R. No. 397 was adopted.

A resolution (H. R. No. 398) extending aloha and best wishes to the Nisei Week Queen and her Court was jointly offered by Representatives Ushijima, Aduja, Ajifu, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young and Beppu.

On motion by Representative Ushijima, seconded by Representative Kishinami and carried, H. R. No. 398 was adopted.

The Chair here directed the Clerk to note the presence of Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki and Yap.

Representative Ushijima then introduced to the members of the House the following: Miss Rae Hisayo Tanaka, the 1972 Cherry Blossom Queen, and her court, the Misses Vivian Aniya, Brenda Jan Eiko Komatsu, Karol Misaye Shigeoka and Lynette Yoshimi Kubota. They were each presented with a lei and a certified copy of the resolution.

Representative Ushijima then introduced to the members of the House the following: Miss Joyce Kikuchi, the Nisei Week Queen, and her court, the Misses Connie Nakao, Peggy Nishimoto, Audre Miura and Diane Takei. They were each presented with a lei and a certified copy of the resolution.

Representative Ushijima then introduced to the members of the House

Ronald Nagano, President of the Honolulu Japanese Junior Chamber of Commerce; Glenn Shigemura, the general chairman of the 20th Annual Cherry Blossom Festival and Earl Tanaka, executive vice-president of the Honolulu Japanese Junior Chamber of Commerce; and presented them with a certified copy of the resolution.

A resolution (H. R. No. 399) extending best wishes to Larry Stubblefield for a successful professional golf career was jointly offered by Representatives Wedemeyer, Aduja, Ajifu, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Ushijima, Wakatsuki, Wasai, Wong, Yamada, Yap, Yim, Young and Beppu.

On motion by Representative Wedemeyer, seconded by Representative Poepoe and carried, H. R. No. 399 was adopted.

By unanimous consent, the following resolution (H. R. No. 400) and concurrent resolutions (H. C. R. Nos. 57 and 58) were referred to the Committee on Legislative Management and further action was deferred until later in the calendar:

A resolution (H. R. No. 400) relating to the formulation of a plan of urban renewal was offered by Representative Kawakami.

A concurrent resolution (H. C. R. No. 57) relating to the collective bargaining agreements between the Board of Education, the Hawaii Government Employees' Association and the Hawaii State Teachers' Association was jointly offered by Representatives Sakima, Aduja, Ajifu, Aki, Akizaki, Carroll, de la Cruz, Devereux, J. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Medeiros, Morioka, Nakama, O'Connor, Poepoe, Roehrig, Saiki, Soares, Suwa, Takamine, Uechi, Ushijima, Wakatsuki, Wasai, Wedemeyer, Yamada, Yap, Yim and Beppu.



A concurrent resolution (H. C. R. No. 58) requesting the appointment of a joint interim committee to receive and report on the report of the Hawaii Probate Revision Committee was jointly offered by Representatives O'Connor, Aduja, Ajifu, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Ushijima, Wasai, Wedemeyer, Yamada, Yap, Yim and Young.

#### RECONSIDERATION OF ACTION TAKEN BY THE HOUSE

Representative Suwa moved that the House reconsider action taken on April 12, 1972 in adopting Stand. Com. Rep. No. 689-72 and passing S.B. No. 1988-72 on Third Reading, seconded by Representative Akizaki.

Representative Suwa explained that this measure carried with it an appropriation and cannot be passed on Third Reading until the supplementary operating budget has been transmitted to the Governor.

The motion was put by the Chair and carried.

By unanimous consent, Stand. Com. Rep. No. 689-72 on S. B. No. 1988-72 was placed on the Clerk's desk.

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

By unanimous consent, H. B. No. 2439-72, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the House disagreed to the amendments proposed by the Senate to H. B. No. 2439-72 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kimura, Chairman, Kishinami and Ajifu were appointed as Managers on the part of the House for the consideration of said amendments.

By unanimous consent, H. B. No. 2281-72, as amended by the Senate, was taken from the Clerk's desk.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the House disagreed to the amendments proposed by the Senate to H. B. No. 2281-72 and requested a conference on the subject matter of said amendments.

In accordance therewith, Representatives Kunimura, Chairman, Akizaki and Poepoe were appointed as Managers on the part of the House for the consideration of said amendments.

The Chair declared a recess at 11:35 o'clock a.m., subject to the call of the Chair.

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

At 12:56 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 4:30 o'clock p.m., this afternoon.

#### AFTERNOON SESSION

The House of Representatives reconvened at 5:25 o'clock p.m., and the Chair directed the Clerk to note the presence of Representative Iha.

#### DEFERRED RESOLUTIONS

The following resolution (H. R. No. 400) and concurrent resolutions (H. C. R. Nos 57 and 58) were disposed of as follows:

H. R. No. 400 was referred to the Committee on Lands.

By unanimous consent, H. C. R. No. 57 was placed on the Clerk's desk.

H. C. R. No. 58 was referred to the Committee on Judiciary.

#### UNFINISHED BUSINESS

Consideration of S. B. No. 1061 on Third Reading, which had been deferred to this day.

By unanimous consent, consideration

of S. B. No. 1061 on Third Reading was deferred until tomorrow, April 14, 1972.

Consideration of S. B. No. 1829-72 on Third Reading, which had been deferred to this day.

By unanimous consent, consideration of S. B. No. 1829-72 on Third Reading was deferred until tomorrow, April 14, 1972.

Consideration of S. B. No. 1742-72 on Third Reading, which had been deferred to this day.

By unanimous consent, consideration of S. B. No. 1742-72 on Third Reading was deferred until tomorrow, April 14, 1972.

Consideration of Stand. Com. Rep. No. 720-72 on S. B. No. 1819-72, which had been deferred to this day.

By unanimous consent, consideration of Stand. Com. Rep. No. 720-72 on S. B. No. 1819-72 was deferred until tomorrow, April 14, 1972.

Consideration of H. B. No. 2039-72 on Third Reading, which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, consideration of H. B. No. 2039-72 on Third Reading was deferred until tomorrow, April 14, 1972.

#### SUSPENSION OF RULES

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

#### THIRD READING

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

Third Reading of S. B. No. 1863-72.

On motion by Representative Kihano, seconded by Representative Wedemeyer, S. B. No. 1863-72 passed Third Reading by a vote of 46 ayes, with

Representatives Kato, Kondo, Uechi, Wakatsuki and Yap being excused.

#### UNFINISHED BUSINESS

Consideration of Conf. Com. Rep. No. 6 on H. B. No. 356, as amended, which had been deferred to this day.

On motion by Representative Lunasco, seconded by Representative Wong and carried, the report of the Committee was adopted and H. B. No. 356, as amended, passed Final Reading by a vote of 46 ayes, with Representatives Kato, Kondo, Uechi, Wakatsuki and Yap being excused.

The Chair here directed the Clerk to note that S. B. No. 1863-72 had passed Third Reading at 5:28 o'clock p.m., and H. B. No. 356 had passed Final Reading at 5:29 o'clock p.m.

The Chair declared a recess at 5:30 o'clock p.m., subject to the call of the Chair.

At 5:53 o'clock p.m., the House of Representatives reconvened.

At 5:54 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 9:00 o'clock p.m., tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 9:35 o'clock p.m.

Representative J. Garcia introduced to the members of the House the Assistant Clerk of the Legislative Assembly of British Columbia, Canada, Mr. George MacMinn and Mrs. MacMinn.

#### UNFINISHED BUSINESS

Consideration of Stand. Com. Rep. No. 743-72 on S. B. No. 95, as amended, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 95, as amended, having been read throughout, passed Third Reading by a vote of 39 ayes to 2 noes, with Representatives Ajifu and Medeiros voting no and Representatives

Aki, Carroll, Kato, Kunimura, O'Connor, Saiki, Sakima, Soares, Yap and Young being excused.

Consideration of Stand. Com. Rep. No. 744-72 on S. B. No. 1806-72, as amended, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1806-72, as amended, having been read throughout, passed Third Reading by a vote of 41 ayes, with Representatives Aki, Carroll, Kato, Kunimura, O'Connor, Saiki, Sakima, Soares, Yap and Young being excused.

Consideration of Stand. Com. Rep. No. 745-72 on S. B. No. 1694-72, as amended, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1694-72, as amended, entitled, "A Bill for an Act making an appropriation for a public park at Sand Island, Oahu," having been read throughout, passed Third Reading by a vote of 41 ayes, which is not less than two-thirds vote of all the members to which the House is entitled, with Representatives Aki, Carroll, Kato, Kunimura, O'Connor, Saiki, Sakima, Soares, Yap and Young being excused.

The Chair directed the Clerk to note that S. B. Nos. 95, 1806-72 and 1694-72 had passed Third Reading not earlier than 9:38 o'clock p.m.

Consideration of Stand. Com. Rep. No. 746-72 on S. B. No. 1472-72, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1472-72, having been read throughout, passed Third Reading by a vote of 41 ayes, with Representatives Aki, Carroll, Kato, Kunimura, O'Connor, Saiki, Sakima, Soares, Yap and Young being excused.

Consideration of Stand. Com. Rep.

No. 747-72 on S. B. No. 476, as amended, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 476, as amended, having been read throughout, passed Third Reading by a vote of 42 ayes, with Representatives Aki, Carroll, Kunimura, O'Connor, Saiki, Sakima, Soares, Yap and Young being excused.

Consideration of Stand. Com. Rep. No. 751-72 on S. B. No. 576, as amended, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, Stand. Com. Rep. No. 751-72 and S. B. No. 576, as amended, entitled, "A Bill for an Act relating to tax exemptions for low income housing," were recommitted to the Committee on Finance.

Consideration of Stand. Com. Rep. No. 753-72 on S. B. No. 1983-72, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1983-72, having been read throughout, passed Third Reading by a vote of 44 ayes, with Representatives Aki, Carroll, Kunimura, Saiki, Sakima, Soares and Yap being excused.

The Chair directed the Clerk to note that S. B. Nos. 1472-72, 476 and 1983-72 had passed Third Reading not earlier than 9:43 o'clock p.m.

The Chair declared a recess at 9:46 o'clock p.m., subject to the call of the Chair.

At 10:04 o'clock p.m., the House of Representatives reconvened.

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

By unanimous consent, H. B. No. 1658-72, as amended by the Senate, was

taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 1658-72, and that H. B. No. 1658-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that on page 7, line 6 of the bill, the House had inserted the appropriation of funds and the Senate deleted it and substituted "budget request".

The motion was put by the Chair and carried, and H. B. No. 1658-72, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 819, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 819, and that H. B. No. 819, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that the House version provided that the lands be made for agricultural purpose and the Senate then added the words "agricultural and mercantile purpose."

The motion was put by the Chair and carried, and H. B. No. 819, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 348, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 348, and that H. B. No. 348, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that the Senate had deleted the provisions of terminal continuing illness and the definition of the family as they thought it

was best that this matter be best handled by administrative rules and regulations.

The motion was put by the Chair and carried, and H. B. No. 348, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 1893-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 1893-72, and that H. B. No. 1893-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that the Senate had amended the bill to grant real property tax relief to limited distribution mortgages involving developing low and moderate income housing.

The motion was put by the Chair and carried, and H. B. No. 1893-72, as amended passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 1043, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 1043, and that H. B. No. 1043, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that the bill relates to international marine exposition in Hawaii and the Senate had deleted the \$200,000 appropriation.

The motion was put by the Chair and carried, and H. B. No. 1043, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

The Chair declared a recess at 10:12 o'clock p.m., subject to the call of the

Chair.

At 10:14 o'clock p.m., the House of Representatives reconvened.

By unanimous consent, H. B. No. 1672-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 1672-72 and that H. B. No. 1672-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that this bill relates to the University of Hawaii "open university" and the Senate deleted the appropriation of \$30,000 and that internally, they are to submit their findings prior to February 1, 1973.

The motion was put by the Chair and carried, and H. B. No. 1672-72, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 1750-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 1750-72, and that H. B. No. 1750-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that the Senate had amended the bill as to the 30-day waiver period, where originally the House had the provision that it should be a terminal illness with the physician's approval.

The motion was put by the Chair and carried, and H. B. No. 1750-72, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 1780-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the

House agree to the amendments proposed by the Senate to H. B. No. 1780-72, and that H. B. No. 1780-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that this bill, relating to the State small boat harbor revolving fund, originally excluded the 5% surcharge to the General Fund and the Senate restored the 5% surcharge.

The motion was put by the Chair and carried, and H. B. No. 1780-72, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 2200-72, as amended by the State, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 2200-72, and that H. B. No. 2200-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that the bill relates to the issuance of general obligation bonds for certain university projects, such as the dormitory, where we had revenue bonds. Primarily the Senate restored the "r" letter before the numbers.

The motion was put by the Chair and carried, and H. B. No. 2200-72, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 2524-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 2524-72 and that H. B. No. 2524-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa explained that this bill relates to the acquisition and

disposition of lands for agricultural purpose and the Senate included the word "exchange."

The motion was put by the Chair and carried, and H. B. No. 2524-72, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

The Chair declared a recess at 10:19 o'clock p.m., subject to the call of the Chair.

At 10:22 o'clock p.m., the House of Representatives reconvened.

By unanimous consent, H. B. No. 42, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H. B. No. 42 and that H. B. No. 42, as amended, having been read throughout, pass Final Reading, seconded by Representative Kaneshiro.

Representative Kawakami then explained that the Senate had amended the bill by deleting the word "state" on page 2 and substituted the word "department" to conform to the sentence above. Also, the Senate deleted the words "and the lessee or sublessee on account of the sublease" and inserted the words "lessee and sublessee" in the last line of Section 2 (a) of the bill, as they felt it was redundant.

The motion was put by the Chair and carried, and H. B. No. 42, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 2222-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Kawakami moved that the House agree to the amendments proposed by the Senate to H. B. No. 2222-72, and that H. B. No. 2222-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kaneshiro.

Representative Kawakami then

explained that the Senate had made certain grammatical corrections to the bill.

The motion was put by the Chair and carried, and H. B. No. 2222-72, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

By unanimous consent, H. B. No. 397, 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. 397, and that H. B. No. 397, as amended, having been read throughout, pass Final Reading, seconded by Representative Wasai.

Representative Takamine explained that the bill relates to additional unemployment compensation benefits. This bill was passed by the House during the last session. At that time, the effective date of the measure was set at July 1, 1971 and the Senate amended this bill to provide for the effective date to be upon approval.

The motion was put by the Chair and carried, and H. B. No. 397, as amended, passed Final Reading by a vote of 44 ayes, with Representatives Aki, Kunimura, Medeiros, O'Connor, Saiki, Sakima and Yap being excused.

The Chair here directed the Clerk to note that H. B. No. 1658-72 had passed Final Reading at 10:05 o'clock p.m.; H. B. No. 819 at 10:07 o'clock p.m.; H. B. No. 348 at 10:09 o'clock p.m.; H. B. No. 1893-72 at 10:10 o'clock p.m.; H. B. No. 1043 at 10:11 o'clock p.m.; H. B. No. 1672-72 at 10:15 o'clock p.m.; H. B. No. 1750-72 at 10:16 o'clock p.m.; H. B. No. 1780-72 at 10:17 o'clock p.m.; H. B. No. 2200-72 at 10:18 o'clock p.m.; H. B. No. 2524-72 at 10:19 o'clock p.m.; H. B. No. 42 at 10:24 o'clock p.m.; H. B. No. 2222-72 at 10:25 o'clock p.m., and H. B. No. 397 at 10:26 o'clock p.m.

The Chair declared a recess at 10:26 o'clock p.m., subject to the call of the Chair.

At 10:30 o'clock p.m., the House of Representatives reconvened.

**SENATE COMMUNICATIONS**

The following communications from the Senate (Sen. Com. Nos. 249 to 277) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 249) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2281-72, and the request for a conference on the subject matter of said amendments, Senators Yoshinaga, Chairman, Yamasaki and Mirikitani had been appointed as Managers on the part of the Senate at such conference was placed on file.

A communication from the Senate (Sen. Com. No. 250) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2358-72, and the request for a conference on the subject matter of said amendments, Senators Wong, Chairman, Yoshinaga and Mills had been appointed as Managers on the part of the Senate at such conference was placed on file.

A communication from the Senate (Sen. Com. No. 251) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2439-72, and the request for a conference on the subject matter of said amendments, Senators Wong, Chairman, Yoshinaga and Mills had been appointed as Managers on the part of the Senate at such conference was placed on file.

A communication from the Senate (Sen. Com. No. 252) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1729-72 and had requested a conference on the subject matter thereof, in consequence of which Senators Ushijima, Chairman, Yamasaki and Mills had been appointed as Managers on the part of the Senate for the consideration of said amendments was placed on file.

In accordance therewith, Representatives O'Connor, Chairman, Kimura and Carroll were appointed as Managers on the part of the House for the consideration of said amendments.

A communication from the Senate (Sen. Com. No. 253) informing the House that the Senate had disagreed to the amendments proposed by the House to Senate Bill No. 1862-72 and had requested a conference on the subject matter thereof, in consequence of which Senators Toyofuku, Chairman, Yoshinaga and Henderson had been appointed as Managers on the part of the Senate for the consideration of said amendments was placed on file.

In accordance therewith, Representatives O'Connor, Chairman, Kimura and Yamada were appointed as Managers on the part of the House for the consideration of said amendments.

A communication from the Senate (Sen. Com. No. 254) informing the House that Senate Bill No. 10 passed Final Reading in the Senate on April 13, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii was placed on file.

A communication from the Senate (Sen. Com. No. 255) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1612-72 and that Senate Bill No. 1612-72, as amended, passed Final Reading in the Senate on April 13, 1972 was placed on file.

A communication from the Senate (Sen. Com. No. 256) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1844-72 and that Senate Bill No. 1844-72, as amended, passed Final Reading in the Senate on April 13, 1972 was placed on file.

A communication from the Senate (Sen. Com. No. 257) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1878-72 and that Senate Bill No. 1878-72, as amended, passed Final Reading in the Senate on April 13, 1972 was placed on file.

A communication from the Senate (Sen. Com. No. 258) returning House Bill No. 440, which passed Third Reading in the Senate on April 13, 1972 was placed on file.

A communication from the Senate

(Sen. Com. No. 259) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 356 was adopted by the Senate and House Bill No. 356, as amended, passed Final Reading in the Senate on April 13, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 260) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 288 and that Senate Bill No. 288, as amended, passed Final Reading in the Senate on April 13, 1972 was placed on file.

A communication from the Senate (Sen. Com. No. 261) returning House Concurrent Resolution No. 28 which was adopted by the Senate on April 13, 1972 was placed on file.

A communication from the Senate (Sen. Com. No. 262) returning House Bill No. 1879-72, which passed Third Reading in the Senate on April 13, 1972 in an amended form was placed on file.

A communication from the Senate (Sen. Com. No. 263) returning House Bill No. 2041-72 which passed Third Reading in the Senate on April 13, 1972 in an amended form was placed on file.

A communication from the Senate (Sen. Com. No. 264) returning House Bill No. 2042-72 which passed Third Reading in the Senate on April 13, 1972 in an amended form was placed on file.

A communication from the Senate (Sen. Com. No. 265) returning House Bill No. 2043-72 which passed Third Reading in the Senate on April 13, 1972 in an amended form was placed on file.

A communication from the Senate (Sen. Com. No. 266) returning House Bill No. 2249-72 which passed Third Reading in the Senate on April 13, 1972 in an amended form was placed on file.

A communication from the Senate (Sen. Com. No. 267) returning House Bill No. 2279-72 which passed Third Reading in the Senate on April 13, 1972 in an amended form was placed on file.

A communication from the Senate

(Sen. Com. No. 268) returning House Bill No. 2392-72 which passed Third Reading in the Senate on April 13, 1972 in an amended form was placed on file.

By unanimous consent, H. B. Nos. 1879-72, 2041-72, 2042-72, 2043-72, 2249-72, 2279-72 and 2392-72, as amended by the Senate, were placed on the Clerk's desk.

The Chair here directed the Clerk to note that printed copies of H. B. Nos. 1879-72, HD1, SD2; 2041-72, SD1; 2042-72, SD1; 2043-72, HD1, SD1; 2249-72, SD1, 2279-72, HD1, SD2; and 2392-72, HD1, SD2 were made available to the members of the House at 6:00 o'clock p.m.

A communication from the Senate (Sen. Com. No. 269) transmitting Senate Concurrent Resolution No. 59 requesting the University of Hawaii to complete the development of the alternative program structure for higher education and to submit financial displays in accordance with the alternative structure which was adopted by the Senate on April 13, 1972 was placed on file.

By unanimous consent, further action on S. C. R. No. 59 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 270) informing the House that Senator Wong had been discharged as a Manager on the part of the Senate at the conference on Senate Bill No. 1823-72 and that Senator Yamasaki had been appointed as Manager on the part of the Senate for the consideration of amendments was placed on file.

A communication from the Senate (Sen. Com. No. 271) transmitting Senate Concurrent Resolution No. 19 requesting the Director of the Department of Social Services and Housing to conduct a feasibility study of a proposal to improve the delivery of social services to families receiving public assistance which was adopted by the Senate on April 13, 1972 was placed on file.

By unanimous consent, further action on S. C. R. No. 19 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 272) informing the House



that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 54, and the request for a conference on the subject matter of said amendments, Senators Takitani, Chairman, Toyofuku and Mirikitani had been appointed as Managers on the part of the Senate at such conference was placed on file.

A communication from the Senate (Sen. Com. No. 273) returning House Bill No. 26 which passed Third Reading in the Senate by not less than two-thirds vote of all the members to which the Senate is entitled on April 13, 1972 was placed on file.

A communication from the Senate (Sen. Com. No. 274) transmitting Senate Concurrent Resolution No. 17 requesting the U. S. Congress to allocate funds for the planning and construction of water resource facilities at Kokee, Kauai which was adopted by the Senate on April 13, 1972 was placed on file.

A communication from the Senate (Sen. Com. No. 275) transmitting Senate Concurrent Resolution No. 48 requesting the Governor to instruct agencies to include the Legislative Reference Bureau and the Legislative Auditor in the distribution of reports submitted to the Legislature which was adopted by the Senate on April 13, 1972 was placed on file.

A communication from the Senate (Sen. Com. No. 276) transmitting Senate Concurrent Resolution No. 51 relating to comprehensive health planning which was adopted by the Senate on April 13, 1972 was placed on file.

A communication from the Senate (Sen. Com. No. 277) transmitting Senate Concurrent Resolution No. 54 requesting the Governor to provide for all executive offices and agencies to contract with the organization in charge of the governance of public television, when established, for the production and presentation of informational programs which was adopted by the Senate on April 13, 1972 was placed on file.

By unanimous consent, further action on S. C. R. Nos. 17, 48, 51 and 54 was deferred until later in the calendar.

#### DEFERRED RESOLUTIONS

The following concurrent resolutions

(S. C. R. Nos. 17, 19, 48, 51, 54 and 59) were disposed of as follows:

S. C. R. No. 17 was referred to the Committee on Finance.

S. C. R. No. 19 was referred to the Committee on Public Institutions.

S. C. R. No. 48 was referred to the Committee on Finance.

S. C. R. No. 51 was referred to the Committee on Finance.

S. C. R. No. 54 was referred to the Committee on Finance.

S. C. R. No. 59 was referred to the Committee on Finance.

#### STANDING COMMITTEE REPORTS

Representative Kunimura, for the Joint Select Committees of Kauai Representatives, Maui Representatives, Oahu Representatives and Hawaii Representatives, presented a report (Stand. Com. Rep. No. 760-72) approving the intent and purpose of S. C. R. No. 34 and recommending its referral to the Committee on Lands.

On motion by Representative Kawakami, seconded by Representative Duponte and carried, the report of the Committee was adopted and S. C. R. No. 34 was referred to the Committee on Lands.

Representative Nakama, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 761-72) approving the intent and purpose of H. R. No. 388 and recommending its adoption.

On motion by Representative Nakama, seconded by Representative Kihano and carried, the report of the Committee was adopted and H. R. No. 388 was adopted.

Representative Kunimura, for the Joint Select Committees of Kauai Representatives, Maui Representatives, Oahu Representatives and Hawaii Representatives, presented a report (Stand. Com. Rep. No. 762-72) approving the intent and purpose of S. B. No. 1756-72 and recommending its passage on Second Reading.

On motion by Representative

Kawakami, seconded by Representative Duponte and carried, the report of the Committee was adopted and S. B. No. 1756-72 passed Second Reading and was placed on the Order of the Day for Third Reading tomorrow, April 14, 1972.

The Chair directed the Clerk to note that S. B. No. 1756-72 had passed Second Reading at 10:32 o'clock p.m. and that printed copies of S. B. No. 1756-72, SD1 were made available to the members of the House at 6:00 o'clock p.m., in accordance with Article III, Section 16 of the Constitution of the State of Hawaii.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 763-72) approving the intent and purpose of S. B. No. 1749-72 and recommending its passage on Third Reading, with certain amendments.

By unanimous consent, consideration of Stand. Com. Rep. No. 763-73 on S. B. No. 1749-72, as amended, was deferred until tomorrow, April 14, 1972.

Representative Takamine, for the Committee on Labor, presented a report (Stand. Com. Rep. No. 764-72) approving the intent and purpose of H. R. No. 320 and recommending its adoption, with certain amendments.

On motion by Representative Takamine, seconded by Representative Wasai and carried, the report of the Committee was adopted and H. R. No. 320, as amended, entitled, "House Resolution requesting Congress to investigate the award of the operation and maintenance contract at the Pacific Missile Range Facility at Barking Sands, Kauai, and other similar contracts," was adopted.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 765-72) approving the intent and purpose of H. C. R. No. 58 and recommending its adoption.

On motion by Representative Kimura, seconded by Representative Duponte and carried, the report of the Committee was adopted and H. C. R. No. 58 was adopted.

Representative O'Connor, for the

Committee on Judiciary, presented a report (Stand. Com. Rep. No. 766-72) approving the intent and purpose of S. B. No. 2013-72 and recommending its passage on Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 766-72 on S. B. No. 2013-72 was deferred until tomorrow, April 14, 1972.

The Chair here directed the Clerk to note that printed copies of S. B. No. 1749-72, SD1, HD2 and S. B. No. 2013-72 were made available to the members of the House at 8:50 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

The Chair here discharged Representatives Kawakami and Carroll as Managers on the part of the House at the conference on S. B. No. 919 and appointed Representatives Kunimura and Aduja.

#### CONFERENCE COMMITTEE REPORTS

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H. B. No. 1636-72, presented a report (Conf. Com. Rep. No. 7) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 7 on H. B. No. 1636-72, as amended, was deferred until tomorrow, April 14, 1972.

Representative O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S. B. No. 1862-72, presented a report (Conf. Com. Rep. No. 8) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 8 on S. B. No. 1862-72, as amended, was deferred until tomorrow, April 14, 1972.

Representative O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S.

B. No. 1502-72, presented a report (Conf. Com. Rep. No. 9) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 9 on S. B. No. 1502-72, as amended, was deferred until tomorrow, April 14, 1972.

Representative Kimura, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H. B. No. 2439-72, presented a report (Conf. Com. Rep. No. 10) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 10 on H. B. No. 2439-72, as amended, was deferred until tomorrow, April 14, 1972.

Representative Suwa, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H. B. No. 1638-72, presented a report (Conf. Com. Rep. No. 11) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 11 on H. B. No. 1638-72, as amended, was deferred until tomorrow, April 14, 1972.

Representative Kimura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S. B. No. 1588-72, presented a report (Conf. Com. Rep. No. 12) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 12 on S. B. No. 1588-72, as amended, was deferred until tomorrow, April 14, 1972.

Representative O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S. B. No. 2008-72, presented a report (Conf. Com. Rep. No. 13) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 13 on S. B. No. 2008-72, as amended, was deferred until tomorrow, April 14, 1972.

Representative O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S. B. No. 1823-72, presented a report (Conf. Com. Rep. No. 14) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 14 on S. B. No. 1823-72, as amended, was deferred until tomorrow, April 14, 1972.

The Chair directed the Clerk to note that printed copies of H. B. No. 1636-72, HD1, SD1, CD1, were made available to the members of the House at 5:50 o'clock p.m.; S. B. No. 1862-72, SD2, HD1, CD1 at 8:00 o'clock p.m.; S. B. No. 1502-72, SD2, HD1, CD1 and H. B. No. 2439-72, HD1, SD2, CD1 at 8:55 o'clock p.m.; H. B. No. 1638-72, HD1, SD1, CD1 at 9:05 o'clock p.m.; and S. B. No. 1588-72, SD2, HD1, CD1, S. B. No. 2008-72, SD1, HD1, CD1 and S. B. No. 1823-72, SD1, HD1, CD1 at 9:15 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

The Chair declared a recess at 10:35 o'clock p.m., subject to the call of the Chair.

At 11:45 o'clock p.m., the House of Representatives reconvened, and resumed the Order of Conference Committee Reports.

Representative O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to S. B. No. 1729-72, presented a report (Conf. Com. Rep. No. 15) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 15 on S. B. No. 1729-72, as amended, was deferred until tomorrow, April 14, 1972.

Representative O'Connor, for the Committee on Conference on the disagreeing vote of the Senate to the

amendments proposed by the House to S. B. No. 919, presented a report (Conf. Com. Rep. No. 16) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 16 on S. B. No. 919, as amended, was deferred until tomorrow, April 14, 1972.

Representative O'Connor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to H. B. No. 54, presented a report (Conf. Com. Rep. No. 17) recommending to their respective Houses the final passage of the bill, with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 17 on H. B. No. 54, as amended, was deferred until tomorrow, April 14, 1972.

The Chair directed the Clerk to note that printed copies of S. B. No. 1729-72, SD1, HD2, CD1 and S. B. No. 919, SD1, HD1, CD1 were made available to the members of the House at 11:10 o'clock p.m. and H. B. No. 54, HD1, SD2, CD1 at 11:35 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

### THIRD READING

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

Third Reading of S. B. No. 564.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, consideration of S. B. No. 564 on Third Reading was deferred until tomorrow, April 14, 1972.

Third Reading of S. B. No. 1355-72.

On motion by Representative O'Connor, seconded by Representative Kimura, S. B. No. 1355-72 passed Third Reading by a vote of 51 ayes.

### UNFINISHED BUSINESS

Consideration of Stand. Com. Rep. No. 756-72 on S. B. No. 466, as amended, which had been deferred to this

day.

Representative O'Connor moved that the report of the majority of the Committee be adopted and that S. B. No. 466, as amended, having been read throughout, pass Third Reading, seconded by Representative Kimura.

Representative Leopold then rose and spoke for the measure as follows:

"Mr. Speaker, I rise to speak for Senate Bill No. 466, House Draft 2.

Mr. Speaker, it is my view that our present State residence requirement for physicians should undergo major not minor surgery. A residence restriction poses an unnecessary hardship on qualified doctors who wish to practice medicine in our State; and there is absolutely no correlation between the length of residence of a physician and the quality of health care he dispenses.

While residence requirements are inconsistent with the aloha spirit and the open society urged by the State administration, their chief inconsistency is with the recent thrust of court opinion pointing out the unconstitutionality of residence requirements.

Federal Judge C. Nils Tavares, just two days ago, criticized the State Attorney General's office for continuing to enforce the State's residence requirements in spite of recent United States Supreme Court rulings.

The continued application of residence requirements has been in opposition to the ruling of a three-judge federal court here in October which held unconstitutional, the State law requiring a six-month residence for taking the bar examination. Judge Tavares has indicated that he ruled in the recent case of veterinarian Dr. Stephen L. Raiser that the State law requiring a set period of residence in order to take the veterinarian examination violates the equal protection clause of the United States Constitution.

Judge Tavares noted that the same judgment would hold true in the case of Drs. William H. Montgomery and Leonard S. Jacobs, two doctors who have challenged the residence requirement for physicians.

Mr. Speaker, the bill before us is nonetheless, a long-delayed step in the right direction. I therefore support its passage.

Thank you, Mr. Speaker.”

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and S. B. No. 466, as amended, having been read throughout, passed Third Reading by a vote of 50 ayes to 1 no with Representative Ajifu voting no.

### THIRD READING

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

Third Reading of S. B. No. 2068-72.

On motion by Representative

O'Connor, seconded by Representative Kimura, S. B. No. 2068-72 passed Third Reading by a vote of 51 ayes.

The Chair here directed the Clerk to note that S. B. No. 1355-72 had passed Third Reading at 11:47 o'clock p.m.; S. B. No. 466 at 11:53 o'clock p.m.; and S. B. No. 2068-72 at 11:54 o'clock p.m.

The Chair declared a recess at 11:55 o'clock p.m., subject to the call of the Chair.

At 11:58 o'clock p.m., the House of Representatives reconvened.

At 11:59 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives adjourned to 12:10 o'clock a.m., tomorrow, April 14, 1972.

## 60TH DAY

Friday, April 14, 1972

The House of Representatives of the Sixth Legislature of the State of Hawaii, Regular Session of 1972, was called to order at 12:25 o'clock a.m.

The Speaker presided.

The Divine Blessing was invoked by Elder Akira Sakima.

Roll call of the members of the House of Representatives showed that all members were present.

The Clerk proceeded to read the Journal of the House of Representatives of the Fifty-Ninth Day.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, reading of the Journal was dispensed with and the Journal of the Fifty-Ninth Day was approved.

### DEFERRED RESOLUTION

The following concurrent resolution (H. C. R. No. 57) was disposed of as follows:

Representative Sakima moved that H.C.R. No. 57 be adopted, seconded by Representative Suwa.

The Chair declared a recess at 12:27 o'clock a.m., subject to the call of the Chair.

At 12:29 o'clock a.m., the House of Representatives reconvened.

Representative Kaneshiro then rose and stated that he is affiliated with one of the educational organizations and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative Kaneshiro was not excused from voting on this measure.

Representative Nakama then rose and stated that he is affiliated with one of the educational organizations and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative

Nakama was not excused from voting on this measure.

The motion was put by the Chair and carried and H.C.R. No. 57 was adopted.

At 12:31 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 12:33 o'clock a.m., the House of Representatives reconvened.

### UNFINISHED BUSINESS

Consideration of S. B. No. 564 on Third Reading which had been deferred to this day.

Representative O'Connor moved that S. B. No. 564, having been read throughout, pass Third Reading, seconded by Representative Kimura.

Representative Roehrig then offered the following amendment to S. B. No. 564:

"Section 1. Senate Bill 564, S. D. 1 is amended by amending Section 1 thereof to read as follows:

'SECTION 1. Chapter 480, Hawaii Revised Statutes, is amended by adding a new part to be appropriately numbered and to read as follows:

#### PART II. ANTITRUST EXEMPTION

Section 480- Definitions. As used in this part, unless the context otherwise requires: (1) 'Antitrust law' means chapters 480 and 481 (Part 1) and any other laws in pari materia;

(2) 'Joint newspaper operating arrangement' means any contract, agreement, joint venture, whether or not incorporated, or other arrangement entered into by two or more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any one or more of the following: printing; time, method and field of publication; allocation of production facilities; provided that there is no merger combination, or amalgamation of

of joint operating agreements only upon amendment or renewal. Once entered there are no other provisions for review. In effect, it is merely a rubber stamp by the Attorney General's Office. This lack of review is not conducive to self-help or active competition in the newspaper field. The operating agreements should be reviewed prior to being entered into and reviewed periodically to ascertain the continued need for such monopolistic agreement. Therefore, I propose to amend the section on lawful and unlawful practices by adding a new subsection requiring the Department of the Attorney General to review joint operating agreements every five years and in making the review to take into consideration the growth of the community and technological improvements in the newspaper industry. Moreover, that section is amended to require a review of existing joint newspaper operating agreements immediately upon passage of this Act in a manner similar to the five-year review.

I hereby offer this floor amendment to be voted upon and I urge all the members of this Honorable Body to vote aye on this amendment.

Thank you very much."

At 12:39 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At 1:28 o'clock a.m., the House of Representatives reconvened.

Representative O'Connor then rose and spoke in opposition to the amendment, as follows:

"Mr. Speaker, the purpose of S. B. No. 564 is to bring the antitrust laws of the State of Hawaii in conformance with the Federal law. S. B. No. 564 is a duplicate of the Federal Newspaper Preservation Act which is Public Law No. 91-353 which was passed in 1970.

The sections which seek to be amended by the amendment before the House take from this Newspaper Preservation Act its basic intent. If this amendment was passed, our antitrust law would then not track Federal law and the Newspaper Preservation Act would not be a part of the law of Hawaii."

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

by a voice vote.

Representative Wong then spoke against S. B. No. 564, as follows:

"Mr. Speaker, this bill relates to failing newspapers and exempts certain joint agreements entered into between a profitable newspaper and a failing newspaper from the State antitrust laws. The bill is similar to a federal act passed in 1970 called the Newspaper Preservation Act.

The main contention of this bill is that American newspapers have declined in number in the last half century. The purpose clause tries to make this fact by pointing out that there are fewer than sixty cities with competing dailies as against five hundred fifty-two a half-century ago. This is true since the central cities are dying and with them are the newspapers but this is not a true reflection of the newspaper picture here. For each central city newspaper that dies a new one starts in the suburbs. In truth, there were about 1,500 newspapers at the turn of the century and there remain about the same number today. Therefore, I say that one of the basic assumptions of the bill is misstated.

The Failing Newspaper Act or Federal Newspaper Preservation Act are nothing more than a refined name for price fixing through legislation. This bill, if enacted, allows joint fixing of advertising prices by the Honolulu Advertiser and Star-Bulletin. Advertising to the newspapers is their lifeblood and allowing them to fix advertising, their prime profit return, is incomprehensible. Higher advertising rates mean one of two things, either less profit to the advertiser or the advertiser will pass the costs on to the consumer. Members of this Honorable Body, do you think for one minute that the advertisers will not pass on the increased cost of advertising to the consumer? Of course they will. This bill does not help the consumer or the people of this State, it only helps a special interest group, the newspaper owners.

Mr. Speaker, last year during our hearings, testimony was given relative to the financial situations of the papers five years prior to the enactment of this bill. Over the five year period prior to the joint operation entered into by the Advertiser and the Star-Bulletin, the

editorial or reportorial staffs; editorial policies; advertising solicitation; circulation solicitation; establishment of advertising rates; establishment of circulation rates or revenue distribution;

(3) 'Newspaper owner' means any person who owns or controls directly, or indirectly through separate or subsidiary corporations, one or more newspaper publications;

(4) 'Newspaper publication' means a publication produced on newsprint paper which is published in one or more issues weekly, including as one publication any daily newspaper and any Sunday newspaper published by the same owner in the same city, community, or metropolitan area, and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion;

(5) 'Failing newspaper' means a newspaper publication which, regardless of its ownership or affiliations, faces grave probability of business failure;

(6) 'Person' or 'persons' includes individuals, corporations, firms, trusts, partnerships, and incorporated or unincorporated associations, existing under or authorized by the laws of this State or any other state, or any foreign country.

Sec. 480- Preservation of newspapers; exemption from antitrust laws. Any failing newspaper operation may merge in a joint newspaper operation provided that there shall not be a merger, combination, or amalgamation of the editorial or reportorial staffs; circulation solicitation; establishment of advertising rates; establishment of circulation rates or revenue distribution. The editorial policies of both newspapers of the joint newspaper operation shall be independently determined.

Sec. 480- Lawful and unlawful practices. (a) It shall not be unlawful under any antitrust law for any person to perform, enforce, renew, or amend any joint newspaper operation arrangement entered into prior to the effective date of this part, if at the time at which such arrangement was first entered into, regardless of ownership or affiliations, not more than one of the newspaper publications involved in the performance

of such arrangement was likely to remain or become a financially sound publication; provided that

(1) The terms of a renewal or amendment to a joint operating arrangement must be filed with the department of the attorney general;

(2) The amendment shall not add a newspaper publication or newspaper publications to such arrangement; and

(3) Any joint newspaper operating agreement entered into prior to the effective date of this part shall be reviewed by the attorney general as provided for the five year review in subsection (c) immediately after the effective date of this part.

(b) It shall be unlawful for any person to enter into, perform, or enforce a joint operating arrangement, not already in effect, except with the prior written consent of the attorney general. Prior to granting approval, the attorney general shall determine that not more than one of the newspaper publications involved in the arrangement is a publication other than a failing newspaper, and that approval of the arrangement would effectuate the policy and purpose of this part.

(c) The department of the attorney general shall review joint newspaper operating agreements falling within this part every five years. The review shall consider whether the joint newspaper operating agreement should be extended another five years. In making such review the attorney general shall consider all parts of the agreement and shall also consider the growth in population of the area served by the newspapers and the technological improvements in the newspaper field that have taken place since the entering of the agreement or since the last review. If the attorney general determines that the agreement is no longer necessary, he shall order it dissolved.

Sec. 480- No exemption of antitrust laws granted; when. Nothing contained in this part shall be construed to exempt from any antitrust law any predatory pricing, any predatory practice, or any other conduct in the otherwise lawful operations of a joint newspaper operating arrangement which would be



unlawful under any antitrust law if engaged in by a single entity. Except as provided in this part, no joint newspaper operating arrangement or any party thereto shall be exempt from any antitrust law.

Sec. 480- Violation a misdemeanor. Any person who violates section 480- (b), including any newspaper owner, failing newspaper, or joint newspaper operating arrangement shall be punished by a fine not exceeding \$10,000 or by imprisonment not exceeding one year, or both.

Sec. 480- Severability. If any provision of this part or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provisions or applications, and to this end the provisions of this part are severable.’ ”

Representative Roehrig moved that the amendment be adopted, seconded by Representative Wong.

Representative Roehrig then spoke in support of the amendment, as follows:

“Mr. Speaker, the measure before us, the so-called Failing Newspaper Act was passed over to us by the Senate last year and it has resided in our Judiciary Committee for some time and is up for Third Reading this morning.

This bill relates to failing newspapers and exempts certain joint newspaper operations from action under our State Antitrust Acts. A joint newspaper operation may occur when two newspapers, one of which is failing in business, enters into a joint operating agreement such as the Honolulu Advertiser and the Honolulu Star-Bulletin have done.

This bill allows the joint operating agreement to provide for joint action in the area of printing, production facilities, and in particular, joint operation of advertising and circulating rates and revenue distribution while disallowing the combination of editorial and reportorial staffs. Joint operation of printing and production facilities would reduce costs to the two newspapers while benefiting the community. Joint operation of

advertising and circulation rates and revenue distribution, however, are simply other words for actions which I am sure all of us here will agree, Mr. Speaker, are anathema to our democracy. These actions are merely profit pooling, price fixing, and market control. Prevention of these actions are the very basis for our antitrust acts and we should not begin to enact exemptions for one favored industry when these exemptions are not, nor should they be, granted to any other industry.

I propose the following amendments to S. B. No. 564, Mr. Speaker, in order to give the newspaper industry some protection, but not to allow methods of operation that fly blatantly in the face of the philosophy of our antitrust acts. I suggest that the purpose clause of the bill be deleted in light of the amendments that I will propose to the remainder of the bill and in view of the fact that some of the statements in the purpose clause are misleading.

Section 2 relating to definitions should be amended by deleting the allowance of joint operation of advertising and circulating rates and revenue distribution. These are the three exemptions that fly in the face of antitrust acts and should be prohibited.

The definition of failing newspaper should be amended to conform with present Supreme Court case law on the subject instead of the weak definition presently used in the Federal Act after which the State bill is patterned. I quote ‘probable danger of financial failure’ is insufficient as a requirement to be a failing newspaper since probable danger may be found all too easily. I suggest instead that we require a failing newspaper to be one which ‘faces grave probability of business failure’ as that language is used by the Federal Supreme Court in striking down combinations of the nature that we have here in Honolulu. This definition is somewhat stronger and in line with the case law.

The section on the preservation of newspapers should be amended to conform with those amendments to the section on definitions to prevent the merger or combination of advertising and circulating rates and revenue distribution.

This bill presently provides for review

Advertiser had an overall profit of \$13,000. Remember this is over a five year period with circulation of approximately 77,000. In 1970, with a reduced circulation of 71,500, the Advertiser had an estimated before tax profit of \$400,000. Where has this profit come from? Certainly not from increased circulation—it must be from increased advertising.

What will happen when this Honorable Body allows the newspapers to combine to fix prices? Consider the advertising rates for political advertising. Where else can many of us go when we wish to reach the people of the State but through the newspapers. We all found that the newspapers have a set special seemingly higher rate for political advertising as compared to other advertising. If this is happening to us, what will happen to other advertisers when there is no control over the newspapers through government regulation or market competition. The consumer will be hurt through the higher prices paid by the advertisers.

Mr. Speaker, as if this is not bad enough, the thing that scares me the most this morning is that we are in essence condoning and legalizing a monopoly. As compared to other kinds of monopolies, this monopoly molds and shapes public minds.

All our concern with failing newspapers should not blind us to the fact that today the majority of papers are making enormous profits. Profits so large that many of the publishers don't know what to do with their money. For example, we read in one of the news dailies a recent purchase of a one million dollar stamp collection. Apparently it does not occur to many of them to reinvest it into the paper that made it. Instead, the country is full of publishers and their agents on the prowl to buy other newspapers. This is abetted by favorable tax decisions that permit a newspaper to accumulate undistributed earnings for the purpose of buying other newspapers. This is why chains are growing so rapidly.

Mr. Speaker, the very nature of the communications industry and its responsibility for making our democracy work by providing the widest dissemination for all news and all ideas requires that the government insure that

this industry above all others be kept free of anti-competitive combinations and behavior that cause injury to the public. S. B. No. 564 would have none of this, but applauds and sanctions the cauterization of the newspaper industry on the unproved theory that competing newspapers cannot survive since it is economically impossible for the newspapers to compete in many sections of the country. S. B. No. 564 would leave us, the public, and you, our elected representatives, to the whims of the owners of newspaper combinations as to what we shall see, what we shall know, and what we shall learn. How can it be seriously argued that this measure is no less dangerous than the exertion of affirmative government regulation over the content of which is printed in a newspaper? By vesting control of the press in the hands of a few and foreclosing market entry to all others, this bill is no different than a measure which would give a particular political party in power control of the press.

Somehow the naivete of those who propose this measure is simply incredible. If they believe the public will long suffer the existence of such power in the hands of a few and subject to no law but themselves, they are tragically mistaken. In fact, I would be willing to predict that the passage of S. B. No. 564, SD 1, in the name of preserving a free press, is the first step toward affirmative government regulation of and interference with the press despite the First Amendment for the public will not tolerate the existence of such an important force in our community free of regulation. In the long run, S. B. No. 564, SD 1, is an open invitation to affirmative government regulation of the press and a serious threat to the First Amendment guarantee of the freedom of the press and speech. That the proponents of this measure could be so short-sighted leads one to question their motives in proposing it; that the State Legislature should seriously consider the measure is simply incredible.

Mr. Speaker, many of us in this Body are Democrats. The Democrats have for many years been implementing consumer-oriented legislation and pushed for the passage of Federal and State antitrust laws. How can we as Democrats vote for a bill that will allow price fixing which is contrary to the philosophy of the Democratic Party, particularly here in

Hawaii. Are we now to bend to the pressure of the papers?

In closing, if the newspapers which are the bastions of free speech in the United States are allowed to have this kind of freedom, how much longer will freedom of speech continue?

Mr. Speaker, I want to thank you personally for giving us the opportunity to invite Dr. Steve Bernard of the University of Southern California to participate in our hearings last year.

I urge my colleagues to vote no on this measure.

Thank you."

Representative Roehrig then rose and stated:

"Mr. Speaker, I rise to speak against Senate Bill No. 564, SD 1, which relates to the so-called Failing Newspaper Act. The members of this Honorable Body should be aware of the background of this legislation before they vote on this measure so that they clearly comprehend the effect on the State of Hawaii.

This bill is based on an Act of Congress passed in 1970 which faced heated opposition by the United States Justice Department because of the bill's constitutional and economic implications. The Act was passed as a direct result of a Federal Supreme Court decision which found a joint operating agreement—similar to the one engaged in by the Star-Bulletin and the Honolulu Advertiser—both unconstitutional under the First Amendment, and also in violation of the Sherman Antitrust Act.

The combinations found undesirable by the Supreme Court (of which the Star-Bulletin/Honolulu Advertiser combination is a typical example) are nothing but euphemisms for profit pooling, price fixing and market control. The Supreme Court based its decision of invalidity on the premise that where the business concerned is vitally involved with the dissemination of public information, while the cornerstones of free speech, such combinations ought not be allowed unregulated because they are not in the public interest.

Mr. Speaker, it is imperative that we

understand just exactly what we are going to be allowing the Advertiser/Star-Bulletin to do. First of all, under this measure, they would be entitled to fix their advertising and circulation rates without restriction, review or regulation at a level that the 'traffic will bear.' Mr. Speaker, when there are only two major daily newspapers in the entire State and their joint circulation encompasses the overwhelming majority of the homes throughout the State, the traffic can bear quite a bit. With passage of this measure, we leave to Hawaii's two major newspapers the power to accumulate exorbitant profits at the expense of the consuming public who ultimately must pay the cost for advertising in these newspapers. We would have a far different situation if these two newspapers were situated in a large urban area on the mainland with sufficient competition so as to offset any chance of exorbitant profit taking. But such is not the case. The Advertiser has no competition in the morning and the Star-Bulletin has no competition in the afternoon. From our expert testimony before your Judiciary Committee, once we legislate this type of a combination there is not the remotest possibility that either newspaper will ever have competition from a third newspaper.

Mr. Speaker, the people of the State of Hawaii have been quite concerned in recent months about the rates charged by our public utilities. It would be unheard of to suggest that the public utilities in Hawaii should be unregulated. And yet, here we are dishing up monopoly power to two giant business operations which affect all of the residents of the State through their unregulated power to control thought.

Some will argue that the important diversity of editorial opinion will be somehow preserved even though the entire business operations of these two newspapers combine. I find the argument both specious and incredible. Mr. Speaker, when these two giant business operations are in bed together, it is axiomatic that they will protect each other's flanks, not only from outside competition, but also from criticism of their ongoing operations from within. In this regard, the Honolulu Advertiser, anticipating opposition to its attempts to seek passage of this bill, has already

engaged in an effective campaign of armtwisting, not only of the reporters who write their stories, but also the printers and other personnel who may work in the back rooms, to stifle any objections to their seemingly outrageous conduct.

Some will argue that this legislation is necessary in order to save the independent voice of the Honolulu Advertiser from business failure if the combination is not allowed. This argument is not very convincing in light of the facts. The facts indicate that the Advertiser's rate of return on their investment last year was in the neighborhood of 25%. The facts also indicate that the Honolulu Advertiser recently purchased a historically treasured Hawaiian stamp collection. Few would dispute that eight years ago the Advertiser may have had financial difficulties. But no one had offered one shred of hard evidence to show that they are presently operating in the red. At the very least, before this type of combination between the Advertiser and Star-Bulletin is approved by this Honorable Body, Mr. Speaker, an objective inquiry into the financial status of the Advertiser should be conducted in order to protect the public against unwarranted monopolies no longer justified. Under the present form of this bill, the citizens of the State of Hawaii have nothing to say about the potentially perpetual, monopolistic joint operations of these newspapers. The bill provides merely that the Attorney General is to rubberstamp the agreement.

Some will argue that passage of this bill in this form is necessary so as to conform it to the Federal legislation. This argument would appear to be nonsense. Two wrongs don't make a right. The people of the State of Hawaii are entitled to better treatment. This Honorable Body has the power to make local laws which are more restrictive than the Federal laws if such measures enhance the welfare of the public.

There are those who would argue that it is important that this legislation is passed to protect against lawsuits affecting the monopolistic agreement. The members of this Honorable Body should understand that passage of this measure does not cure the constitutional problems contained in the Federal

legislation after which our legislation is patterned. The Federal Supreme Court stated in the Citizens Public Company's case, and I quote: 'It would be strange indeed. . . ., if the grave concern for freedom of the press which prompted adoption of the First Amendment should be read as a command that the government was without power to protect that freedom. The First Amendment, far from providing an argument against application of the Sherman Act, here provides powerful reasons to the contrary. That Amendment rests on the assumption that the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public, that a free press is a condition of a free society. Surely a command that the government itself shall not impede the free flow of ideas does not afford nongovernmental combinations a refuge if they impose restraints upon that constitutionally guaranteed freedom. Freedom to publish means freedom for all and not for some. Freedom to publish is guaranteed by the Constitution, but freedom to combine and keep others from publishing is not. Freedom of the press from governmental interference under the First Amendment does not sanction repression of that freedom by private interests. The First Amendment affords not the slightest support for the contention that a combination to restrain trade in news and views has any constitutional immunity.'

The foregoing decision prompted the Federal legislation but Congress cannot preempt the Constitution. The Federal legislation is, undoubtedly, unconstitutional under the First Amendment, freedom of the press, and so is the measure before us. Putting it another way, proclaiming that black is white does not make it so.

Mr. Speaker, in considering this legislation, it is important that we consider the net effect it will have on the employees not only of the Honolulu Advertiser and the Star-Bulletin, but also those who work at the Hawaii News Agency wherein the joint operations are conducted. I read in the newspaper that the Executive Committee of the newsmen's union has suggested that we have another public hearing on this matter. They would like to see the facts and so would we. The AFL/CIO International

Typographers Union, Local 37, which has the second largest membership working for the newspapers, is opposed to the passage of this measure.

Mr. Speaker, the Honolulu Advertiser's attempts to stifle opposition to this measure have not been entirely gentlemanly. For instance, by letter dated October 4, 1971, the President and publisher of the Honolulu Advertiser requested that the Federal Communications Commission refuse to renew the license of television station KHVH because of that station's editorial opposition to this measure.

To sum it up, Mr. Speaker, if we adopt this bill, we are aiding and abetting an unrestrained monopoly which is obviously unjustified economically at this time, obviously not in the public interest, and the passage of which may, in part, be unfortunately influenced by the very real and, perhaps, justified fear which the members may have about resisting the very forces which uniquely tell the story to the public about our performances as public officials.

We should vote this measure down.

Thank you, Mr. Speaker."

Representative R. Garcia then rose and stated:

"Mr. Speaker, I rise to speak against S. B. No. 564, SD 1.

Mr. Speaker, it has been the long standing policy of this State to promote a competitive economy and to protect the consumer. S. B. No. 564 represents a serious reversal of such a policy and is a complete contradiction of the underlying philosophy of the free-enterprise system, a system that newspapers are pledged to uphold.

It has been claimed that this bill is needed for the survival of 'failing newspapers.' It is justified on the grounds that there should be no hiatus in State law by a singular failure to track down Federal legislation in the field created by Public Law No. 91-353 passed by Congress in 1970.

This is erroneous argumentation and a deliberate smokescreen. This bill is a special interest bill specifically designed

to protect the interests of a select private industry. The question is to what extent the interest of the public will be preserved by this bill. The arguments presented by the Judiciary Committee in bringing this bill to the floor are less than convincing, and reflect little if any consideration of the public interest. As a matter of fact, to the contrary, this bill reflects deep concern for vested interest.

Mr. Speaker, the Federal law is an umbrella to this bill. It refers to so-called 'failing newspapers' and is being used as a crutch by its proponents. Under the Federal Act a newspaper must be classified as 'failing' in order to qualify for limited exemption from the antitrust laws. We believe the local newspapers do not so qualify, even though they may have been granted Federal exemption. To be logical, the question is whether we are talking about 'failing newspapers' on the mainland or 'failing newspapers' in Hawaii. In answering this question, we must examine the facts, not the allegations put forward by those who wish to gain financially from the enactment of this bill.

What then are the facts? The first and most important one is that we have two very strong newspapers who claim to be competitive. Mr. Speaker, the Honolulu Advertiser paid out \$320,658 in cash dividends on 53,443 shares in 1970—the latest data we have been able to get. We understand that over 67% of these shares are owned by one family interest.

Mr. Speaker, the cash dividends amounted to about 50% of the original investment of \$10 par value. The Advertiser had between \$4 and \$5 dividend per share every year since 1965.

While we are talking about 'failing newspapers' we note that the Honolulu Advertiser has just acquired the world's outstanding collection of Hawaiian stamps for a million dollars. This is a worthy effort for the development and preservation of history, culture and arts in Hawaii but we should not be asked to enact legislation for a failing newspaper that can afford to spend that kind of money. Perhaps we should appropriate funds to purchase the collection from the Advertiser and let them use the proceeds for working capital or to improve their management. This would be a more appropriate approach to helping so-called

'failing newspapers' than to grant exemption from the State's antitrust laws.

Mr. Speaker, I ask you in all honesty, is the Advertiser a 'failing' company? Does this company need the protection of the Failing Newspaper Act? The answer is no. In my view, the available evidence suggests that the Star-Bulletin is also in very sound financial condition. In fact, it has recently been purchased by the nationwide Gannet Company which owns 53 newspapers including the Honolulu Star-Bulletin, one of 17 papers purchased last year by Gannet. It was reported in March of this year that Gannet intends to pursue new deals with equal fervor, including expansion into the Pacific. Gannet is the nation's largest chain in numbers of newspapers which are published in 16 states and Guam. In fact, the Gannet Company's rapid growth in 5 years of public ownership has put it in the same financial league as IBM, Xerox or Polaroid. Its annual revenues increased from \$151.4 million in 1967 to \$238.5 million in 1971; earnings per share jumped from \$1.20 to \$2.04, a 62% increase.

In 1971, the company posted a 21% earnings gain in a year of general economic recession. Moreover, 1972 for Gannet appears very bright. Advertising lineage was up 5.6% in January and February of this year. Classified ads, a key indicator of business trends, were up 12% and first quarter earnings this year will exceed those of last year considerably.

Mr. Speaker, the former owners of the Honolulu Star-Bulletin received 630,000 shares (worth \$37.5 million) of Gannet stock in 1971 when they sold their newspaper. As of March 24, 1972, that same stock was worth almost \$44 million—an increase of \$6.5 million in five months. Mr. Speaker, does this sound like the Honolulu Star-Bulletin is a failing newspaper?

Let us turn to something more philosophical than profits which is the main consideration of this bill. The economy in Hawaii is of a highly concentrated nature. The banks unfortunately are already exempt from the State's antitrust laws. It would be a mistake to now exempt the two newspapers. The Directors of both

newspapers have direct corporate interlocking relationships with the major firms in this State which makes the newspapers an integral component of our highly concentrated economic structure.

We are not talking about the survival of a newspaper. We are talking about increasing economic concentration and increasing private profits without any assurances of increased services or price reductions. On this note, we should ponder the possibility that the Advertiser might be purchased by an even larger mainland firm than Gannet. In this case, we would be underwriting the price of the Advertiser and eventually force higher rates. Mr. Speaker, increasing competition is the only way we can hope to have lower advertising rates and low priced newspapers. Of more direct interest to legislators, despite the current Campaign Reform Bill, we must keep one eye cocked on the rising cost of campaign advertising expenses.

An even more devastating argument against this bill is the Star-Bulletin's edition yesterday on Page A-15 and I quote Mr. Twigg-Smith who was cited in the article, 'Gannet could care less if this bill passes...in the long run it could be a whole lot better off financially without it.' He also said, 'It's a bill the Advertiser wants.' Therefore, Mr. Speaker, it seems that we are in a position to help the Advertiser survive as it claims, or to penalize the Star-Bulletin by forcing an unwanted newspaper on it. It is interesting that Mr. John A. Scott, Publisher of the Star-Bulletin, is cited in the article as stating, 'I have not talked with anybody in the company about this legislation, and I doubt that anybody at Gannet headquarters has even seen the bill.'

The newspapers claim that there is an abundant amount of information concerning failing newspapers available to the legislators. I have studied this testimony, Mr. Speaker, and as I stated previously, I believe the case has not been supported at all. Moreover, my investigations indicate that the problems of the Honolulu Advertiser may be in its management and overall operating competence. Instead of passing this bill, perhaps we would do better to lend them the Legislative Auditor and see what kind of management they've got. On this note, I direct your attention to the current

management/labor relations at the newspapers. I understand that the Hawaii Newspaper Guild is 'mad at Gannet', the new owners of the Star-Bulletin. This Guild on April 7, 1972 requested the Chairman of the House Judiciary Committee to hold another public hearing to explore new developments since 1971. They cited the change of ownership, the change in conditions and environment regarding the enacting of this so-called newspaper preservation bill.

Mr. Speaker, the newspapers do not require this bill to survive economically. On balance, I believe the enactment of this bill will seriously damage the public interest and over the long run, this community will be the worse off for the passage of special interest legislation.

Mr. Speaker, I do not believe that the Honorable members of this Body were elected to pass bills to take care of their friends, themselves, nor to take care of special interest groups.

On this note, I urge that we deny the passage of this bill.

Thank you, Mr. Speaker."

Representative Lee then spoke against the passage of S. B. No. 564, SD 1, as follows:

"Mr. Speaker, I only want to add to the remarks made by Representative Wong.

Let me refer back to Representative Wong's figure of \$400,000 profit before taxes which is better than \$200,000 profit after taxes for one given year. The real measure of the financial success of a business is not profitability but the return on an investment. Return on an investment is based on profit after taxes over the amount of paid-in capital. In this case here, the present owner acquired ownership of the Honolulu Advertiser by borrowing practically every dollar of his so-called investment.

In this instance, using the figure of \$200,000 profit after taxes for one year as referred to over practically nothing in investment, the percentage of return on the investment is in the thousands of percent. Obviously, the Advertiser is better than a gold mine and is certainly not a failing newspaper.

Therefore, I do not feel that the Advertiser needs our help so I urge every member to vote against this bill."

Representative O'Connor then rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill. The hour is late and I have not intended to say anything but from the remarks made earlier, it would seem that we were going to allow Sodom and Gomorrah to merge at the corner of Kapiolani and Ward Streets sometime next week so I want to point out to the members of this Body that the merger of Sodom and Gomorrah took place almost 8 years ago.

The Newspaper Preservation Act was passed in 1970. Because of the merger of many newspapers in the United States in the late '50's and early 60's, we were attacked by a case in 1968 which held that those mergers were violations of the antitrust act.

We are simply conforming the law of Hawaii tonight by the passage of this bill to the Federal law by enacting into our law this Newspaper Preservation Act. The purpose of the Act is clearly stated in the bill. The bill says that any failing newspaper operation may merge in a joint newspaper operation and the purpose is to allow the editorial policies of the newspapers to be separately determined.

If the editorial policies of both newspapers in a joint newspaper operation are not independently determined, then those two newspapers are in violation of the antitrust act and I would suggest that some of the earlier comments would fail in this area because if newspapers are in fact lying in bed with each other, from an editorial or reportorial standpoint, they are violating not only our antitrust law but also the Federal Antitrust Act.

Mr. Speaker, I would urge the members of this House to vote for this bill to bring our antitrust law in conformance with the Federal law which is its guide and to enact this particular part of the law as we have every other part of the Antitrust Act of the United States.

Thank you, Mr. Speaker."



Representative Ushijima then rose and stated:

“Mr. Speaker, I rise to speak in favor of this bill. I will try to be unemotional and try not to be an alarmist but rather, Mr. Speaker, I would like to speak on the facts and merits of the bill before us.

As indicated earlier, Mr. Speaker, the National Newspaper Preservation Act which Congress passed in 1970 was designed to save two independent editorial voices in each of 22 cities, including the city of Honolulu. The bill before us contains language as indicated earlier which is similar with the Federal statutes and would simply bring our Hawaiian language into conformity with it. However, over and above that, the bill bears a very important point and that is, it tries to prevent failing newspapers in our State. We all know, Mr. Speaker, the high death rate of newspapers in American cities over the years and as indicated earlier, some 9 years ago when the Honolulu newspapers entered into a partial consolidation, the Honolulu Advertiser was in a failing condition. It has suffered some years of heavy losses; it needed large sums of money to modernize its equipment; it could neither get bank loans nor insurance loans. And even if it could have, the gap in advertising and circulation between it and the Star-Bulletin was too wide for the bridge.

Mr. Speaker, as a failing company, the Advertiser could have totally merged with the Star-Bulletin and the community would have wound up with a single ownership, morning and afternoon paper and with a single editorial viewpoint. That is entirely permissible under the law but because one paper was in such serious financial condition, the Advertiser worked out a consolidation of its commercial departments with the Honolulu Star-Bulletin, keeping ownerships and editorial staffs and policies entirely separate. The record speaks for itself. The papers have greatly improved with expanded news space, excellent news services and larger and better paid staff. The two newspapers are highly competitive in a battlefield of news and editorial opinions. This is a healthy diversity which is so essential to the Democratic process.

All of us who are familiar with

mainland newspapers know that we have two good newspapers here even if we don't necessarily agree with their viewpoint and that, of course, is the way it should be, Mr. Speaker. The Newspaper Preservation Act which had passed simply places a joint operating arrangement in the same legal footing as a one owner situation. Thus, Mr. Speaker, the publishers in a joint operating arrangement who avoided complete mergers to maintain separate voices were to be treated the same as if in fact they had merged.

Many large cities, many larger than Honolulu, have totally merged newspapers—one ownership morning and afternoon, one editorial outlook. These cities include Atlanta, New Orleans, Milwaukee, Minneapolis, Kansas City, San Diego, Portland, Louisville and many, many others.

The Federal statute and the bill before us simply says that under the law, Honolulu's joint newspaper operating arrangement should be treated just the same as a single ownership as in those cities I have mentioned. The advantage we get however, Mr. Speaker, is that, unlike those cities, we have separate ownerships and independent editorial staffs and policies. When the Federal Newspaper legislation was under discussion, it was endorsed by a concurrent resolution of this Hawaii legislature without a single dissenting vote. It was endorsed by the City Council of Honolulu, the Council of all neighbor islands, by the newspaper unions and practically all of the other unions in Hawaii. It was endorsed by the Retail Board which represents 600 firms, both large and small, and various Chambers of Commerces.

Mr. Speaker, since the Congress has granted Federal relief to the Honolulu newspaper situation, should we not in fairness do the same on the State level? Some say this bill is not necessary because of the Federal Act but as long as the local language does not conform, it opens the way for needless misunderstanding and confusion as evidenced here to the extent possibly Mr. Speaker, that clouds of doubt will still hand over the newspapers and, as a result, should we not in fairness remove that?

I might add that this bill prohibits any



form of reportorial practice. It gives only a highly limited exemption so that joint operations under the conditions I have described will be considered as a single owner situation. Therefore, Mr. Speaker, I urge you and the rest of my colleagues to vote in favor of this particular measure.

Thank you.”

The motion was put by the Chair and roll call vote having been requested, S. B. No. 564 passed Third Reading by a vote of 34 ayes to 17 noes, with Representatives Ajifu, Carroll, Fong, R. Garcia, Hansen, Iha, Lee, Leopold, Lunasco, Nakama, Poepoe, Roehrig, Soares, Uechi, Wong, Yamada and Yim.

The Chair directed the Clerk to note that S. B. No. 564 had passed Third Reading at 2:22 o'clock a.m.

At 2:23 o'clock a.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess, subject to the call of the Chair.

#### AFTERNOON SESSION

The House of Representatives reconvened at 3:27 o'clock p.m.

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 278 to 281) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 278) returning House Concurrent Resolution No. 16 which was adopted by the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 279) returning House Concurrent Resolution No. 19, HD 2, which was adopted by the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 280) returning House Concurrent Resolution No. 34 which was adopted by the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 281) transmitting Senate

Concurrent Resolution No. 57 requesting the Governor to release the appropriated funds for certain University projects which was adopted by the Senate on April 14, 1972, was placed on file.

By unanimous consent, consideration of S.C.R. No. 57 was deferred until later in the calendar.

#### ORDER OF THE DAY

#### STANDING COMMITTEE REPORTS

Representative Akizaki, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 767-72) informing the House that House Resolution Nos. 396 to 402; House Concurrent Resolution Nos. 57 and 58; Standing Committee Report Nos. 760-72 to 766-72; Conference Committee Report No. 7, Re: House Bill No. 1636-72, HD 1, SD 1, CD 1; Conference Committee Report No. 8, Re: Senate Bill No. 1862-72, SD 2, HD 1, CD 1; Conference Committee Report No. 9, Re: Senate Bill No. 1502-72, SD 2, HD 1, CD 1; Conference Committee Report No. 10, Re: House Bill No. 2439-72, HD 1, SD 2, CD 1; Conference Committee Report No. 11, Re: House Bill No. 1638-72, HD 1, SD 1, CD 1; Conference Committee Report No. 12, Re: Senate Bill No. 1588-72, SD 2, HD 1, CD 1; Conference Committee Report No. 13, Re: Senate Bill No. 2008-72, SD 1, HD 1, CD 1; Conference Committee Report No. 14, Re: Senate Bill No. 1823-72, SD 1, HD 1, CD 1; Conference Committee Report No. 15, Re: Senate Bill No. 1729-72, SD 1, HD 2, CD 1; Conference Committee Report No. 16, Re: Senate Bill No. 919, SD 1, HD 1, CD 1 and Conference Committee Report No. 17, Re: House Bill No. 54, HD 1, SD 2, CD 1, and Standing Committee Report Nos. 768-72 to 781-72, had been printed and distributed.

On motion by Representative Akizaki, seconded by Representative Kishinami and carried, the report of the Committee was adopted.

Representative Kawakami, for the majority of the Committee on Lands, presented a report (Stand. Com. Rep. No. 768-72) approving the intent and purpose of S.C.R. No. 34 and recommending its adoption.

On motion by Representative Kawakami, seconded by Representative Kaneshiro and carried, the report of the majority of the Committee was adopted and S.C.R. No. 34 was adopted.

Representative Kawakami, for the Committee on Lands, presented a report (Stand. Com. Rep. No. 769-72) approving the intent and purpose of H. R. No. 400 and recommending its adoption.

On motion by Representative Kawakami, seconded by Representative Kaneshiro and carried, the report of the Committee was adopted and H. R. No. 400 was adopted.

Representative R. Garcia, for the Committee on Public Health, Youth and General Welfare, presented a report (Stand. Com. Rep. No. 770-72) approving the intent and purpose of H. R. No. 285 and recommending its adoption.

On motion by Representative R. Garcia, seconded by Representative Uechi and carried, the report of the Committee was adopted and H. R. No. 285 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 771-72) approving the intent and purpose of H. R. No. 338 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 338 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 772-72) approving the intent and purpose of H. R. No. 362 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 362 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 773-72) approving the intent and purpose of S.C.R. No. 30 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and

carried, the report of the Committee was adopted and S.C.R. No. 30 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 774-72) approving the intent and purpose of S.C.R. No. 46 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.C.R. No. 46 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 775-72) approving the intent and purpose of H. R. No. 378 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 378 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 776-72) approving the intent and purpose of H. R. No. 380 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 380 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 777-72) approving the intent and purpose of S.C.R. No. 17 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.C.R. No. 17 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 778-72) approving the intent and purpose of S.C.R. No. 26 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.C.R. No. 26 was adopted.

Representative Suwa, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 779-72) approving the intent and purpose of S.C.R. No. 59 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.C.R. No. 59 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 780-72) approving the intent and purpose of S.C.R. No. 53 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.C.R. No. 53 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 781-72) approving the intent and purpose of H. R. No. 379 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 379 was adopted.

#### INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H. R. Nos. 401 and 402) were referred to the Committee on Legislative Management and further action was deferred until later in the calendar:

A resolution (H. R. No. 401) relating to the amendment of House Rules was jointly offered by Representatives Beppu, Aduja, Ajifu, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Unemori, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim and Young.

A resolution (H. R. No. 402) relating to officers and employees excluded from collective bargaining was offered by Representative Beppu.

At 3:40 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 5:22 o'clock p.m., the House of Representatives reconvened.

#### DEFERRED RESOLUTIONS

The following resolutions (H. R. Nos. 401 and 402) and concurrent resolution (S.C.R. No. 57) were disposed of as follows:

H. R. No. 401 was referred to the Committee on Judiciary.

H. R. No. 402 was referred to the Committee on Finance.

S.C.R. No. 57 was referred to the Committee on Finance.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H. R. Nos. 403 to 412) were read by the Clerk and were disposed of as follows:

A resolution (H. R. No. 403) expressing gratitude and appreciation to Professor Stefan A. Riesenfeld for his outstanding and generous service to the State of Hawaii was jointly offered by Representatives Beppu, Aduja, Ajifu, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim and Young.

On motion by Representative Takamine, seconded by Representative Wasai and carried, H. R. No. 403 was adopted.

A resolution (H. R. No. 404) congratulating and commending Douglas S. Guild for his half-century of service with the telecommunications industry in Hawaii was jointly offered by Representatives Beppu, Aduja, Ajifu, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano,

Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim and Young.

On motion by Representative O'Connor, seconded by Representative Morioka and carried, H. R. No. 404 was adopted.

A resolution (H. R. No. 405) congratulating and commending Jon Shirota for his heartwarming novels on Japanese immigrant families was jointly offered by Representatives Young, Aduja, Ajifu, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yim and Beppu.

On motion by Representative Young, seconded by Representative Duponte and carried, H. R. No. 405 was adopted.

A resolution (H. R. No. 406) extending appreciation and thanks to Mitchell K. Pauole, Honorary Mayor of Kaunakakai, Molokai was jointly offered by Representatives Kondo, Akizaki, de la Cruz, Devereux, Duponte, J. Garcia, R. Garcia, Inaba, Kawakami, Kihano, Lunasco, O'Connor, Soares, Takamine, Uechi, Unemori, Wakatsuki, Wasai, Wong, Yap, Yim, Young and Beppu.

On motion by Representative Kondo, seconded by Representative de la Cruz and carried, H. R. No. 406 was adopted.

A resolution (H. R. No. 407) congratulating Albert Auyong, recipient of the Eva H. Smyth Award was jointly offered by Representatives Wong, Akizaki, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Takamine, Unemori, Wakatsuki, Wasai, Wedemeyer, Yap, Yim, Young and

Beppu.

On motion by Representative Wong, seconded by Representative Wakatsuki and carried, H. R. No. 407 was adopted.

A resolution (H. R. No. 408) commending the Lilioukalani Trust and William A. Sutkus on their work with the Hawaiian citizens of Puna was jointly offered by Representatives Suwa, Aduja, Ajifu, Aki, Akizaki, de la Cruz, Devereux, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Morioka, Nakama, Poepoe, Roehrig, Sakima, Takamine, Unemori, Ushijima, Wasai, Wedemeyer, Wong, Yap, Young and Beppu.

On motion by Representative Suwa, seconded by Representative J. Garcia and carried, H. R. No. 408 was adopted.

A resolution (H. R. No. 409) commending Kongo Kimura of Pahoa, Hawaii, for his community service and his work with the young farmer program was jointly offered by Representatives Suwa, Aduja, Ajifu, Aki, Akizaki, de la Cruz, Devereux, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kawakami, Kihano, Kimura, Kishinami, Kondo, Kunimura, Lee, Leopold, Lunasco, Morioka, Nakama, Poepoe, Roehrig, Sakima, Takamine, Unemori, Ushijima, Wasai, Wedemeyer, Wong, Yap, Young and Beppu.

On motion by Representative Suwa, seconded by Representative J. Garcia and carried, H. R. No. 409 was adopted.

A resolution (H. R. No. 410) congratulating Ken E. Nagamori on being awarded a National Merit Scholarship was jointly offered by Representatives Iha, Aduja, Ajifu, Aki, Akizaki, Chong, de la Cruz, Devereux, Fong, R. Garcia, Hansen, Inaba, Kaneshiro, Kato, Kawakami, Kishinami, Lee, Medeiros, Oda, Roehrig, Saiki, Suwa, Takamine, Uechi, Unemori, Wong, Yamada, Yap and Young.

On motion by Representative Iha, seconded by Representative Wong and carried, H. R. No. 410 was adopted.

A resolution (H. R. No. 411) extending congratulations to St. Ann

School on the celebration of its centennial was jointly offered by Representatives Ajifu, Aduja, Aki, Akizaki, Carroll, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kihano, Kimura, Kishinami, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim and Young.

On motion by Representative Ajifu, seconded by Representative Medeiros and carried, H. R. No. 411 was adopted.

A resolution (H. R. No. 412) welcoming and extending best wishes to the delegates to the 4th Annual Convention of the Pacific Conference of Legislators was jointly offered by Representatives Kihano, Ajifu, Aki, Akizaki, Chong, de la Cruz, Devereux, Duponte, Fong, J. Garcia, R. Garcia, Hansen, Iha, Inaba, Judd, Kaneshiro, Kato, Kawakami, Kimura, Kishinami, Kunimura, Lee, Leopold, Lunasco, Medeiros, Morioka, Nakama, O'Connor, Oda, Poepoe, Roehrig, Saiki, Sakima, Soares, Suwa, Takamine, Uechi, Unemori, Ushijima, Wakatsuki, Wasai, Wedemeyer, Wong, Yamada, Yap, Yim, Young and Beppu.

On motion by Representative Kihano, seconded by Representative Kishinami and carried, H. R. No. 412 was adopted.

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

By unanimous consent, H. B. Nos. 2040-72, 2044-72, 2045-72, 2046-72, 2047-72, 2048-72, 2049-72, 2050-72, 2051-72, 2052-72, 2053-72, 2054-72 and 2058-72, as amended by the Senate, were taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. Nos. 2040-72, 2044-72, 2045-72, 2046-72, 2047-72, 2048-72, 2049-72, 2050-72, 2051-72, 2052-72, 2053-72, 2054-72 and 2058-72, and that H. B. Nos. 2040-72, 2044-72, 2045-72, 2046-72, 2047-72, 2048-72, 2049-72, 2050-72, 2051-72, 2052-72, 2053-72, 2054-72 and 2058-72,

as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that all the bills are on statutory revisions and that the changes made by the Senate to these bills were to amend the effective date to July 1, 1973.

The motion was put by the Chair and carried, and H. B. Nos. 2040-72, 2044-72, 2045-72, 2046-72, 2047-72, 2048-72, 2049-72, 2050-72, 2051-72, 2052-72, 2053-72, 2054-72 and 2058-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Ajifu being excused.

The Chair directed the Clerk to note that H. B. Nos. 2040-72, 2044-72, 2045-72, 2046-72, 2047-72, 2048-72, 2049-72, 2050-72, 2051-72, 2052-72, 2053-72, 2054-72 and 2058-72 had passed Final Reading at 5:27 o'clock p.m.

At 5:28 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 5:30 o'clock p.m., the House of Representatives reconvened.

By unanimous consent, H. B. No. 1956-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Kimura moved that the House agree to the amendments proposed by the Senate to H. B. No. 1956-72 and that H. B. No. 1956-72, as amended, having been read throughout, pass Final Reading, seconded by Representative O'Connor.

Representative Kimura then explained that the amendment essentially is a housekeeping measure and it deals with the allocation of quotas to individual farmers as against cooperatives. It clarifies the language in the Milk Control Act so that the 20% individual allocation ceiling on milk quotas does not apply to the milk cooperatives in its total membership allocation.

The motion was put by the Chair and carried, and H. B. No. 1956-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Ajifu being excused.

By unanimous consent, H. B. No. 1991-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Kimura moved that the House agree to the amendments proposed by the Senate to H. B. No. 1991-72 and that H. B. No. 1991-72, as amended, having been read throughout, pass Final Reading, seconded by Representative O'Connor.

Representative Kimura then explained that the amendment authorizes the inspectors from the Department of Agriculture to issue citations and apprehend people who bring in snakes and other onerous animals outside the ports of entry.

The motion was put by the Chair and carried, and H. B. No. 1991-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Ajifu being excused.

By unanimous consent, H. B. No. 2144-72, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 2144-72, and that H. B. No. 2144-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that the bill was amended to include the definition for the term "land" used throughout the bill.

The motion was put by the Chair and carried, and H. B. No. 2144-72, as amended, passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Hansen and Leopold voting no and Representative Ajifu being excused.

The Chair directed the Clerk to note that H. B. No. 1956-72 had passed Final Reading at 5:33 o'clock p.m.; H. B. No. 1991-72 at 5:35 o'clock p.m. and H. B. No. 2144-72 at 5:36 o'clock p.m.

At 5:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 5:43 o'clock p.m., the House of

Representatives reconvened.

By unanimous consent, H. B. No. 1670-72, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 1670-72, and that H. B. No. 1670-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that this bill has to do with the condemnation of land for open space purposes. The bill, as returned by the Senate, has a new section (Section 1) which contains definitions of the various words which are used throughout the bill and the definition section does not change the substance of the bill.

Representative Unemori, on a point of information, inquired whether or not Representative O'Connor would yield to a question to which Representative O'Connor replied in the affirmative.

Representative Unemori then questioned why the word "not" was omitted from the first paragraph, second sentence. He stated that with the omission of the word "not", the purpose and intent of the bill will be changed.

At 5:45 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 5:47 o'clock p.m., the House of Representatives reconvened.

At this time, Representative O'Connor withdrew his motion and Representative Kimura withdrew his second to agree to the amendments proposed by the Senate.

H. B. No. 1670-72 was then referred to the House Attorney for his opinion as to whether or not the typographical error changes the intent of the bill.

By unanimous consent, consideration of H. B. No. 1670-72, as amended, on Final Reading was deferred until later in the calendar.

At this time, the members of the House extended birthday greetings to Representative Medeiros.

Representative Chong then introduced Mr. and Mrs. Hugh Fause from Dayton, Ohio, who were present in the audience.

At 5:50 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives stood in recess until 9:30 o'clock p.m. tonight.

### NIGHT SESSION

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

### UNFINISHED BUSINESS

Consideration of Conf. Com. Rep. No. 7 on H. B. No. 1636-72, as amended, which had been deferred to this day.

Representative Suwa moved that the report of the Committee be adopted and that H. B. No. 1636-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then rose and stated:

"Mr. Speaker, I rise to speak in favor of H. B. No. 1636-72, HD 1, SD 1, CD 1, the supplemental appropriation bill for the fiscal biennium 1971-1973.

This session, the conferees faced a difficult task of funding State programs inasmuch as the economy has been on a downward trend. Because of the decrease in revenues, the conferees provided funds for the continued support of only those programs which are vital and essential to the people of the State of Hawaii.

This bill authorizes the supplementary expenditure of \$63.5 million for State government operations and capital improvements. Of this amount, \$1.7 million will be financed through the General Fund and \$61.8 million through the issuance of general obligation bonds. We are now approximately \$63 million below the debt margin.

At this time, I would like to highlight the major programs contained in this bill:

First, to meet the immediate and future ecological and environmental problems, \$40.4 million has been provided in the State funds for the

construction of sewage treatment facilities.

Second, to insure the viability of the agricultural economy, the sum of \$1 million has been provided for agricultural programs. This is a part of the total agricultural package which includes the development of Kohala and the farm loan programs.

Finally, additional funds have been provided for health, educational, cultural and social programs and subsidies.

Recognizing the uncertainty of the State financial resources, the legislature has given the Governor the authority to establish and implement those programs which, based on his assessment, best meet Hawaii's needs.

Members of this Honorable Body, I feel that this measure will help preserve a State as a viable economic and social entity. I request your full support for the passage of this measure.

Thank you, Mr. Speaker."

Representative Soares then rose and spoke against the passage of this measure and Representative J. Garcia spoke in support thereof.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H. B. No. 1636-72, as amended, passed Final Reading by a vote of 47 ayes which is not less than two-thirds vote of all the members to which the House is entitled to 2 noes, with Representatives Hansen and Soares voting no and Representatives Carroll and Sakima being excused.

The Chair directed the Clerk to note that H. B. No. 1636-72 had passed Final Reading at 9:51 o'clock p.m.

At 9:53 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 9:54 o'clock p.m., the House of Representatives reconvened.

### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 282 to 341) were read by the Clerk and were disposed

of as follows:

A communication from the Senate (Sen. Com. No. 282) informing the House that the Senate has reconsidered its action taken on April 13, 1972 on House Bill No. 2281-72, HD 1, and the Managers on the part of the Senate have been discharged on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 283) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 2008-72, SD 1, and that Senate Bill No. 2008-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 284) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1636-72, HD 1, and that House Bill No. 1636-72, as amended, passed Final Reading in the Senate on April 14, 1972, 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. 285) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 46, SD 2, and that Senate Bill No. 46, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 286) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 53, SD 1, and that Senate Bill No. 53, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 287) informing the House that the Senate had agreed to the amendments proposed by the House to

Senate Bill No. 96, and that Senate Bill No. 96, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 288) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 124, and that Senate Bill No. 124, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 289) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 564, SD 1, and that Senate Bill No. 564, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 290) informing the House that the Senate had reconsidered its action taken on April 12, 1972, in disagreeing to the amendments proposed by the House to Senate Bill No. 623, SD 2, and the Managers on the part of the Senate were discharged, and Senate Bill No. 623, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 291) informing the House that Senate Bill No. 1035 passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 292) informing the House that the Senate had reconsidered its action taken on April 12, 1972, in disagreeing to the amendments proposed by the House to Senate Bill No. 1340-72, SD 1, and the Managers on the part of the Senate were discharged, and Senate Bill No. 1340-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.



A communication from the Senate (Sen. Com. No. 293) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1367-72, SD 2, and that Senate Bill No. 1367-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 294) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1382-72, SD 1, and that Senate Bill No. 1382-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 295) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1415-72, and that Senate Bill No. 1415-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 296) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1435-72, SD 1, and that Senate Bill No. 1435-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 297) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1491-72, and that Senate Bill No. 1491-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 298) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1649-72, SD 1, and that Senate Bill No. 1649-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 299) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1719-72, SD 1, and that Senate Bill No. 1719-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 300) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1805-72, SD 1, and that Senate Bill No. 1805-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 301) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 11, SD 1, and that Senate Bill No. 11, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 302) returning House Concurrent Resolution No. 57 relating to the collective bargaining agreements between the Board of Education, the Hawaii Government Employees' Association and the Hawaii State Teachers' Association which was adopted by the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 303) returning House Bill No. 371 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 304) returning House Bill No. 1190, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 305) returning House Bill No. 1664-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 306) returning House Bill No. 1752-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 307) returning House Bill No. 1757-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate

(Sen. Com. No. 308) returning House Bill No. 1758-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 309) returning House Bill No. 1759-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 310) returning House Bill No. 1769-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 311) returning House Bill No. 1774-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 312) returning House Bill No. 1775-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 313) returning House Bill No. 1922-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 314) returning House Bill No. 1955-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 315) returning House Bill No. 1969-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 316) returning House Bill No. 1988-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 317) returning House Bill No. 2178-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 318) returning House Bill No. 2179-72 which passed Third Reading

in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 319) returning House Bill No. 2284-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 320) returning House Bill No. 2382-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 321) returning House Bill No. 2383-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 322) returning House Bill No. 2436-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 323) returning House Bill No. 2516-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 324) returning House Bill No. 2517-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 325) returning House Bill No. 2571-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 326) returning House Bill No. 1814-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 327) returning House Bill No. 2255-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 328) transmitting Senate Concurrent Resolution No. 52 requesting the U. S. Army Corps of Engineers, the County of Hawaii and the Governor of

the State of Hawaii to review alternative methods of saving Black Sand Beach at Kaimu, Hawaii without disturbing the valuable natural scenic features, surfing and fishing sites, which was adopted by the Senate on April 14, 1972, was placed on file.

By unanimous consent, S.C.R. No. 52 was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 329) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 95, and that Senate Bill No. 95, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 330) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 466, and that Senate Bill No. 466, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 331) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 476, SD 2, and that Senate Bill No. 476, as amended, passed Final Reading in the Senate on April 14, 1972, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii, was placed on file.

A communication from the Senate (Sen. Com. No. 332) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 919, SD 1, and that Senate Bill No. 919, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 333) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1502-72, SD 2, and that

Senate Bill No. 1502-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 334) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1588-72, SD 2, and that Senate Bill No. 1588-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 335) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1694-72, SD 1, and that Senate Bill No. 1694-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 336) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1729-72, SD 1, and that Senate Bill No. 1729-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 337) informing the House that the Senate had agreed to the amendments proposed by the House to Senate Bill No. 1806-72, SD 2, and that Senate Bill No. 1806-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 338) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House to Senate Bill No. 1823-72, SD 1, and that Senate Bill No. 1823-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 339) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 54, HD 1, and that House

Bill No. 54, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 340) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1638-72, HD 1, and that House Bill No. 1638-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 341) informing the House of the adoption of the report of the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the Senate to House Bill No. 2439-72, HD 1, and that House Bill No. 2439-72, as amended, passed Final Reading in the Senate on April 14, 1972, was placed on file.

#### UNFINISHED BUSINESS

Consideration of Conf. Com. Rep. No. 8 on S. B. No. 1862-72, as amended, which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, Conf. Com. Rep. No. 8 and S. B. No. 1862-72, as amended, were recommitted to the Committee on Conference.

Consideration of Stand. Com. Rep. No. 763-72 on S. B. No. 1749-72, as amended, which had been deferred to this day.

Representative O'Connor moved that the report of the Committee be adopted and S. B. No. 1749-72, as amended, having been read throughout, pass Third Reading, seconded by Representative Kimura.

Representative R. Garcia then rose and spoke against the passage of this measure.

Representative Kato then rose and stated that his wife works for a savings and loan institution and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative

Kato was not excused from voting on this measure.

Representative Wakatsuki then rose and stated that he is a member of the Board of Directors for a savings and loan institution and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled there there was a conflict of interest and Representative Wakatsuki was excused from voting on this measure.

Representative Sakima then rose and stated that he is employed by a savings and loan institution and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative Sakima was not excused from voting on this measure.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S. B. No. 1749-72, as amended, passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Devereux and R. Garcia voting no and Representatives Carroll and Wakatsuki being excused.

Consideration of Stand. Com. Rep. No. 766-72 on S. B. No. 2013-72 which had been deferred to this time.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S. B. No. 2013-72, having been read throughout, passed Third Reading by a roll call vote of 37 ayes to 13 noes, with Representatives Aduja, Ajifu, Devereux, Duponte, Fong, Hansen, Leopold, Sakima, Soares, Unemori, Wong, Yim and Yap voting no and Representative Carroll being excused.

Consideration of Conf. Com. Rep. No. 9 on S. B. No. 1502-72, as amended, which had been deferred to this day.

Representative O'Connor moved that the report of the Committee be adopted and S. B. No. 1502-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then rose and spoke in favor of the bill, as follows:

"Mr. Speaker, this bill is a residential landlord/tenant code, the first such legislation passed in this jurisdiction. As a matter of fact, the first such legislation passed, if it does pass, in almost any jurisdiction in the United States.

This bill has been worked upon by your Judiciary Committee for a period of two years. It commenced last year during the session and committee work was held upon it, hearings were held and the bill did not pass out of the House last year. Interim work was done on this particular code at some great length by an interim committee composed of both Senate and House members.

Mr. Speaker, this code provides for definitions of tenant's obligations and tenant's rights and further definitions of landlord's obligation and landlord's rights. It has had much polishing and massaging. We have had tenant's organizations come and help us by testimony and aiding us with provisions in the code. We have had landlord's organizations and people representing landlords give us their aid and assistance, both by testimony and helping with drafting of certain sections. Mr. Speaker, many compromises have been effected in reaching this piece of legislation which is before you.

I urge the members of this House to vote aye on this bill. It is a good piece of landlord/tenant legislation.

Thank you, Mr. Speaker."

Representative Fong then rose and stated that he is a landlord and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative Fong was not excused from voting on this measure.

Representative Medeiros then rose and stated that he is a landlord and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative Medeiros was not excused from voting on

this measure.

Representative Chong then rose and stated that he is a landlord and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative Chong was not excused from voting on this measure.

Representative Devereux then rose and stated that she is a landlord and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative Devereux was not excused from voting on this measure.

Representative Aduja then rose and stated that he is a landlord and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative Aduja was not excused from voting on this measure.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S. B. No. 1502-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

Consideration of Conf. Com. Rep. No. 10 on H. B. No. 2439-72, as amended, which had been deferred to this day.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. B. No. 2439-72, as amended, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

Consideration of Conf. Com. Rep. No. 11 on H. B. No. 1638-72, as amended, which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. B. No. 1638-72, as amended, having been read throughout, passed Final Reading by a vote of 48

ayes, which is not less than two-thirds vote of all the members to which the House is entitled, to 2 noes, with Representatives Hansen and Soares voting no and Representative Carroll being excused.

Consideration of Conf. Com. Rep. No. 12 on S. B. No. 1588-72, as amended, which had been deferred to this day.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and S. B. No. 1588-72, as amended, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

Consideration of Conf. Com. Rep. No. 13 on S. B. No. 2008-72, as amended, which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S. B. No. 2008-72, as amended, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

Consideration of Conf. Com. Rep. No. 14 on S. B. No. 1823-72, as amended, which had been deferred to this day.

Representative O'Connor moved that the report of the Committee be adopted and S. B. No. 1823-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative Fong then rose and stated that he is a stockholder in an industrial loan company and asked the Chair for a ruling as to whether or not there was a conflict of interest.

The Chair ruled that there was no conflict of interest and Representative Fong was not excused from voting on this measure.

The motion was put by the Chair and carried, and the report of the Committee was adopted and S. B. No. 1823-72, as amended, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Aduja voting no and Representative Carroll being excused.

The Chair here directed the Clerk to note that S. B. Nos. 1749-72 and 2013-72 had passed Third Reading not earlier than 9:53 o'clock p.m. and H. B. Nos. 2439-72 and 1638-72 and S. B. Nos. 1502-72, 1588-72, 2008-72 and 1823-72 had passed Final Reading not earlier than 9:59 o'clock p.m.

At 10:18 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 10:29 o'clock p.m., the House of Representatives reconvened and resumed the Order of Unfinished Business.

Consideration of S. B. No. 1061 on Third Reading which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki, S. B. No. 1061, having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Hansen voting no and Representative Carroll being excused.

Consideration of S. B. No. 1829-72 on Third Reading which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, S. B. No. 1829-72 was recommitted to the Committee on Finance.

Consideration of S. B. No. 1742-72 on Third Reading which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, S. B. No. 1742-72 was recommitted to the Committee on Finance.

Consideration of Stand. Com. Rep. No. 720-72 on S. B. No. 1819-72 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1819-72, having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Carroll being excused.

Consideration of Stand. Com. Rep.

No. 689-72 on S. B. No. 1988-72 which had been deferred to this day.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S. B. No. 1988-72, having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Ajifu and Fong voting no and Representative Carroll being excused.

Consideration of H. B. No. 2039-72 on Third Reading which had been deferred to this day.

By unanimous consent, consideration of H. B. No. 2039-72 on Third Reading was deferred until the end of the calendar.

The Chair directed the Clerk to note that S. B. Nos. 1061, 1819-72 and 1988-72 had passed Third Reading not earlier than 10:29 o'clock p.m.

At 10:32 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 10:43 o'clock p.m., the House of Representatives reconvened.

#### **DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK**

By unanimous consent, H. B. No. 2041-72, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 2041-72, and that H. B. No. 2041-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that the change made by the Senate was to amend the effective date to July 1, 1973.

The motion was put by the Chair and carried, and H. B. No. 2041-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

By unanimous consent, H. B. No. 2042-72, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments

proposed by the Senate to H. B. No. 2042-72, and that H. B. No. 2042-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that the change made by the Senate was to amend the effective date to July 1, 1973.

The motion was put by the Chair and carried, and H. B. No. 2042-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

By unanimous consent, H. B. No. 2043-72, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 2043-72, and that H. B. No. 2043-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that the change made by the Senate was to amend the effective date to July 1, 1973.

The motion was put by the Chair and carried, and H. B. No. 2043-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

By unanimous consent, H. B. No. 290, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 290, and that H. B. No. 290, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that the Senate removed the drug, pentazocine, and also changed the advisory commission, Hawaii Revised Control Substances Commission, which was established in the original bill, to the Governor's Committee on Substance Abuse which is already in existence. This prevents the legislature from creating another commission.

The motion was put by the Chair and carried, and H. B. No. 290, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

By unanimous consent, H. B. No. 498, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 498, and that H. B. No. 498, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that the Senate had added a new section which declares that the blind and other handicapped persons are entitled to rights equal to non-handicapped persons.

The motion was put by the Chair and carried, and H. B. No. 498, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

The Chair here directed the Clerk to note that H. B. Nos. 2041-72, 2042-72 and 2043-72 had passed Final Reading at 10:46 o'clock p.m.; H. B. No. 290 at 10:47 o'clock p.m. and H. B. No. 498 at 10:48 o'clock p.m.

#### DEFERRED MATTER

Consideration of H. B. No. 1670-72, as amended, on Final Reading which had been deferred to this time.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 1670-72, and that H. B. No. 1670-72, as amended, having been read throughout, pass Final Reading, seconded by Representative O'Connor.

Representative O'Connor then stated that the House Attorney has given an opinion that the deletion of the word "not" due to a typographical error in the first paragraph, second sentence on Page 1 of the bill does not change the intent of the bill. His reasoning is that the balance of the bill reads as it should and is in conflict with the preamble.

Further, the Committee Report which is attached to the bill is in conflict with the word "not" deleted from that paragraph. The Senate has also made several amendments for technical reasons to conform with the Hawaii Revised Statutes and that sentence in their Committee Report would lead one who was looking at it to go back to the bill and to the House Committee Report which would clearly indicate that the word "not" should be in the sentence. Deletion of the word "not" does no great detriment to the bill and the bill can be passed in its present form.

Representative Yim, on a point of information, inquired whether or not Representative O'Connor would yield to a question to which Representative O'Connor replied in the affirmative.

Representative Yim then inquired what the purpose of this bill was.

Representative O'Connor replied that the overall purpose of this bill is to provide open space for Hawaii by way of allowing private land owners to place their land in open space use to the mechanics set up in the bill and keep that land in open space use pursuant to the intent established by the bill.

Representative Yim further inquired if it was true that this bill will prohibit the State to exercise its power of eminent domain where a private owner going through the necessary procedures as stated in the bill declares his land to be for open space use.

Representative O'Connor replied in the affirmative and stated that the purpose of the bill is to allow the owner to put his land in open space use and once the land is in open space use, it shall remain in that situation until such time as the owner takes it out of open space use.

Representative Yim further stated:

"Mr. Speaker, in the bill, on page 2, starting with Line 11, it states, 'Where, in connection with a primary open space use, incidental facilities for commercial or residential activities are contemplated, the total development shall still be considered as being for open space use.' I would like to have the Chairman of the Judiciary Committee explain that



particular sentence for the purpose of recording that in the Journal.”

Representative O'Connor replied:

“I have been informed by the Chairman of the Lands Committee who conducted extensive hearings on this matter that the sentence reflects such matters as a clubhouse on a golf course or some sort of an eating facility in the middle of a large area or a stable and a stable facility—riding academy kind of thing in the middle of a large area. These are the types of uses which lend themselves to open space use.”

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

At 10:56 o'clock p.m., the House of Representatives reconvened.

Representative Duponte then rose and spoke against the measure.

The motion was put by the Chair and carried, and H. B. No. 1670-72, as amended, passed Final Reading by a vote of 42 ayes to 8 noes, with Representatives de la Cruz, Duponte, R. Garcia, Hansen, Kondo, Roehrig, Unemori and Yim voting no and Representative Carroll being excused.

The Chair directed the Clerk to note that H. B. No. 1670-72 passed Final Reading at 10:59 o'clock p.m.

#### **DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK**

By unanimous consent, H. B. No. 1879-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 1879-72, and that H. B. No. 1879-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that from the original appropriation, the Senate had added two claims totalling \$72,758.79. Although the Senate had added the two claims, the Governor has the prerogative to item veto any measure.

The motion was put by the Chair and carried, and H. B. No. 1879-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

By unanimous consent, H. B. No. 2279-72, as amended by the Senate, was taken from the Clerk's desk.

Representative Suwa moved that the House agree to the amendments proposed by the Senate to H. B. No. 2279-72, and that H. B. No. 2279-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Akizaki.

Representative Suwa then explained that the Senate had deleted the ceiling of \$50,000 that the Kamehameha Day Commission can accumulate in the Special Fund. The Senate also deleted the proviso that the disbursement of funds be controlled by the State Comptroller.

The motion was put by the Chair and carried, and H. B. No. 2279-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

At 11:02 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 11:05 o'clock p.m., the House of Representatives reconvened.

By unanimous consent, H. B. No. 2249-72, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 2249-72, and that H. B. No. 2249-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that the changes made by the Senate to this bill enlarges the ability of the Land Use Commission in its consideration of petitions. The law previously read that the Commission will be able to act on petitions for change. This enlarges the ability of the Commission to approve petitions, deny petitions or modify petitions, depending

upon what is presented to the Land Use Commission by the petitioner. The conditions which the Commission sets in such a situation shall be recorded in the Bureau of Conveyances.

The motion was put by the Chair and carried, and H. B. No. 2249-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

By unanimous consent, H. B. No. 2375-72, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 2375-72, and that H. B. No. 2375-72, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then explained that the changes made by the Senate require the Department of Labor and Industrial Relations to use qualified elevator inspectors and not those who are primarily used for elevator work and also removes a five year requirement for work as an elevator mechanic to three years.

The motion was put by the Chair and carried, and H. B. No. 2375-72, as amended, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

By unanimous consent, H. B. No. 371 was taken from the Clerk's desk.

On motion by Representative O'Connor, seconded by Representative Kimura, H. B. No. 371 passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused, in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

The Chair here directed the Clerk to note that H. B. Nos. 1879-72 had passed Final Reading at 11:00 o'clock p.m.; H. B. No. 2279-72 at 11:01 o'clock p.m.; H. B. No. 2249-72 at 11:06 o'clock p.m.; H. B. No. 2375-72 at 11:07 o'clock p.m. and H. B. No. 371 at 11:09 o'clock p.m.

#### SENATE COMMUNICATIONS

The following communications from

the Senate (Sen. Com. Nos. 342 to 376) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 342) returning House Concurrent Resolution No. 27 which was adopted by the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 343) returning House Concurrent Resolution No. 33 which was adopted by the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 344) returning House Concurrent Resolution No. 35 which was adopted by the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 345) returning House Bill No. 638, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 346) returning House Bill No. 867, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 347) returning House Bill No. 1645-72, HD 2, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 348) returning House Bill No. 1650-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 349) returning House Bill No. 1656-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 350) returning House Bill No. 1680-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 351) returning House Bill No. 1721-72, HD 1, which passed Third Reading in the Senate on April 14, 1972,

was placed on file.

A communication from the Senate (Sen. Com. No. 352) returning House Bill No. 1828-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 353) returning House Bill No. 1838-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 354) returning House Bill No. 1878-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 355) returning House Bill No. 1881-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 356) returning House Bill No. 1952-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 357) returning House Bill No. 1959-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 358) returning House Bill No. 1980-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 359) returning House Bill No. 1987-72 which passed Third Reading in the Senate on April 14, 1972, 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. 360) returning House Bill No. 2012-72, HD 2, which passed Third Reading in the Senate on April 14, 1972, 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. 361) returning House Bill

No. 2110-72, HD 2, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 362) returning House Bill No. 2111-72, HD 2, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 363) returning House Bill No. 2161-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 364) returning House Bill No. 2190-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 365) returning House Bill No. 2194-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 366) returning House Bill No. 2208-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 367) returning House Bill No. 2330-72, HD 2, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 368) returning House Bill No. 2336-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 369) returning House Bill No. 2376-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 370) returning House Bill No. 2377-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 371) returning House Bill No. 2449-72, HD 1, which passed Third Reading in the Senate on April 14, 1972,

was placed on file.

A communication from the Senate (Sen. Com. No. 372) returning House Bill No. 2509-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 373) returning House Bill No. 2511-72 which passed Third Reading in the Senate on April 14, 1972, was placed on file.

A communication from the Senate (Sen. Com. No. 374) returning House Bill No. 2515-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, 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. 375) returning House Bill No. 2522-72, HD 1, which passed Third Reading in the Senate on April 14, 1972, 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. 376) returning House Bill No. 1749-72 which passed Third Reading in the Senate on April 14, 1972, in an amended form, was placed on file.

By unanimous consent, H. B. No. 1749-72, as amended by the Senate, was placed on the Clerk's desk.

The Chair directed the Clerk to note that printed copies of H. B. No. 1749-72 were made available to the members of the House at 11:10 o'clock p.m., in accordance with Article III, Section 16, of the Constitution of the State of Hawaii.

At this time, Representative Iha, on a point of information, inquired what progress was being made by the conferees on H. B. No. 2281-72.

The Chair replied that the conferees had been discharged.

At 11:12 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 11:15 o'clock p.m., the House of Representatives reconvened.

## STANDING COMMITTEE REPORTS

Representative Sakima, for the Committee on Education, presented a report (Stand. Com. Rep. No. 782-72) approving the intent and purpose of H. R. No. 278 and recommending its referral to the Committee on Finance with certain amendments.

On motion by Representative Sakima, seconded by Representative Yap and carried, the report of the Committee was adopted and H. R. No. 278, as amended, entitled: "House Resolution requesting the Department of Education to provide for horizontal grouping of three on two classes in addition to the present vertical grouping and conduct a comparative analysis of the achievement of the children in these two types of groupings," was referred to the Committee on Finance.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 783-72) approving the intent and purpose of H. R. No. 236 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 236 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 784-72) approving the intent and purpose of H.C.R. No. 44 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H.C.R. No. 44 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 785-72) approving the intent and purpose of S.C.R. No. 51 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.C.R. No. 51 was adopted.

Representative Kimura, for the Committee on Higher Education, presented a report (Stand. Com. Rep. No.

786-72) approving the intent and purpose of H. R. No. 349 and recommending its adoption with certain amendments.

On motion by Representative Kimura, seconded by Representative Kishinami and carried, the report of the Committee was adopted and H. R. No. 349, as amended, was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 787-72) approving the intent and purpose of S.C.R. No. 54 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.C.R. No. 54 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 788-72) approving the intent and purpose of H. R. No. 357 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 357 was adopted.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 789-72) approving the intent and purpose of H. R. No. 340 and recommending its adoption.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H. R. No. 340 was adopted.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 790-72) approving the intent and purpose of H. R. No. 341 and recommending its adoption.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and H. R. No. 341 was adopted.

Representative Lunasco, for the Committee on Public Institutions, presented a report (Stand. Com. Rep. No. 791-72) approving the intent and purpose of S.C.R. No. 19 and recommending its

adoption.

On motion by Representative Lunasco, seconded by Representative Nakama and carried, the report of the Committee was adopted and S.C.R. No. 19 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 792-72) approving the intent and purpose of H. R. No. 402 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and H. R. No. 402 was adopted.

Representative Suwa, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 793-72) approving the intent and purpose of S.C.R. No. 48 and recommending its adoption.

On motion by Representative Suwa, seconded by Representative Akizaki and carried, the report of the Committee was adopted and S.C.R. No. 48 was adopted.

Representative O'Connor, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 794-72) approving the intent and purpose of H. R. No. 401 and recommending its adoption.

By unanimous consent, consideration of Stand. Com. Rep. No. 794-72 on H. R. No. 401 was deferred until the end of the calendar.

At 11:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 11:20 o'clock p.m., the House of Representatives reconvened.

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

By unanimous consent, H. B. No. 2392-72, as amended by the Senate, was taken from the Clerk's desk.

Representative O'Connor moved that the House agree to the amendments proposed by the Senate to H. B. No. 2392-72, and that H. B. No. 2392-72, as amended, having been read throughout, pass Final Reading, seconded by

Representative Kimura.

Representative O'Connor then explained the changes made by the Senate which states that operations will take place only in counties with a population of 100,000 or more.

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

At 11:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 11:24 o'clock p.m., the House of Representatives reconvened.

### UNFINISHED BUSINESS

Consideration of Conf. Com. Rep. No. 15 on S. B. No. 1729-72, as amended, which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S. B. No. 1729-72, as amended, having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Carroll being excused.

Consideration of Conf. Com. Rep. No. 16 on S. B. No. 919, as amended, which had been deferred to this day.

On motion by Representative O'Connor, seconded by Representative Kimura and carried, the report of the Committee was adopted and S. B. No. 919, as amended, having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Hansen voting no and Representative Carroll being excused.

Consideration of Conf. Com. Rep. No. 17 on H. B. No. 54, as amended, which had been deferred to this day.

Representative O'Connor moved that the report of the Committee be adopted and H. B. No. 54, as amended, having been read throughout, pass Final Reading, seconded by Representative Kimura.

Representative O'Connor then rose and spoke in favor of the measure, as follows:

"Mr. Speaker, this Honorable Body will recall that we entertained an ethics bill last year which pertains to employees and legislators of this State. We enacted a piece of legislation which we considered to be a fine ethics bill covering all aspects of conduct of legislators and government employees. This bill has been in the Senate since then and it has been returned to us as H. B. No. 54, HD 1, SD 2, to which we disagreed. This bill then went into Conference Committee.

The Conference draft incorporates the request given by the State Ethics Commission on April 12, 1972, that certain amendments be made to the bill. These amendments provide for full disclosure of all interests of legislators to the public. The disclosure shall be made pursuant to the provisions of this Conference draft by placing with the Presiding Officer of each of the Houses of this legislature a disclosure which is outlined in Section 84-17 of the bill. The disclosure provisions take into consideration all the transactions, relationships and interests which may affect the State where a legislator is concerned.

Therefore, Mr. Speaker, I feel that the disclosure provisions of this bill tremendously strengthens the ethics provision of the State and will allow for the public to know a legislator's conflicts, a legislator's interests and a legislator's business dealings, if any, when he acts on legislation in this Body or the other Body of this legislature.

Mr. Speaker, with this amendment provided in Conference Committee, I feel that this piece of ethics legislation is a stronger ethics legislation than we presently have in the State and I urge every member of this Body to vote for it.

Thank you."

Representative Kato then rose and spoke against the measure.

Representative Yim, on a point of information, inquired whether or not Representative O'Connor would yield to a question to which Representative O'Connor replied in the affirmative.

Representative Yim then inquired if it was true that the State Constitution

mandates both public employees and elected officials to be governed by one code of ethics.

Representative O'Connor replied that the State Constitution mandates that legislators and public employees be governed by a code of ethics which is not the same code of ethics.

Representative Yim further inquired if that meant there is a separation between the so-called public employee and legislators as far as being under the scrutiny of the State Ethics Commission.

Representative O'Connor replied that the particular section simply mandates that there is a code of ethics for public employees and for legislators.

Representative Yim then inquired if it was true there is such a thing as self-policing by the legislator in the enforcement provision of the bill.

Representative O'Connor replied that the enforcement provision of the bill does not change. He further stated that under that section, the receipt of complaints, investigations and determination of whether or not there is a breach of ethics still rests with the Ethics Commission. The Ethics Commission then forwards that matter to the appropriate body of the legislature as has been the situation in the past.

Representative Yim then questioned that if there be a conflict of interest and a violation of the code of ethics by a legislator, then what happens.

Representative O'Connor replied that under this bill, an ethics violation by a legislator can be handled in two ways in this State:

First, it can be given to the Ethics Commission. The Ethics Commission can act upon it, decide whether or not there has been a violation and forward the matter for action to the legislature, or

Secondly, the complaint can come directly to the legislature in which case it has to be handled by a special committee appointed by the Speaker of the House for such purpose and the matter would then be conducted in Committee hearings and a determination made by the Committee for referral to the entire Body

and the Body would have to vote on whether or not there has been a violation and what censure, if any, should be given to the member.

Representative Yim then inquired whether or not the enforcement would be by the legislators themselves.

Representative O'Connor replied that for an elected official, the last resort would be by the voters, but any penalty which might be imposed upon a legislator should have to be imposed under our Constitution which gives the sole power to discipline legislators through the appropriate Body in which that member sits.

Representative Yim then questioned how many conflict of interest cases have been recorded in the past 100 years of the many legislative bodies throughout the country wherein the legislative Body did penalize one of its members.

Representative O'Connor replied that they have not monitored the other state legislatures for this particular situation but recalls the Speaker's attention to the case of Senator Dodd in Congress which went on some great length when he was caught misusing his campaign funds.

Representative Yim then spoke against the bill, as follows:

“Mr. Speaker, as legislators and policymakers, our collective decision in this Chamber do, in fact, affect and determine the destiny of the State. Our system of government, therefore, calls for legislative integrity of the highest order in the area of ethics.

This means everything we do as legislators must be open without room for deception, conflict of interest or favoritism in government. It is in this area of human activity where we must demand the best behavior of our elected officials. The ethics bill should be so designed to achieve those objectives.

This bill falls short in two important respects:

First, it separates the legislators from other government employees from the scrutiny of the State Ethics Commission, and



Secondly, it lacks enforcement provisions.

This bill, in effect, allows the legislators to set up internal rules to police its members' ethical behavior. Mr. Speaker, I am not satisfied with the concept of self-policing of legislators. History tells us self-policing does not work; self-policing is actually no policing. I strongly contend that the legislators must also be under full scrutiny of the State Ethics Commission with provisions strong enough to deter any legislator from violating the code of ethics.

On these two points, Mr. Speaker, I will be voting against the bill.

Thank you."

Representative Wasai then rose and spoke against H. B. No. 54.

Representative O'Connor, in rebuttal to the previous speakers, stated that the law does not change with the enactment of H. B. No. 54, as amended. He stated that the legislators will not be self-policing as such and that the Ethics Commission will still continue to police insofar as it receives complaints, investigates them and determines whether or not there has been an ethics violation. He further stated that this bill does not remove the legislators from the scrutiny of the Ethics Commission.

Representative Kato then stated that the Ethics Commission does have the power to scrutinize everyone's conduct, but the power to discipline still rests with the legislature.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H. B. No. 54, as amended, passed Final Reading by a vote of 46 ayes to 5 noes, with Representatives Kato, Uechi, Unemori, Wasai and Yim voting no.

The Chair directed the Clerk to note that S. B. No. 1729-72 had passed Final Reading at 11:25 o'clock p.m.; S. B. No. 919 at 11:26 o'clock p.m. and H. B. No. 54 at 11:51 o'clock p.m.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H. R. Nos. 413 to 429) were read by the Clerk and

were disposed of as follows:

A resolution (H. R. No. 413) relating to Standing and Special Committees authorized to conduct hearings during the interim between the adjournment of the Regular Session of 1972 and the convening of the Regular Session of 1973 was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 413 was adopted.

A resolution (H. R. No. 414) expressing appreciation to the Legislative Reference Bureau for its splendid cooperation and service rendered to the House during this session was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 414 was adopted.

A resolution (H. R. No. 415) expressing appreciation to the Legislative Auditor's Office for its splendid cooperation and service rendered to the House during this session was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 415 was adopted.

A resolution (H. R. No. 416) expressing deepest appreciation to the members of the press, radio stations and TV stations for having provided excellent and accurate coverage throughout the session was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 416 was adopted.

A resolution (H. R. No. 417) commending the Honolulu Star-Bulletin for its outstanding coverage of the activities of the Sixth Legislature, Regular Session of 1972 was jointly offered by Representatives Ushijima and J. Garcia.



On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 417 was adopted.

A resolution (H. R. No. 418) commending the Honolulu Advertiser for its outstanding coverage of the activities of the Sixth Legislature, Regular Session of 1972 was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 418 was adopted.

A resolution (H. R. No. 419) commending the Associated Press for its outstanding coverage of the activities of the Sixth Legislature, Regular Session of 1972 was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 419 was adopted.

A resolution (H. R. No. 420) expressing appreciation to the Central Services Division, Department of Accounting and General Services for its fine service to the House of Representatives, Regular Session of 1972 was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 420 was adopted.

A resolution (H. R. No. 421) expressing appreciation to the Capitol Security Force, Department of Defense, for outstanding service provided the House throughout the Regular Session of 1972 was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 421 was adopted.

A resolution (H. R. No. 422) expressing appreciation to the Honolulu Police Department for its kind and efficient service rendered to the members of the House during the entire session was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 422 was adopted.

A resolution (H. R. No. 423) extending sincere gratitude and thanks to the Honolulu Council of Churches and all of its member churches, The Association of the Oahu Evangelicals, the Honpa Hongwanji Mission and the Catholic Diocese was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 423 was adopted.

A resolution (H. R. No. 424) conveying appreciation and thanks to the University of Hawaii for supplying fresh tropical fruit juice to the House was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 424 was adopted.

A resolution (H. R. No. 425) conveying appreciation and thanks to the Pineapple Growers Association of Hawaii for supplying fresh pineapple juice to the House was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 425 was adopted.

A resolution (H. R. No. 426) authorizing the Speaker to approve the Journal of this House for the Sixtieth Day was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 426 was adopted.

A resolution (H. R. No. 427) authorizing and directing the Committee on the Journal to compile and print the Journal of the House of Representatives, Regular Session of 1972, pursuant to Rule 20 of the Rules of Procedure was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 427 was adopted.

A resolution (H. R. No. 428) authorizing the Speaker to designate which of the employees and officers of the House shall be given additional employment to meet the work after the session and to determine the period of employment for each was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 428 was adopted.

A resolution (H. R. No. 429) authorizing and empowering the Speaker to expend such sum or sums as he deems necessary from the funds appropriated for legislative and other expenses of the Sixth Legislature, Regular Session of 1972, for the purposes of completing the work of the Sixth Legislature, Regular Session of 1972, subsequent to the adjournment thereof, including the carrying out of any official legislative business in the interim between the 1972 and 1973 sessions, up to and including January 17, 1973, this authorization being in addition to any other authorization heretofore granted to the Speaker or any other officer or officers of the House of Representatives was jointly offered by Representatives Ushijima and J. Garcia.

On motion by Representative Ushijima, seconded by Representative J. Garcia and carried, H. R. No. 429 was adopted.

By unanimous consent, the following resolution (H. R. No. 430) was referred to the Committee on Legislative Management:

A resolution (H. R. No. 430) requesting the Department of Education to retain its school support programs at current levels was jointly offered by Representatives Sakima, Carroll, R. Garcia, Iha, Inaba, Kaneshiro, Kihano, Kishinami, Lee, Lunasco, Roehrig, Saiki, Yap and Yim.

#### DEFERRED MATTERS

Consideration of Stand. Com. Rep.

No. 794-72 on H. R. No. 401 which had been deferred to this time.

Representative O'Connor moved that the report of the Committee be adopted and H. R. No. 401 be adopted.

Representative O'Connor then spoke in favor of the resolution, as follows:

“Mr. Speaker, the purpose of this resolution is to adopt new rules for the House which sets up the details of compliance with the ethics legislation which this Body has just passed.

This rule will require the filing of disclosures of financial interest and any deletion, addition, transfer or termination thereof with the Speaker of the House as prescribed by the procedures which will be set up by the Speaker. These procedures will be such to insure that these disclosures shall be public and shall be available to any member of the public who desires to see them during reasonable business hours in whichever office or place as designated by the Speaker. Not only the public but other legislators and members of the press and other people would be able to see these disclosures and this will provide to all a ready reference to insure that the conflicts which may exist are disclosed.

I urge all members of this Body to vote in favor of this resolution.

Thank you, Mr. Speaker.”

The motion was put by the Chair and carried, and the report of the Committee was adopted and, roll call vote having been requested, H. R. No. 401 was adopted by a vote of 47 ayes to 3 noes with Representatives Kato, Uechi and Wasai voting no and Representative Carroll being excused.

Consideration of H. B. No. 2039-72 on Third Reading which had been deferred to this time.

Representative O'Connor moved that H. B. No. 2039-72, having been read throughout, pass Third Reading, seconded by Representative Kimura.

At 11:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

At 11:57 o'clock p.m., the House of Representatives reconvened.

At this time, the Chair thanked all the members of the House for their patience, their diligence and for their efforts during this past session. The Chair stated that although we did not accomplish all we had set out to do, we are not looking for monuments during election years.

The Chair also extended his thanks and appreciation to all the staff and the various Committee Chairmen for their efforts and their work during this session.

At 11:59 o'clock p.m., on motion by Representative Ushijima, seconded by Representative J. Garcia and carried, the House of Representatives adjourned sine die.

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

**Gov. Mess. No. 86** from John A. Burns, Governor of Hawaii, transmitting copies of the Historic Preservation 1971 Annual Report prepared by the Department of Land and Natural Resources in accordance with Act 254, SLH 1967.

**Gov. Mess. No. 87** from John A. Burns, Governor of Hawaii, informing the House that on April 17, 1972 he signed **House Bill No. 1778-72** as Act 14.

**Gov. Mess. No. 88** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on April 24, 1972, **Senate Bill No. 1498-72** as Act 15, **Senate Bill No. 1193** as Act 16 and **Senate Bill No. 744** as Act 17.

**Gov. Mess. No. 89** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on May 1, 1972: **House Bill No. 1895-72** as Act 18, **Senate Bill No. 1413-72** as Act 19, **Senate Bill No. 1429-72** as Act 20 and **Senate Bill No. 1430-72** as Act 21.

**Gov. Mess. No. 90** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on May 9, 1972: **House Bill No. 1750-72** as Act 22, **House Bill No. 1959-72** as Act 23, **House Bill No. 2500-72** as Act 24, **Senate Bill No. 770** as Act 25, **Senate Bill No. 802** as Act 26, **Senate Bill No. 1344-72** as Act 27, **Senate Bill No. 1355-72** as Act 28, **Senate Bill No. 1547-72** as Act 29, **Senate Bill No. 1716-72** as Act 30 and **Senate Bill No. 1822-72** as Act 31.

**Gov. Mess. No. 91** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on the dates indicated: May 11, 1972: **Senate Bill No. 241** as Act 32, **Senate Bill No. 308** as Act 33 and **House Bill No. 2439-72** as Act 34; May 12, 1972: **House Bill No. 2179-72** as Act 35.

**Gov. Mess. No. 92** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on May 15, 1972: **House Bill No. 1749-72** as Act 36, **House Bill No. 1774-72** as Act 37, **House Bill No. 1775-72** as Act 38, **House Bill No. 1955-72** as Act 39, **House Bill No. 1956-72** as Act 40, **House Bill No. 1988-72** as Act 41, **House Bill No. 2255-72** as Act 42, **Senate Bill No. 1611-72** as Act 43, **Senate Bill No.**

**1729-72** as Act 44 and **Senate Bill No. 1806-72** as Act 45.

**Gov. Mess. No. 93** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on May 16, 1972: **House Bill No. 371** as Act 46, **House Bill No. 397** as Act 47, **House Bill No. 867** as Act 48, **House Bill No. 2222-72** as Act 49, **House Bill No. 2279-72** as Act 50, **Senate Bill No. 1060** as Act 51, **Senate Bill No. 1343-72** as Act 52, **Senate Bill No. 1346-72** as Act 53, **Senate Bill No. 1348-72** as Act 54, **Senate Bill No. 1365-72** as Act 55, **Senate Bill No. 1367-72** as Act 56 and **Senate Bill No. 2014-72** as Act 57.

**Gov. Mess. No. 94** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on May 19, 1972: **Senate Bill No. 13** as Act 58, **Senate Bill No. 53** as Act 59, **Senate Bill No. 124** as Act 60, **Senate Bill No. 1061** as Act 61, **Senate Bill No. 1368-72** as Act 62, **Senate Bill No. 1415-72** as Act 63, **Senate Bill No. 1433-72** as Act 64, **Senate Bill No. 1471-72** as Act 65, **Senate Bill No. 1518-72** as Act 66, **Senate Bill No. 1577-72** as Act 67, **Senate Bill No. 1694-72** as Act 68, **Senate Bill No. 1719-72** as Act 69, **Senate Bill No. 1749-72** as Act 70, **Senate Bill No. 1805-72** as Act 71, **Senate Bill No. 1837-72** as Act 72, **Senate Bill No. 1844-72** as Act 73, **Senate Bill No. 1949-72** as Act 74, **House Bill No. 498** as Act 75, **House Bill No. 819** as Act 76, **House Bill No. 1190** as Act 77, **House Bill No. 1664-72** as Act 78, **House Bill No. 1757-72** as Act 79, **House Bill No. 1758-72** as Act 80, **House Bill No. 1814-72** as Act 81, **House Bill No. 1878-72** as Act 82, **House Bill No. 1922-72** as Act 83, **House Bill No. 1969-72** as Act 84, **House Bill No. 1980-72** as Act 85, **House Bill No. 1991-72** as Act 86, **House Bill No. 2012-72** as Act 87, **House Bill No. 2040-72** as Act 88, **House Bill No. 2041-72** as Act 89, **House Bill No. 2042-72** as Act 90, **House Bill No. 2049-72** as Act 91, **House Bill No. 2111-72** as Act 92, **House Bill No. 2284-72** as Act 93, **House Bill No. 2336-72** as Act 94, **House Bill No. 2376-72** as Act 95, **House Bill No. 2383-72** as Act 96, **House Bill No. 2436-72** as Act 97, **House Bill No. 2511-72** as Act 98, and **House Bill No. 2517-72** as Act 99.

**Gov. Mess. No. 95** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on May

22, 1972: **Senate Bill No. 1382-72** as Act 100 and **Senate Bill No. 1972-72** as Act 101.

**Gov. Mess. No. 96** from John A. Burns, Governor of Hawaii, as follows:

“State of Hawaii  
Executive Chambers  
Honolulu  
May 30, 1972

Statement of Objections to  
**House Bill No. 2178-72**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **House Bill No. 2178-72**, entitled “A Bill for an Act Relating to the Hawaii Public Employees Health Fund.”

**House Bill No. 2178-72** proposes to increase the State's monthly contribution for dental benefits from \$1.56 to \$1.76 for each child under eighteen years of age who is covered under the Hawaii Public Employees Health Fund.

Another bill passed during the 1972 legislative session, **Senate Bill No. 1972-72**, makes an identical amendment. However, that bill apportions all expenditures of the Public Employees Health Fund among the political subdivisions and the State. Since I have already signed **Senate Bill No. 1972-72** into law, approval of **House Bill No. 2178-72** can only lead to duplication and ambiguity in construing the law.

For the foregoing reasons, I am returning **House Bill No. 2178-72** without my approval.

Respectfully,

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii”

“PROCLAMATION

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to

return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **House Bill No. 2178-72**, entitled “A Bill for an Act Relating to the Hawaii Public Employees Health Fund”, passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **House Bill No. 2178-72** is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN A. BURNS, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **House Bill No. 2178-72** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii  
this 30th day of May, 1972.

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii”

**Gov. Mess. No. 97** from John A. Burns, Governor of Hawaii, as follows:

“State of Hawaii  
Executive Chambers  
Honolulu  
May 30, 1972

Statement of Objections to  
**House Bill No. 1769-72**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **House Bill No. 1769-72** entitled “A Bill for an Act Relating to Employment Security”.

**House Bill No. 1769-72** would authorize the Director of Labor and Industrial Relations to appoint more than one full-time

referee to hear unemployment appeals. Under existing law, the Director is restricted to appointing only one full-time referee. The restriction has resulted in a backlog of cases which this bill seeks to remove.

However, **House Bill No. 1769-72** is unnecessary because the legislature has also passed **Senate Bill No. 1345-72**, an identical measure, which I have already signed into law.

For the foregoing reasons, I am returning **House Bill No. 1769-72** without my approval.

Respectfully,

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii"

**"PROCLAMATION**

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **House Bill No. 1769-72**, entitled "A Bill for an Act Relating to Employment Security", passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **House Bill No. 1769-72** is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN A. BURNS, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **House Bill No. 1769-72** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 30th day of May, 1972.

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii"

**Gov. Mess. No. 98** from John A. Burns,  
Governor of Hawaii, as follows:

"State of Hawaii  
Executive Chambers  
Honolulu  
May 30, 1972

Statement of Objections to  
**Senate Bill No. 10**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **Senate Bill No. 10**, entitled "A Bill for an Act Relating to Air Pollution Control".

**Senate Bill No. 10** amends Section 322-64, Hawaii Revised Statutes, relating to powers of the Department of Health to control air pollution, to require that emitters of air pollution supply the Department with information relative to their air pollution control devices, composition and quality of emissions and other matters.

However, the legislature has also passed **Senate Bill No. 1382-72** an omnibus environmental bill into which the various environmental laws of the State have been compiled. Since I have already signed **Senate Bill No. 1382-72** into law, **Senate Bill No. 10** is not necessary. Moreover, **Senate Bill No. 1382-72** expressly repeals Part V of Chapter 322, Hawaii Revised Statutes, which includes Section 322-64, the section being amended by **Senate Bill No. 10**. In view thereof, approval of **Senate Bill No. 10** would only raise an ambiguity as to the continued existence or non-existence of Section 322-64 and would serve no useful purpose.

For the foregoing reasons, I am returning **Senate Bill No. 10** without my approval.

Respectfully,

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii"

**“PROCLAMATION**

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **Senate Bill No. 10**, entitled “A Bill for an Act Relating to Air Pollution Control”, passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **Senate Bill No. 10** is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN A. BURNS, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **Senate Bill No. 10** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 30th day of May, 1972.

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii”

**Gov. Mess. No. 99** from John A. Burns,  
Governor of Hawaii, as follows:

“State of Hawaii  
Executive Chambers  
Honolulu  
May 30, 1972

Statement of Objections to  
**Senate Bill No. 11**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **Senate Bill No. 11**, entitled “A Bill for an Act Relating to Air Pollution En-

forcement Procedure”.

**Senate Bill No. 11** seeks to expedite enforcement procedures against violators of rules and regulations relating to air pollution.

However, the legislature has also passed **Senate Bill No. 1382-72**, an omnibus environmental bill containing detailed enforcement procedures, along with other regulatory provisions. Since I have already signed **Senate Bill No. 1382-72** into law, **Senate Bill No. 11** is not necessary. Moreover, **Senate Bill No. 1382-72** expressly repeals Part V of Chapter 322, Hawaii Revised Statutes which includes Section 322-70, the section being amended by **Senate Bill No. 11**. In view thereof, approval of **Senate Bill No. 11** would only raise an ambiguity as to the continued existence or non-existence of Section 322-70 and would serve no useful purpose.

For the foregoing reasons, I am returning **Senate Bill No. 11** without my approval.

Respectfully,

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii”

**“PROCLAMATION**

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **Senate Bill No. 11**, entitled “A Bill for an Act Relating to Air Pollution Enforcement Procedure”, passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **Senate Bill No. 11** is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN A. BURNS, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of

the Constitution of the State of Hawaii, giving notice of my plan to return **Senate Bill No. 11** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 30th day of May, 1972.

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii"

**Gov. Mess. No. 100** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on the dates indicated: May 23, 1972: **House Bill No. 1650-72** as Act 102, **House Bill No. 1881-72** as Act 103, **House Bill No. 2043-72** as Act 104, **House Bill No. 2045-72** as Act 105, **House Bill No. 2051-72** as Act 106, **House Bill No. 2052-72** as Act 107, **House Bill No. 2053-72** as Act 108, **House Bill No. 2058-72** as Act 109, **House Bill No. 2524-72** as Act 110, **Senate Bill No. 452** as Act 111, **Senate Bill No. 967** as Act 112 and **Senate Bill No. 1823-72** as Act 113; May 25, 1972: **House Bill No. 290** as Act 114, **House Bill No. 1680-72** as Act 115, **House Bill No. 1952-72** as Act 116, **House Bill No. 2161-72** as Act 117, **Senate Bill No. 476** as Act 118, **Senate Bill No. 1035** as Act 119, **Senate Bill No. 1340-72** as Act 120, **Senate Bill No. 1341-72** as Act 121, **Senate Bill No. 1342-72** as Act 122, **Senate Bill No. 1612-72** as Act 123, **Senate Bill No. 1878-72** as Act 124 and **House Bill No. 2050-72** as Act 125; May 26, 1972: **House Bill No. 1658-72** as Act 126, **House Bill No. 2194-72** as Act 127, **House Bill No. 2208-72** as Act 128, **Senate Bill No. 174** as Act 129, **Senate Bill No. 1988-72** as Act 130 and **House Bill No. 1043** as Act 131.

**Gov. Mess. No. 101** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on May 30, 1972: **Senate Bill No. 1502-72** as Act 132, **Senate Bill No. 1580-72** as Act 133, **Senate Bill No. 1649-72** as Act 134, **House Bill No. 348** as Act 135, **House Bill No. 620** as Act 136, **House Bill No. 1645-72** as Act 137, **House Bill No. 1656-72** as Act 138, **House Bill No. 1721-72** as Act 139, **House Bill No. 1752-72** as Act 140, **House Bill No. 1759-72** as Act 141, **House Bill No. 1838-72** as Act 142, **House Bill No. 2044-72** as Act 143, **House Bill No. 2048-72** as Act 144, **House Bill No. 2054-72** as Act 145, **House Bill No. 2200-72** as Act 146, **House Bill No. 2330-72**

as Act 147, **House Bill No. 2377-72** as Act 148, **House Bill No. 2382-72** as Act 149, **House Bill No. 2449-72** as Act 150, **Senate Bill No. 46** as Act 151, **Senate Bill No. 95** as Act 152, **Senate Bill No. 96** as Act 153, **Senate Bill No. 565** as Act 154, **Senate Bill No. 881** as Act 155, **Senate Bill No. 1177** as Act 156, **Senate Bill No. 1345-72** as Act 157, **Senate Bill No. 1560-72** as Act 158, **Senate Bill No. 1720-72** as Act 159, **Senate Bill No. 1737-72** as Act 160, **Senate Bill No. 1863-72** as Act 161 and **Senate Bill No. 2068-72** as Act 162.

**Gov. Mess. No. 102** from John A. Burns, Governor of Hawaii, informing the House that he signed the following bills on June 1, 1972: **House Bill No. 54** as Act 163, **House Bill No. 2047-72** as Act 164, **House Bill No. 2110-72** as Act 165, **House Bill No. 2509-72** as Act 166, **Senate Bill No. 466** as Act 167, **Senate Bill No. 1436-72** as Act 168, **Senate Bill No. 1819-72** as Act 169, **Senate Bill No. 1919-72** as Act 170, **Senate Bill No. 1970-72** as Act 171 and **Senate Bill No. 1983-72** as Act 172.

**Gov. Mess. No. 103** from John A. Burns, Governor of Hawaii, as follows:

"State of Hawaii  
Executive Chambers  
Honolulu  
June 2, 1972

Statement of Objections to  
**House Bill No. 2516-72**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **House Bill No. 2516-72**, entitled "A Bill for an Act Relating to the Commission on the Status of Women."

**House Bill No. 2516-72** is identical to **Senate Bill No. 2068-72**, which was also passed by the legislature during the 1972 session, except that **House Bill No. 2516-72** raises the number of members who may serve on said commission from 21 to 22, while **Senate Bill No. 2068-72** raises the number of members to 25. The Senate Bill is preferable because by setting the membership ceiling at an odd number, tie votes can be avoided. In view thereof, I have



signed **Senate Bill No. 2068-72** into law, rather than approve **House Bill No. 2516-72**.

For the foregoing reasons, I am returning **House Bill No. 2516-72** without my approval.

Respectfully,

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii"

**"PROCLAMATION**

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **House Bill No. 2516-72**, entitled "A Bill for an Act Relating to the Commission on the Status of Women", passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **House Bill No. 2516-72** is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, JOHN A. BURNS, Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **House Bill No. 2516-72** with my objections to the Legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 2nd day of June, 1972

/s/ John A. Burns

JOHN A. BURNS  
Governor of Hawaii"

**Gov. Mess. No. 104** from George R. Ariyoshi, Acting Governor of the State of Hawaii as follows:

"State of Hawaii  
Executive Chambers  
Honolulu  
June 5, 1972

Statement of Objections to  
**House Bill No. 1670-72**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **House Bill No. 1670-72**, entitled "A Bill for an Act Relating to the Condemnation of Land for Open Space Purposes".

**House Bill No. 1670-72** purports to encourage private land owners to assist the State and counties in providing more land for open space use in the State.

**House Bill No. 1670-72** prohibits the State and the counties from taking by purchase or eminent domain proceedings private property for public park or recreational purposes, for conservation of land and natural resources, or for preservation of scenic and historic sites, if such property is held for open space use by the owner or is to be acquired by another person for open space use under a contractual agreement, and a certificate that such property is devoted to open space use or is intended by the owner for open space use, is submitted to the Department of Land and Natural Resources and the county wherein the land is located and is recorded in the Bureau of Conveyances or the Land Court, as the case may be.

Such property must be devoted exclusively to open space use, although facilities such as club house and service concessions in connection with a golf course, or cabins and service concessions in connection with a camping facility or a riding academy, could be permitted as incidental to the primary open space use.

Before any change in the open space use is made, notice must be given to the Department of Land and Natural Resources and the planning department of the county, and a certificate showing the proposed change must be recorded with the Bureau of Conveyances or the Land Court. The change will be effective two years after the notice and the recordation. During said

period the State or the counties may purchase or initiate eminent domain proceedings to acquire the property for open space use.

The purpose of setting aside land for open space use is laudable and every effort should be made to assist and encourage private land owners in such programs. However, the methods used to accomplish such objective should not in any way work to the detriment of the public interest.

Presently, the State, as well as the several counties, have general plans for proposed public improvements, including parks and recreational areas, and for preservation of historic and scenic sites. Acquisition and development of such areas are being proposed under capital improvement programs of both the State and the counties. If **House Bill No. 1670-72** becomes law, the proposed acquisition and development of such park and recreational areas and historic sites will be seriously jeopardized, since the decision to acquire and develop such property will no longer rest with the State and the counties but with the private land owners. For example, the proposed planned development of such State parks as Makua-Kaena on Oahu, Haena and Kalalau Valley on Kauai, Makena-La Perous Bay on Maui and Kealahou Bay and Kiholo on the Kona coast of Hawaii, could be nullified, all to the detriment of the people of this State.

It could very well be that a measure which requires review and approval by the State and counties prior to setting aside land for open space use by private owners to insure compatibility with State and county plans and programs might be a more workable proposal. However, **House Bill No. 1670-72** in its present form is not acceptable.

For the foregoing reasons, I am returning **House Bill No. 1670-72** without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii"

**"PROCLAMATION**

WHEREAS, under section 17 of Article

III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **House Bill No. 1670-72**, entitled "A Bill for an Act Relating to the Condemnation of Land for Open Space Purposes", passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **House Bill No. 1670-72** is unacceptable to the Acting Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Acting Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **House Bill No. 1670-72** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 5th day of June, 1972.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii"

**Gov. Mess. No. 105** from George R. Ariyoshi, Acting Governor of the State of Hawaii as follows:

"State of Hawaii  
Executive Chambers  
Honolulu  
June 5, 1972

Statement of Objections to  
**House Bill No. 2375-72**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **House Bill No. 2375-72**, entitled "A

Bill for an Act Relating to Industrial Safety”.

**House Bill No. 2375-72** purports to add a new section to Chapter 376, Hawaii Revised Statutes, to require that all safety inspections of elevators and related apparatus be performed by qualified elevator inspectors of the Department of Labor and Industrial Relations and that such inspectors be compensated at a wage rate consistent with that prevailing in the private elevator industry for similar skills and experience.

Elevator inspectors of the Department of Labor and Industrial Relations are not exempted from civil service. Retention of such inspectors in civil service but with compensation at a wage rate consistent with that prevailing in private industry conflicts with the provision of negotiated wage rates under Chapter 89, Hawaii Revised Statutes, relating to collective bargaining in public employment and the concept of internal salary alignment (equal pay for equal work) under Chapter 77, Hawaii Revised Statutes, relating to the compensation law.

Moreover, I note that **Senate Bill No. 2014-72**, relating to the Hawaii Occupational Health and Safety Law, which was also passed by the legislature during the session just concluded, repeals Chapter 376, Hawaii Revised Statutes. Since **Senate Bill No. 2014-72** has already been signed into law (Act 57), the addition of the new section as proposed by **House Bill No. 2375-72** would be to a chapter that has already been repealed. Such being the case, approval of **House Bill No. 2375-72** would only create ambiguity.

For the foregoing reasons, I am returning **House Bill No. 2375-72** without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii”

#### “PROCLAMATION

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give

notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **House Bill No. 2375-72**, entitled “A Bill for an Act Relating to Industrial Safety”, passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **House Bill No. 2375-72** is unacceptable to the Acting Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Acting Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **House Bill No. 2375-72** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii  
this 5th day of June, 1972.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii”

Gov. Mess. No. 106 from George R. Ariyoshi, Acting Governor of Hawaii as follows:

“State of Hawaii  
Executive Chambers  
Honolulu  
June 5, 1972

Statement of Objections to  
**Senate Bill No. 173**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **Senate Bill No. 173**, entitled “A Bill for an Act Relating to the Retirement System”.

The purpose of this bill is to amend the present procedures for determining whether an employee qualifies for service-connected disability retirement under the Employees' Retirement System (ERS). This bill would abolish the medical review board and provide that appeals from the decision of the medical board shall be made to the Labor and Industrial Relations Appeals Board. A decision of the Labor and Industrial Relations Appeals Board would be conclusive and binding.

Under the present procedure, a claim for disability retirement is first referred to the medical board for recommendation to the Board of Trustees. If the Board of Trustees rejects the recommendation, the matter is referred back to the medical board. If the Board of Trustees accepts the recommendation and it is adverse to the employee, the employee is entitled to a hearing before the Board of Trustees. After the hearing, the Board of Trustees may refer the matter to the medical review board whose decision is final and binding. Procedurally, however, the medical review board has been hearing appeals under rules of the Board of Trustees.

In July 1970, the Supreme Court of Hawaii in *Mortensen v. Emp. Ret. Syst. Trustees*, 52 Haw. 212, 473 P.2d 866 (1970), ruled that a trial-type hearing must be held by the Board of Trustees on contested cases. Pursuant thereto, the Board of Trustees adopted procedural rules providing for the type of hearing required by the *Mortensen* case and which all but eliminated the need for the medical review board.

In view of the new procedural rules, eliminating the review functions of the medical review board may be in order. But I can see no necessity of substituting the Labor and Industrial Relations Appeals Board for the Board of Trustees in conducting hearings on appeals from decisions of the medical board. Since the Workmen's Compensation laws and the Retirement System laws are separate and distinct and the benefits thereunder are also different, there is no basis to contend that the Labor and Industrial Relations Appeals Board is in any way more competent or qualified to hear appeals arising under the Retirement System laws than is the Board of Trustees.

Moreover, the Board of Trustees is the trustee of various funds of the Employees'

Retirement System. In view thereof, it would be incongruous to permit another agency to determine whether a retirement benefit is to be paid from funds of the System.

In addition to the foregoing, it is noted that **Senate Bill No. 173** takes effect upon approval. No provision is made under the bill as to pending cases which have been appealed to the Board of Trustees. That omission would raise questions regarding the applicability of this bill to such cases. Moreover, this bill in amending Sections 88-77 and 88-79, Hawaii Revised Statutes, does not incorporate the amendments made by Act 152, Session Laws of Hawaii 1971, granting to sewer workers the right to receive disability retirement benefits from the inhalation of smoke and other toxic vapors. However, I do not believe it was the intent of the Legislature to repeal the disability retirement benefit granted to sewer workers under Act 152, Session Laws of Hawaii 1971.

For the foregoing reasons, I am returning **Senate Bill No. 173** without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii"

#### "PROCLAMATION

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **Senate Bill No. 173**, entitled "A Bill for an Act Relating to the Retirement System", passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **Senate Bill No. 173** is unacceptable to the Acting Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R:

ARIYOSHI, Acting Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **Senate Bill No. 173** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 5th day of June, 1972.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii"

**Gov. Mess. No. 107** from George R. Ariyoshi, Acting Governor of Hawaii as follows:

"State of Hawaii  
Executive Chambers  
Honolulu  
June 5, 1972

Statement of Objections to  
**Senate Bill No. 623**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to Section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **Senate Bill No. 623**, entitled "A Bill for an Act Relating to Historical Objects and Sites".

**Senate Bill No. 623** purports to clarify the procedures and requirements applicable to the State's program of preserving historic sites and objects.

Among the changes proposed are several that are constitutionally suspect.

(1) An amendment to Section 6-11(c), Hawaii Revised Statutes, provides that upon notification by the Department of Land and Natural Resources of the presence of a significant historic site on his property, a private owner may not construct, alter or improve the site without giving the Department five months' notice of his intention to construct, alter or improve, and the Department during said

period may institute proceedings to acquire the site or provide funds and contract for any salvage research, movement and reconstruction of the site.

It appears that the amendment would constitute a taking of property without just compensation, contrary to the Fourteenth Amendment of the United States Constitution and Article I, Section 18 of the State Constitution. [See *Keystone Associates v. Moerdler*, 19 N.Y.2d 78, 278 N.Y.S.2d 185, 224 N.E.2d 700 (1966).]

(2) Section 5 of the bill amends Section 6-14, Hawaii Revised Statutes, by making it "unlawful for any persons to take, appropriate, excavate, injure or destroy any historic ruin or monument or object of antiquity on private lands without written permission . . ." and Section 6 of the bill amends Section 6-14.1, Hawaii Revised Statutes, to require reproduction of prehistorical and historical objects to be clearly and permanently marked as reproductions. Those provisions appear to be vulnerable to attack on the grounds of vagueness because of the uncertainty of what constitutes "historic ruin or monument or object of antiquity" or "prehistorical or historical objects." *State v. Grahovac*, 52 Haw. 527.

The bill also requires the Bureau of Conveyances to attach the notification that a significant historical site is located on the land to the legal instrument pertaining to such land. However, no provision is made requiring the attachment of the notification to legal instruments covering land registered in the Land Court. The omission creates an ambiguity as to the treatment to be accorded registered land.

Moreover, the requirement that the notification be attached to the legal instrument poses a problem. The microfilm recording process presently in use by the Bureau of Conveyances makes it physically impossible to attach the notification to the legal instrument.

In addition to the foregoing, the changes proposed would create certain administrative problems. For example, additional manpower must be provided to carry out the functions of review, as well as plotting, of historical sites. However, no appropriation is available for such purpose.

For the foregoing reasons, I am returning **Senate Bill No. 623** without my ap-

proval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii

**“PROCLAMATION**

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **Senate Bill No. 623**, entitled “A Bill for an Act Relating to Historical Objects and Sites”, passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **Senate Bill No. 623** is unacceptable to the Acting Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Acting Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **Senate Bill No. 623** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 5th day of June 1972.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii

**Gov. Mess. No. 108** from George R. Ariyoshi, Acting Governor of Hawaii as follows:

“State of Hawaii  
Executive Chambers  
Honolulu  
June 5, 1972

Statement of Objections to  
**Senate Bill No. 766**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **Senate Bill No. 766**, entitled “A Bill for an Act Relating to the Legal Capacity of Minors for Hospital, Health Clinic, Medical, and Dental Care and Services”.

This bill grants to minors, fourteen years of age or older, the legal capacity to consent to medical care and services so that consent of parents and others would no longer be necessary in such cases.

Under existing law minors can only consent to medical care and services involving the diagnosis, examination and administration of medication in the treatment of venereal diseases and pregnancy. This bill broadens the scope of services to include general medical and dental care, exclusive of surgery and abortion.

In the interest of public health and welfare it may be that some means should be provided whereby minors would be induced to seek the medical attention they require for such health problems as venereal diseases, pregnancy, substance abuse and family planning. However, I seriously question the necessity of bypassing parental consent for general medical and dental care where no reason for secrecy could exist. Moreover, if this bill became law, there is deep concern that parental control over children will be undermined and divisiveness within the family structure encouraged. From all accounts, there appear to be sufficient misunderstanding and dissension within the family today without the need to further add to such disruption.

Aside from the issue relating to parental consent, there is some concern as to who would be financially responsible for the medical services rendered to a minor. If services are to be rendered without the knowledge and consent of parents, the law should be clear as to who will bear the costs of such services.

Although **Senate Bill No. 766** in its present form is unacceptable, I feel that legisla-

tion directed to the problem areas of venereal diseases, pregnancy, substance abuse and family planning would have merit. Therefore, this Administration during the next legislative session will seek appropriate legislation to cover those problem areas and to clarify the question of financial responsibility for any service rendered.

For the foregoing reasons, I am returning **Senate Bill No. 766** without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii"

**“PROCLAMATION**

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **Senate Bill No. 766**, entitled “A Bill for an Act Relating to the Legal Capacity of Minors for Hospital, Health Clinic, Medical, and Dental Care and Services”, passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **Senate Bill No. 766** is unacceptable to the Acting Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Acting Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **Senate Bill No. 766** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 5th day of June, 1972.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii"

Gov. Mess. No. 109 from George R. Ariyoshi, Acting Governor of Hawaii as follows:

“State of Hawaii  
Executive Chambers  
Honolulu  
June 5, 1972

Statement of Objections to  
**Senate Bill No. 1491-72**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **Senate Bill No. 1491-72**, entitled “A Bill for an Act Relating to Tobacco Tax.”

The purpose of this bill is to permit tobacco licensees to recover from the State, in the form of credit or refund, that portion of the purchase price of tobacco products sold on credit, representing tobacco taxes paid by licensees which subsequently become uncollectible.

Presently, tobacco licensees are required to pay an excise tax equal to forty per cent of the wholesale price of each article of tobacco sold by them. The tax is imposed upon the sale or use of tobacco products. While the tax is passed on to purchasers, the licensees remain liable for its collection and payment. The bill provides relief to licensees where, after a sale but before collection of the purchase price, the tobacco tax paid by them becomes uncollectible.

The bill is unacceptable for the following reasons:

1. The bill is ambiguous and will result in future litigation.

The bill as originally introduced provided that it would take effect upon its approval. However, an amendment was made to provide that the bill would take effect “non-retroactively,” after June 30, 1972.

I note that while the amendment makes it



clear that taxes declared uncollectible prior to the effective date of the bill may not be recovered, it is not clear whether taxes due and owing from sales transactions which took place prior to the effective date of the bill but which become uncollectible thereafter are also barred.

This ambiguity will undoubtedly result in future litigation by licensees denied relief from debts declared uncollectible after the effective date of the bill but arising from transactions occurring prior thereto, inasmuch as the proposed amendment has been construed by the Attorney General's Office to be limited to transactions which take place after the effective date of the bill.

2. The bill is inequitable in that it does not give equal treatment to other taxpayers similarly situated.

For example, fuel distributors and liquor dealers, taxed under Chapters 243 and 244, Hawaii Revised Statutes, respectively, who are presently required to collect and pay fuel or liquor taxes in a manner similar to tobacco dealers, are not accorded the rights proposed to be granted to tobacco licensees.

3. The bill requires the verification of all claims for credit or refund which will result in a significant increase in the workload of the Audit Section of the Department of Taxation.

Presently, there are over 25,000 retailers who sell tobacco products. If one percent of the retailers' books require auditing to verify bad debts, 250 establishments will be required to be audited. Time-consuming audits will be required of the claimants' accounts receivables to determine whether uncollectible debts were treated for accounting purposes as specific bad debts, and, if so, whether the uncollectible bad debts became worthless in whole or in part in the year claimed; and where partial payments are received by the claimants, audits will be required to verify the apportionment of the partial payment.

4. The relief sought by tobacco dealers may be achieved without the requirement of legislation.

Presently, tobacco licensees make sales of tobacco products without the advance collection of the purchase price. The licensees, by failing to make such collection in

advance, have often suffered the loss of not only the cost of the tobacco product but the taxes as well. The bill seeks to alleviate that portion of the loss attributable to the tobacco taxes by allowing a credit or refund to the extent of the taxes paid by the licensees. However, the relief sought under this bill would not be essential, if a licensee requires the payment of the tobacco tax at the time of the sale. Collection of the tax in the first instance would obviate the necessity of refunding or crediting the licensee at a later date and the undertaking of necessary administrative procedures applicable to such refund or credit. Moreover, it would prevent the retailer (who defaults in his payment) in effect from using or selling tobacco products tax free.

For the foregoing reasons, I am returning **Senate Bill No. 1491-72** without my approval.

Respectfully,

/s/ George R. Ariyoshi

**GEORGE R. ARIYOSHI**  
Acting Governor of Hawaii"

#### "PROCLAMATION

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **Senate Bill No. 1491-72**, entitled "A Bill for an Act Relating to Tobacco Tax", passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **Senate Bill No. 1491-72** is unacceptable to the Acting Governor of the State of Hawaii;

NOW, THEREFORE, I, **GEORGE R. ARIYOSHI**, Acting Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **Senate Bill No. 1491-72** with my objections to the legislature as provided



by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 5th day of June, 1972.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii"

**Gov. Mess. No. 110** from George R. Ariyoshi, Acting Governor of Hawaii as follows:

"State of Hawaii  
Executive Chambers  
Honolulu  
June 5, 1972

Statement of Objections to  
**Senate Bill No. 1905-72**

Honorable Members  
Sixth Legislature  
State of Hawaii

Pursuant to section 17 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, **Senate Bill No. 1905-72**, entitled "A Bill for an Act Relating to Boxer Benefit".

**Senate Bill No. 1905-72** seeks to provide financial benefits such as a trust fund, a pension plan, and a disability insurance program for professional boxers to be payable to the boxers or their beneficiaries in case of retirement, license revocation, disability or death.

Although efforts to provide medical and surgical benefits to a boxer who is injured in a professional boxing contest are desirable, **Senate Bill No. 1905-72** as presently constituted is much too broad. Boxing is a private enterprise and any trust fund or pension plan for boxers should, if at all, be administered by the industry. Moreover, the number of individuals presently involved in professional boxing is very limited. In view thereof, any program to implement **Senate Bill No. 1905-72** would be financially prohibitive and cumbersome to administer.

For the foregoing reasons, I am returning **Senate Bill No. 1905-72** without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii"

**"PROCLAMATION**

WHEREAS, under section 17 of Article III of the Constitution of the State of Hawaii, the governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the legislature; and

WHEREAS, **Senate Bill No. 1905-72**, entitled "A Bill for an Act Relating to Boxer Benefits", passed by the legislature, was presented to the governor within the aforementioned period; and

WHEREAS, **Senate Bill No. 1905-72** is unacceptable to the Acting Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Acting Governor of the State of Hawaii, hereby issue this proclamation pursuant to the provisions of section 17 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return **Senate Bill No. 1905-72** with my objections to the legislature as provided by said section 17 of Article III of the Constitution.

DONE at Hawaii State Capitol,  
Honolulu, State of Hawaii,  
this 5th day of June, 1972

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Acting Governor of Hawaii"

**Gov. Mess. No. 111** from George R. Ariyoshi, Acting Governor of the State of Hawaii informing the House that he signed the following bills on the dates indicated: June 2, 1972: **House Bill No. 42** as Act 173, **House Bill No. 356** as Act 174, **House Bill No. 440** as Act 175, **House Bill No. 1638-72** as Act 176, **Senate Bill No. 919** as Act 177, and **Senate Bill No. 2013-72** as Act 178: June 3, 1972: **House Bill No. 1672-72** as Act 179,

**House Bill No. 1780-72** as Act 180, **House Bill No. 1804-72** as Act 181, **House Bill No. 1828-72** as Act 182, **House Bill No. 1987-72** as Act 183, **House Bill No. 2046-72** as Act 184, **House Bill No. 2144-72** as Act 185, **House Bill No. 2190-72** as Act 186, **House Bill No. 2249-72** as Act 187, **House Bill No. 2571-72** as Act 188, **Senate Bill No. 1411-72** as Act 189, **Senate Bill No. 1419-72** as Act 190, **Senate Bill No. 1422-72** as Act 191, **Senate Bill No. 1424-72** as Act 192, **Senate Bill No. 1435-72** as Act 193, **Senate Bill No. 1472-72** as Act 194, **Senate Bill No. 1593-72** as Act 195 and **Senate Bill No. 2008-72** as Act 196.

**Gov. Mess. No. 112** from John A. Burns, Governor of the State of Hawaii, transmitting sixty copies of an annual progress report on the Meals For the Indigent Elderly project contracted to Lanakila Crafts, Inc. by the State Commission on Aging.

**Gov. Mess. No. 113** from John A. Burns, Governor of the State of Hawaii, informing the House that Acting Governor George R. Ariyoshi signed the following bills on June 5, 1972: **House Bill No. 2522-72** as Act 197, **Senate Bill No. 1650-72** as Act 198, **Senate Bill No. 1588-72** as Act 199 and **House Bill No. 1893-72** as Act 200.

**Gov. Mess. No. 114** from John A. Burns, Governor of the State of Hawaii, informing the House that he signed the following bills on June 19, 1972: **Senate Bill No. 288** as Act 201, **House Bill No. 1636-72** as Act 202, **House Bill No. 1879-72** as Act 203 and **House Bill No. 2515-72** as Act 204.

**Gov. Mess. No. 115** from John A. Burns, Governor of the State of Hawaii, informing the House that on June 20, 1972, the following bill became law without his signature pursuant to the provisions of Article III, Section 17 of the Hawaii State Constitution: **Senate Bill No. 564** as Act 205.

**DEPARTMENTAL COMMUNICATIONS  
RECEIVED  
AFTER THE ADJOURNMENT OF THE  
LEGISLATURE SINE DIE**

**Dept. Com. No. 16** from Richard E. Ando, M.D., Chairman, Board of Education, acknowledging receipt of copies of **House Resolution Nos. 118 and 363**.

**Dept. Com. No. 17** from Richard E. Ando, M.D., Chairman, Board of Education, acknowledging receipt of copies of **House Resolution No. 229**.

**Dept. Com. No. 18** from Edwin H. Honda, Director, Department of Regulatory Agencies, acknowledging receipt of **House Resolution No. 389**, requesting all heads of state and county agencies to evaluate and

attach priorities to Legislative resolutions requesting studies by, of or related to their respective agencies and to report the same to the appropriate standing legislative committee for consideration.

**Dept. Com. No. 19** from Richard E. Ando, M.D., Chairman, Board of Education, acknowledging receipt of copies of **House Resolution No. 389**.

**Dept. Com. No. 20** from Richard E. Ando, M.D., Chairman, Board of Education, acknowledging receipt of copies of **House Concurrent Resolution Nos. 16 and 57**.

**MISCELLANEOUS COMMUNICATIONS  
RECEIVED  
AFTER THE ADJOURNMENT OF THE  
LEGISLATURE SINE DIE**

**Misc. Com. No. 49** from David S. Nahm, Staff Executive for Spark M. Matsunaga, Member of Congress, acknowledging receipt of a certified copy of **House Resolution No. 133**, pertaining to a request for the use of certain land in Pearl City for park purposes.

**Misc. Com. No. 50** from Eileen K. Lota, City Clerk, City and County of Honolulu, acknowledging receipt of a copy of **House Resolution No. 118**, requesting the development of a bicycle safety program which was referred to the Committee on Traffic and Transportation for consideration.

**Misc. Com. No. 51** from Andrew T. F. Ing, Chairman, Charter Commission, transmitting copies of Proposal 83, which transfers the administration and operation of sewage works from the Sewers Division, Department of Public Works, City and County of Honolulu to the Board of Water Supply, City and County of Honolulu which was adopted by the Charter Commission at its meeting on April 11, 1972.

**Misc. Com. No. 52** from Eileen K. Lota, City Clerk, City and County of Honolulu, transmitting a copy of a Committee Report which was adopted by the Council of the City and County of Honolulu in regard to **House Resolution No. 131** and **Senate Resolution No. 140**, requesting the City and County of Honolulu to remove restrictive hours for senior citizen free travel on city busses and, instead, to allow them to travel at any hour which pleases them.

**Misc. Com. No. 53** from Mr. Albert K. Sing, Kuhio Area Council Representative, Leahi District Office, acknowledging with gratitude the support of **House Resolution No. 131**, "Relating to Bussing for Senior Citizens" by the House of Representatives.

**Misc. Com. No. 54** from Daniel K. Inouye, United States Senator, acknowledging receipt of a certified copy of **House Resolution No. 133**, requesting the U.S. Navy to allot a portion of its land in Pearl City for park purposes.

**Misc. Com. No. 55** from Herman E. Talmadge, U.S. Senator, Chairman, Committee on Agriculture and Forestry, acknowledging receipt of a resolution approved by the Hawaiian Legislature regarding papayas.

**Misc. Com. No. 56** from Hiram L. Fong, U.S. Senator, acknowledging receipt of **House Resolution No. 133**, requesting the United States Navy to allot a portion of its land in Pearl City for park purposes.

**Misc. Com. No. 57** from Mrs. Christine S. Gallagher, Chief Clerk, U.S. House of Representatives, Committee on Agriculture, acknowledging receipt of a copy of **House Concurrent Resolution No. 29** in support of **H.R. 7661**, Patsy Mink, Member of Congress bill dealing with marketing orders for papayas.

**Misc. Com. No. 58** from Edward Eu, President, Universal Motor Company, Ltd., acknowledging receipt of **House Resolution No. 134**.

**Misc. Com. No. 59** from Hiram L. Fong, U.S. Senator, acknowledging receipt of a certified copy of **House Concurrent Resolution No. 12**, urging Federal selection of Hawaii as a demonstration pilot project for vocational education, which was recently adopted by the Sixth Legislature.

**Misc. Com. No. 60** from G. Bryan Harr, Superintendent, U.S. Department of the Interior, National Park Service, acknowledging receipt of **House Resolution No. 142**.

**Misc. Com. No. 61** from Daniel K. Inouye, United States Senator, acknowledging receipt of **House Concurrent Resolution No. 12**, to amend the Agricultural Adjustment Act of 1933 to include papayas on the list of imported commodities to which restrictions apply if the Secretary of Agriculture issues marketing orders on these same domestic items, and also transmitting a copy of the statement he made in introducing an amendment to the Agricultural Adjustment Act of 1933.

**Misc. Com. No. 62** from Patsy T. Mink, Member of Congress, acknowledging receipt of **House Concurrent Resolution No. 26**, Requesting the Economic Development Administration, U.S. Department of Commerce, for Federal assistance which would benefit the State's neighbor island counties and particularly the area of North Kohala, Hawaii.

**Misc. Com. No. 63** from Spark Matsunaga, Member of Congress, acknowledging receipt of **House Concurrent Resolutions Nos. 12 and 29**, dealing with vocational education and papaya marketing orders.

**Misc. Com. No. 64** from Eileen K. Lota, City Clerk, City and County of Honolulu, transmitting a copy of a Committee Report which was adopted by the Council of the City and County of Honolulu in regard to the Development of a Bicycle Safety Program.

**Misc. Com. No. 65** from Richard Lyng, Assistant Secretary, Department of Agriculture, acknowledging receipt of **House Concurrent Resolution No. 29**, Relative to papayas.

**Misc. Com. No. 66** from Eileen K. Lota, City Clerk, City and County of Honolulu, transmitting a copy of a Committee Report adopted by the Council regarding the State Legislature's request that the City extend bus riding privilege hours for Senior Citizens to all hours of the day.

**Misc. Com. No. 67** from Hiram L. Fong, United States Senator, acknowledging receipt of **House Concurrent Resolution No. 29**, "Requesting the Congress of the United States to include papayas within the list of imported commodities to which certain restrictions apply if the Secretary of Agriculture issues marketing orders with respect to like commodities domestically

produced.

**Misc. Com. No. 68** from Spark Matsunaga, Member of Congress, transmitting a copy of a letter from W. H. Anderson, Commander, CEC, USN, Executive Assistant/Aide to Commander, Department of the Navy, informing Congressman Matsunaga that they are investigating and will furnish a detailed reply concerning **House Resolution No. 133**, "Requesting the United States Navy to allot a portion of its land in Pearl City for park purposes.

**Misc. Com. No. 69** from William D. Tavares, Principal, Makawao School, Maui, thanking the House on behalf of the Students, Miss Holokai, Art Instructor and himself for the resolution commending all concerned for the awards won in the Bank of Hawaii poster contest.

**Misc. Com. No. 70** from Norman K. Tamanaha, extending his sincerest Mahalo for the adoption of **House Resolution No. 367**.

**Misc. Com. No. 71** from Albert T. Hamai, Executive Secretary, Hawaii State Teachers Association, acknowledging receipt of copies of **House Concurrent Resolution No. 16**, **House Concurrent Resolution No. 57** and **House Resolution No. 314** to HSTA President Tasaka and himself.

**Misc. Com. No. 72** from Robert M. Worthington, Associate Commissioner for Adult, Vocational, and Technical Education, Office of Education, acknowledging and thanking the House for a copy of **House Concurrent Resolution No. 12**, Relating to the improvement of Vocational Education in the State of Hawaii on behalf of Commissioner Marland.

**Misc. Com. No. 73** from Hiram L. Fong, United States Senator, acknowledging receipt of **House Resolution No. 320**, Requesting Congress to Investigate the award of the operation and maintenance contract at the Pacific Missile Range Facility at Barking Sands, Kauai.

**Misc. Com. No. 74** from Daniel K. Inouye, United States Senator, acknowledging receipt of **House Resolution No. 320**, Requesting Congress to investigate the award of the operation and maintenance contract at the Pacific Missile Range facility at Barking Sands, Kauai and other similar contracts.

**Misc. Com. No. 75** from David S. Nahm, Staff Executive for Spark M. Matsunaga, Member of Congress, acknowledging receipt of **House Resolution No. 320**, Relating to the Pacific Missile Range Facility matter.

**Misc. Com. No. 76** from David S. Nahm, Staff Executive for Spark M. Matsunaga, Member of Congress, acknowledging receipt of copies of **House Resolution Nos. 340** and **341**, relating to oil import quotas.

**Misc. Com. No. 77** from Allen J. Ellender, United States Senator, acknowledging receipt of **House Resolution No. 341**, requesting the President and the Congress of the United States to revise or repeal the foreign oil import quota program.

**Misc. Com. No. 78** from Spark Matsunaga, Member of Congress, acknowledging receipt of **House Concurrent Resolution No. 26**, requesting the Economic Development Administration, U.S. Department of Commerce, to provide assistance for the Neighbor Island Counties.

**Misc. Com. No. 79** from Hiram L. Fong, United States Senator, acknowledging receipt of **House Concurrent Resolution No. 26**, which requests the Economic Development Administration, U.S. Department of Commerce, for federal assistance to benefit the State's neighbor island counties and particularly the area of North Kohala, Hawaii.

**Misc. Com. No. 80** from John J. Keller, National Service Director, Disabled American Veterans, National Service Headquarters, Washington, D.C., acknowledging receipt of **House Resolution No. 383**, concerning National Service Officer Rose L. Sturdyvin.

**Misc. Com. No. 81** from Spark Matsunaga, Member of Congress, acknowledging receipt of **House Resolution No. 160**, relating to the Hawaii National Guard.

**Misc. Com. No. 82** from Hiram L. Fong, United States Senator, acknowledging receipt of **House Resolution No. 160**, regarding the extending of certain military benefits to Hawaii National Guardsmen.

**Misc. Com. No. 83** from Elmer F. Cavalho, Mayor, County of Maui, acknowledging receipt of **House Resolution No. 389**, requesting all heads of state and county

agencies to evaluate and attach priorities to legislative resolutions requesting studies by, of or related to their respective agencies and to report the same to the appropriate standing legislative committee.

**Misc. Com. No. 84** from the Deputy Comptroller General of the United States, acknowledging receipt of **House Resolution No. 320**, requesting the United States Congress to investigate the award of the operation and maintenance contract at the Pacific Missile Range Facility at Barking Sands, Kauai, to the Dynalectron Corporation.

**Misc. Com. No. 85** from Eiler C. Ravnholt, Administrative Assistant for Daniel K. Inouye, United States Senator, acknowledging receipt of **House Resolution No. 160**, in regard to supporting legislation providing National Guardsmen certain benefits and privileges now available to full-time members of the Armed Services.

**Misc. Com. No. 86** from Francis S. Greenlief, Mayor General, USA Chief, National Guard Bureau, Washington, D.C. acknowledging receipt of **House Resolution No. 160**, in regard to supporting legislation providing National Guardsmen certain benefits and privileges now available to full-time members of the Armed Services in behalf of President Nixon.

**Misc. Com. No. 87** from Hiram L. Fong, United States Senator, acknowledging receipt of **House Resolution No. 340**, requesting the President of the United States to exempt Hawaii from the Mandatory Oil Import Quota created by Presidential Proclamation No. 3279.

**Misc. Com. No. 88** from Hiram L. Fong, United States Senator, acknowledging receipt of **House Resolution No. 341**, requesting the President and the Congress of the United States to revise or repeal the Foreign Oil Import Quota Program.

**Misc. Com. No. 89** from William Erwin, Deputy Under Secretary for Rural Development, Department of Agriculture, Washington, D.C., acknowledging receipt of **House Concurrent Resolution No. 26**, and transmitting copies of letters sent to Mr. Robert Podesta, Assistant Secretary of Commerce and Mr. Dale N. Goodell, Chairman, Hawaii Rural Development Committee, in regard to Federal assistance which would benefit the State's Neighbor Island Counties, particularly the area of

North Kohala, Hawaii.

**Misc. Com. No. 90** from G. A. Lincoln, Director, Office of Emergency Preparedness, Washington, D.C., acknowledging receipt of **House Resolutions Nos. 340 and 341** in regard to the Mandatory Oil Import Program.

**Misc. Com. No. 91** from Howard Y. Miyake, expressing deep appreciation for the kindness and encouragement extended by the House upon the loss of his wife Juanita.

**Misc. Com. No. 92** from Daniel K. Inouye, United States Senator, acknowledging receipt of **House Concurrent Resolution No. 26** regarding the need for additional economic development in the area of North Kohala, Hawaii.

**Misc. Com. No. 93** from Theodore C. Marrs, Deputy Assistant Secretary (Reserve Affairs), Office of the Assistant Secretary of Defense, acknowledging and responding to **House Resolution No. 160**, requesting that support be given to legislation providing incentive for participation in the National Guard.

**Misc. Com. No. 94** from Hollis M. Dole, Assistant Secretary of the Interior, United States Department of the Interior, acknowledging receipt of a copy of **House Resolution No. 340**.

**Misc. Com. No. 95** from Spark Matsunaga, Member of Congress, transmitting a further follow-up to his letter of April 11, 1972, and a letter from C. S. Minter, Jr., Deputy Chief of Naval Operations, (Logistics), Department of the Navy, Washington, D.C., pertaining to a request for the use of certain land in Pearl City for park purposes.

**Misc. Com. No. 96** from Edward Y. Hirata, Director and Chief Engineer, City and County of Honolulu, Department of Public Works, transmitting the City's comprehensive water quality management plan for Oahu. The report presents the wastewater management systems recommended for the island together with the basic criteria, arguments, and factors which led to their selection.

**Misc. Com. No. 97** from Tom T. Kimura, HNGA Legislative Committee Chairman, transmitting a letter informing the House that it is returning \$15,000.00 to the State General Fund at the end of the fiscal year on 30 June 1972. This \$15,000.00 was appropriated by the 1971 Legislature to support the HNGA in hosting the 93rd General Conference of the National Guard Association of the United States in September 1971 in Honolulu. The conference was such an outstanding success, that they are grateful they are able to return the money to the State with appreciation.

**Misc. Com. No. 98** from Richard L. Sinnott, Deputy Assistant Secretary for Policy Coordination, U.S. Department of Commerce, acknowledging receipt of **House Concurrent Resolution No. 26**, regarding Tri-County Development and Planning Council's staffing needs.

**Misc. Com. No. 99** from Eileen K. Lota, City Clerk, City and County of Honolulu, transmitting a copy of **Resolution No. 186** (1972) adopted by the Council in regard to the belt road, a portion of Kamehameha Highway which is maintained and controlled by the State of Hawaii, within the City and County of Honolulu, specifically commencing from Kahaluu to Waialua which is heavily burdened by an increased traffic load.



**OFFICIAL RULES OF PROCEDURE  
ADOPTED BY  
THE HOUSE OF REPRESENTATIVES  
STATE OF HAWAII**

**SIXTH STATE LEGISLATURE**

**PART I**

**RULE 1. ORGANIZING**

(1) When the specified time arrives for the first session of the House to be convened, the member from the First Representative District shall act as temporary presiding officer. The House will immediately thereafter elect a temporary Chairman who shall appoint a temporary Clerk and a Committee of not less than three members to immediately examine credentials of members elect. If upon said Committee's report it shall appear that a majority of the credentials are in order, the roll shall be called. The temporary Chairman shall then appoint a Committee of not less than three to wait upon a Justice of the Supreme Court or a Judge of a Circuit Court and request him to administer to the holders of such credentials, the oath of office as required by the Constitution of the State of Hawaii. After such oath shall have been duly administered the House shall proceed to organize by adopting Rules of Procedure followed by the election by resolution of a Speaker and Vice Speaker, and the Officers of the House, who shall be a Clerk, an Assistant Clerk, a Sergeant at Arms, and an Assistant Sergeant at Arms who shall take an oath for the faithful discharge of their duties. The Speaker and Vice Speaker shall retain their respective positions during the term for which they were elected to membership in the House, unless such tenure be terminated by action of the House; except that if they shall be re-elected to membership in the House for the succeeding term, they shall then retain their respective positions until the day preceding the opening day of the succeeding legislature. When the position of the Speaker is vacant, the Vice Speaker shall become Speaker for the remainder of the Speaker's term; or, if there be no Vice Speaker, then the Majority Leader and the Majority Floor Leader, in the order named, shall become Speaker for the remainder of such term.

(2) When the specified time arrives for the session of the House to be convened subsequent to the organization of the

House, the House shall be called to order by the Speaker who was elected for the term during which the session occurs.

(3) The members of the House belonging to the Majority Party shall designate a Majority Leader, a Majority Floor Leader and may designate one or more Assistant Majority Floor Leaders. The Majority Leader and Majority Floor Leader shall retain their respective positions during the term for which they were elected to membership in the House, unless such tenure be terminated by action of the members of the majority party in the House; except that if they shall be re-elected to membership in the House for the succeeding term, they shall then retain their respective positions until the day preceding the opening day of the succeeding legislature. The members of the House belonging to the Minority Party shall designate a Minority Leader, a Minority Floor Leader and may designate one or more Assistant Minority Floor Leaders. The Majority Leader, Majority Floor Leader, Minority Leader and the Minority Floor Leader shall, in addition to their regular powers and duties, assist the standing committees of the House as ex officio members without vote. The Assistant Majority Floor Leaders and the Assistant Minority Floor Leaders, if any shall be so designated, shall in addition to their regular powers and duties, be assigned as voting members of specific standing committees of the House.

**RULE 2. MEETINGS**

(1) After the day of opening of the Legislature as prescribed by law, the House shall meet for the transaction of public business every day except Saturdays, Sundays, recognized holidays, any days in recess, and such other days as the House shall designate.

(2) The usual hour of meeting shall be as the House shall decide from time to time.

(3) Any session may be recessed by concurrent resolution adopted by a majority of the members to which each house is entitled.

**RULE 3. ADJOURNMENTS**

(1) Meetings of the House may be adjourned at any time by vote. Unless otherwise specified in the motion, every adjournment shall be to the usual hour or meeting on the next following business day.

(2) A motion to adjourn is always in order, (except that one motion to adjourn shall not follow another such motion without intervening business) and shall be decided without debate. A motion to adjourn to a specified time, or sine die may be debated, but no one shall speak more than once on such motion.

**RULE 4. QUORUM**

(1) A majority of the number of members to which the House is entitled shall constitute a quorum of such House, of which quorum a majority vote shall suffice, unless otherwise provided herein; but the final passage of a bill shall require the vote of a majority of all the members to which the House is entitled.

(2) A majority of less than a quorum shall have power to compel the attendance of absent members and to adjourn from day to day.

(3) When there shall be no quorum present at the hour of opening, the Speaker may declare the House adjourned.

(4) For the purpose of ascertaining whether there is a quorum present, the Speaker shall count the number of members present.

**RULE 5. SALARY OF MEMBERS, OFFICERS AND EMPLOYEES**

Unless otherwise provided by law in accordance with Section 10 of Article III, the salary of each member of the House shall be Twelve Thousand Dollars a year and each member of the House of Representatives shall be paid his salary in installments of not less than once each month following his election to office for such time as he shall remain a member of the House.

The Speaker and Vice Speaker shall receive no salary in addition to that fixed by law for members of the House of Representatives. Employees of the House who are hired for the session shall receive such

compensation as the House shall fix by resolution. When once fixed, the pay of such employees shall not be changed except by resolution of the House or by the Speaker. Permanent and interim employees of the House shall receive such compensation as shall be authorized by the Speaker and their employment shall be at the discretion of the Speaker.

**RULE 6. DUTIES AND POWERS OF THE SPEAKER**

It shall be the duty of the Speaker:

(1) To open the sittings of the House at the appointed hour by taking the chair and calling upon the chaplain to perform his duty;

(2) To maintain order and proper decorum in debate;

(3) To announce the business before the House in the order prescribed by the Rules;

(4) To receive and submit all matters brought properly before the House by the members, to call for votes upon the same, and announce the results;

(5) To consult and advise the Committees of the House and assist in their work as an ex officio member without vote;

(6) To receive all communications from other branches of the Government and present them to the House;

(7) To assign to each member a seat on the floor of the House of Representatives. It is provided, however, that until seats are so assigned, members of the House may occupy any vacant seat;

(8) To authenticate by his signature all acts of the House;

(9) To make known Rules of Order when so requested, and to decide all questions of order subject to an appeal to the House;

(10) To issue his warrant to carry into effect its orders in the arrest of offenders, and he may issue subpoena and subpoena duces tecum requiring the attendance of witnesses or the production of books, documents or other evidence in any matter pending before the House or any commit-

tee;

(11) To do and perform such other duties as may be required by law, by these Rules, and as may properly appertain to such office;

(12) In case of disturbance or disorderly conduct, or on motion duly adopted, the Speaker may have the House cleared of all persons except the members and officers;

(13) He shall not vote except on matters where the decision is reached by ballot or roll call, or to decide a tie vote taken by a show of hands or by rising;

(14) He shall, on receipt of the message of the Governor, or any executive communication, direct the different Committees of the House to consider subjects in such message;

(15) The Speaker shall have the right to name any member to perform the duties of the Chair where the Vice Speaker is not available to perform such duties, but such substitution shall not extend beyond an adjournment;

(16) The Speaker shall refer all bills to Committees subject to an appeal to the House.

#### **RULE 7. THE VICE SPEAKER**

The Vice Speaker shall exercise all the duties and powers of the Speaker in his absence. The Vice Speaker shall consult and advise the Standing Committees of the House and assist in their work as an ex officio member without vote.

#### **RULE 8. SPEAKER PRO TEMPORE**

(1) In case the Speaker and Vice Speaker shall be absent at the Hour to which the House adjourned, the Majority Leader shall designate a member of the Majority Party present in the House who shall proceed until a Speaker pro tempore is elected.

(2) The Speaker pro tempore shall be invested with, and perform all the powers and duties of the Speaker.

#### **RULE 9. THE CLERK**

(1) The Clerk shall have charge of all the

records of the House, and shall be responsible for the same. On no account shall he permit original documents to be withdrawn from his keeping unless ordered by the Speaker.

(2) He shall make a concise and complete memorandum of all petitions, motions, resolutions, amendments and other matters brought before the House, such memorandum shall state the nature of the said matter, and give the name of the introducer. Such memorandum shall be dated each day, and shall also give the number of the day of sitting. Such memoranda together with other matters ordered to be placed therein shall constitute the Journal. The Journal of each day shall be read the following day and shall be corrected or approved by vote of the House. Provided, however, that the House, by majority vote, may dispense with such reading.

(3) He shall read all bills, resolutions and other matter, if so required, to the House.

(4) He shall forward at once all letters, messages, communications or other matter to the proper parties, either directly or through a committee, as the case may be.

(5) He shall immediately deliver to the Chairman of the appropriate committee all petitions, resolutions, bills or of matters duly referred to such committee.

(6) He shall prepare for the respective committees to which have been referred subjects contained in the message of the Governor, a memorandum of the subjects so referred.

(7) Whenever, in the absence of the Speaker and Vice Speaker, it shall devolve upon the Speaker pro tempore to sign any bill or other instrument requiring the signature of the Speaker, the Clerk shall attach to such bill or instrument a certificate setting forth that such Speaker pro tempore was duly elected.

(8) He shall draw such drafts on the treasury for expenses of the session as shall be authorized by the House and approved by two of the following: The Speaker, Vice Speaker and the Chairman of the Committee on Legislative Management.

(9) He shall pay all such bills and accounts as shall be approved by any two of

the three persons mentioned in (8) above.

(10) He shall note all questions of order with the decision thereon, and collect the same together and append them to the House Journal at the close of the session.

(11) He shall do and perform all other clerical duties and offices pertaining to the position of Clerk of the House as the House shall from time to time direct, and such as shall by law or these Rules, or rules hereafter adopted, be assigned to him.

#### **RULE 10. ASSISTANT CLERK**

The Assistant Clerk shall assist the Clerk in all duties charged to the Clerk. In addition, in the absence of the Clerk the Assistant Clerk shall perform all duties of the Clerk.

#### **RULE 11. CHAPLAIN**

A chaplain shall attend each day's sitting of the House, and open the same with prayers.

#### **RULE 12. THE SERGEANT-AT-ARMS**

(1) It shall be the duty of the Sergeant-at-Arms to attend the House on every day of meeting; to maintain order amongst those present as spectators; to give notice to the presiding officer of the attendance of any person with communications or otherwise; to attend upon committees if so requested; to serve all orders or process directed by the Speaker or House; to make all required arrests of members or other persons and to restrain the same in custody; to have charge of and responsibility for the postal requirements of the House, and generally to execute all the requirements of the Speaker of the House. The Sergeant-at-Arms shall keep the means of ingress and egress to and from the floor of the House clear at all times. He shall not permit anyone on the floor of the House Chamber except members of the House, authorized employees of the House, and guests of the House. He shall be responsible for all property in the House Chamber. The symbol of his office shall be a badge worn by him while enforcing order.

(2) The Sergeant-at-Arms shall be responsible for and shall have the power to initiate all purchases to be made by the House by preparing a purchase order to be submitted to the Speaker for approval.

Upon approval of the Speaker, such purchase order shall be submitted to the Committee on Legislative Management for purchasing.

#### **RULE 13. ASSISTANT SERGEANT-AT-ARMS**

The Assistant Sergeant-at-Arms shall assist the Sergeant-at-Arms in enforcing his duties. In addition, the Assistant Sergeant-at-Arms shall perform the duties of the Sergeant-at-Arms in his absence.

#### **RULE 14. RESPONSIBILITY OF OFFICERS AND EMPLOYEES**

All of the officers and employees of the House with the exception of committee staffs shall be directly answerable to the Speaker, and shall obey and perform all of his orders and directions, subject to revision by the House.

#### **RULE 15. COMMITTEES**

(1) There shall be five types of committees:

(a) **Standing Committees:** There shall be permanent standing committees to consider and report on bills, petitions, resolutions and any other matters referred to such committee.

(b) **Special Committees:** Special Committees shall be appointed for special or temporary purposes to consider and report on such special or temporary matters referred to it.

(c) **Committee of the Whole House:** Whenever the House decides to consider any matter as a committee consisting of the entire House membership, the House may resolve itself into a Committee of the Whole.

(d) **Conference Committees:** Conference Committees shall be appointed for the purpose of resolving differences between the House and the Senate on any matters where the joint agreement of the House and Senate is required.

(e) **Committee on the Journal:** A Committee on the Journal shall be appointed to prepare, compile and bind the House Journal and to enter into contracts for printing and any other acts necessary to accomplish the purpose of printing the journal.

(2) All committees shall be subject to the orders of the House and shall faithfully carry out such orders.

(3) Twenty days after a bill has been referred to a Committee, the same may be recalled from such committee by the affirmative vote of one-third of the members to which the House is entitled.

#### **RULE 16. STANDING COMMITTEES**

(1) The standing committees of the House and the duties and functions of the Committees shall be as provided in PART II.

(2) The membership of each standing committee, including the designation of the chairman and vice-chairman shall be provided for by resolution, provided, however, that the composition of the committee shall be based on proportional representation between the majority and minority party members with the members of the majority party designating the chairman, vice-chairman and majority party members and the minority party designating the minority party members. The Speaker, Vice Speaker, majority and minority leaders, majority and minority floor leaders shall be ex officio members of each committee without vote.

(3) The Chairman of each standing committee shall call meetings, preside at all meetings, prepare and post the agenda for each meeting, and may appoint and discharge members of his staff. No person shall be appointed as a staff member of any committee unless such staff position is first authorized by a majority of the members to which the House is entitled. The Vice Chairman shall perform the duties of the Chairman in his absence.

(4) Meetings of committees shall be public unless otherwise determined by two-thirds of the entire membership of the committee. No committee shall sit during the time when the House is actually in session without a special order, excepting Conference Committees, which may sit at any time.

#### **RULE 17. SPECIAL COMMITTEES**

(1) The Special Committee, its duties and functions shall be created by action of the House from time to time.

(2) Special Committees shall consist of not less than three members each, unless otherwise ordered by the House, to be appointed for special or temporary purposes and to serve until discharged or until finally reporting on such special or temporary matters referred to them.

(3) The meeting of the Special Committee shall be conducted in the same manner as provided for standing committees.

#### **RULE 18. COMMITTEE OF THE WHOLE**

(1) The House may from time to time resolve itself into a Committee of the Whole. Whenever any matter shall be referred to such Committee by the adoption of a motion to that effect, the House may at any time thereafter hold meetings as a Committee of the Whole.

(2) The Clerk of the House shall act as Clerk of the Committee of the Whole, without extra compensation and shall make a careful record of the proceedings of the Committee, which shall be filed as one of the records of the House.

(3) The Committee may, on motion, rise and ask to leave to sit at any future time.

(4) The Rules of Procedure in the House shall be observed, excepting as follows:

(a) Any member may speak more than once on the same subject, provided that he shall not speak a second or further time until others desiring to speak have had an opportunity.

(b) The motion for the "previous question" shall not be allowed.

#### **RULE 19. CONFERENCE COMMITTEE**

(1) The Conference Committee, its duties and functions, is created by action of the House from time to time.

(2) Conference Committees shall consist of not less than three members each, unless otherwise ordered by the House, to be appointed for the express purpose of resolving the specific differences between the House and the Senate and to serve until discharged or until finally reporting on the

matter referred to it.

(3) The meetings of the Conference Committee shall be conducted as agreed upon by the members of the Conference Committee.

#### **RULE 20. COMMITTEE ON THE JOURNAL**

(1) There shall be a Committee on the Journal consisting of the Speaker, Vice Speaker, Majority Leader, and Majority Floor Leader, whose duty it shall be to prepare, compile and bind the House Journal, and who shall be authorized to make contracts with any printer, publisher or bookbinder for the printing and binding of said Journal. The Clerk of the House shall act as Clerk of the Committee on the Journal. The Committee shall report from time to time to the House.

(2) The Committee may correct certain errors in all proper cases, and shall correct any mere clerical errors in the compilation of the Journal, such as errors in orthography or the use of one word for another as "affect" for "effect," "previous" for "previously" and the like. No corrections other than such as are authorized by this Rule shall be made at any time by the Clerk or his assistants, unless upon order of the Committee.

#### **RULE 21. COMMITTEE REPORTS**

(1) The Standing Committees shall report from time to time upon all matters referred to them.

(2) Special Committees shall report within five days upon matters referred to them, unless further time is given by vote of the House.

(3) Reports from Standing and Special Committees shall be submitted with such copies as designated by the Speaker and the report shall be printed by the House and be furnished to each member.

(4) Whenever any matter shall be referred to a committee it shall be the duty of that committee to make diligent inquiry into all of the facts and circumstances connected with the matter. Witnesses may be summoned and examined; documents and records searched; and everything shall be done to bring all facts pertaining to said matter before the House.

(5) The report shall state findings of facts and conclusions based thereon, together with a distinct recommendation as to the disposal of that matter.

(6) A report recommending a bill for passage shall and must clearly state the legislative intent and purpose of such bill; and such report shall also contain a record of the votes cast by each committee member, for or against the recommendations as the case may be.

(7) A report upon a bill shall state clearly the amendments, if any, proposed. If a substitute bill, for one or more bills referred to the committee, shall be reported, such substitute bill shall agree with the subject of the bill or bills returned to the House.

(8) Whenever a committee shall be ordered to perform a particular service, the service shall be performed exactly according to the requirements.

(9) Whenever a committee fails to agree, the majority shall report and it shall be the report of the committee. The minority may report or simply note upon the report of the majority the words "I (or we) do not concur," signing their names.

(10) Reports from Conference Committees, and from the Committee on Legislative Management shall be in order at all times, and upon motion, message from the Governor or from the Senate may be received at any time; provided, that without unanimous consent such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as "Unfinished Business."

#### **RULE 22. VOTING**

(1) There shall be five methods of ascertaining the decision of the House upon any matter:

First: By voice vote;

Second: By raising of hands;

Third: By rising;

Fourth: By calling of the roll of members, and a record by the Clerk, of the vote of each;

Fifth: By unanimous consent.

(2) The first shall be the usual and ordinary method. Whenever the House shall be ready to vote on any question, the Speaker

shall rise, and after stating the question, shall request all those in favor of the affirmative of the question to vote in a clear loud voice, "Aye". The Speaker shall then call upon all voting in the negative of the question to vote "No". The Speaker shall then announce the result to the House.

(3) If one-fifth of the members present shall doubt the result as announced, the Speaker shall again state the question and shall request all those in favor of the affirmative of the question to raise their hands. After the Clerk shall have counted the number voting in the affirmative, which he shall report to the Speaker, the Speaker shall then call upon all voting in the negative of the question to raise their hands. The Clerk shall count those, and state the number to the Speaker, who shall then announce the result to the House. If there be a tie vote, the Speaker shall cast the deciding vote. In all cases he shall declare the result of the vote.

(4) If one-fifth of the members present shall doubt the result as announced, the Speaker shall again state the question and call upon the members to vote by rising in their places, and they shall remain standing until counted, and the result shall be announced.

(5) Whenever one-fifth of the members present shall so request, the Clerk shall call the roll of members of the House. Each member when called, shall vote in a clear loud voice, "Aye" if voting in the affirmative, or "No" if voting in the negative. The Clerk shall record each vote upon the Journal of the House. The Speaker shall announce the result.

(6) No member shall refrain from voting unless excused by the House; and the House shall have no power to excuse anyone from voting unless the member asking to be excused shall wholly fail to understand the question, and will not understand the effect and result of his vote if given.

(7) It is provided, however, that no one shall be permitted to vote upon any question in the result of which he shall have any pecuniary interest, or which will affect his right or title to a seat in the House, or wherein his official conduct shall be involved. Where any member may be in doubt as to whether he has an interest which would disqualify him for voting on any question, he shall stand and disclose

such interest to the House, and thereupon the Speaker shall rule as to whether or not the member should disqualify himself from voting.

(8) Whenever the voting is by call of the roll of the members, no one, without unanimous consent, shall be permitted to explain his vote.

(9) After the announcement by the Speaker of the result, no one shall be allowed to vote or to change his vote.

(10) If any member refuses to vote after having been ordered to do so three times (which includes the "kanalua" response) his vote shall be recorded as upon the affirmative side of the particular question upon which he refused to vote.

#### **RULE 23. PETITIONS AND MEMORIALS**

(1) Any person may petition the House. Petitions and other memorials shall be in writing, signed by the petitioners.

(2) All petitions, memorials and other papers addressed to the House shall be presented by the Speaker, or by a member in his place and, if by a member, shall be endorsed with the name of the person presenting it, and the subject matter of the same.

(3) Every petition, memorial or other paper shall be referred, as of course, by the Speaker, without putting a question for that purpose, unless the reference is objected to by a member at that time such petition, memorial or other paper is presented, in which event it shall be disposed of as the House shall direct.

#### **RULE 24. FORMS OF BILLS, RESOLUTIONS, MOTIONS AND AMENDMENTS**

(1) All bills and resolutions shall be typewritten with black ribbon in single space, or legibly duplicated in black ink upon paper which is 8½ inches wide by 11 inches long, and leaving a left margin of 1½ inches. Short form bills may be introduced. All bills and resolutions shall be dated and signed by the introducer in black ink.

(2) Every bill introduced or reported out of any committee, including but not limited to any standing, special or conference



committee, which amends an existing section or subsection of the Hawaii Revised Statutes or Session Laws of Hawaii, shall set forth the section or subsection in full, and the matter to be deleted shall be enclosed in brackets and any new matter added to the section or subsection shall be underscored.

(3) The Speaker may allow exceptions to Rule 24(2) at his discretion. No floor amendment to a bill shall be adopted unless a typewritten or printed copy of such amendment shall have been received by each member of the House present for consideration of such amendment.

#### **RULE 25. MOTIONS**

(1) No motion shall be received and considered by the House until the same shall have been seconded.

(2) After a motion is stated or read by the Speaker, it shall be deemed in the possession of the House, and shall be disposed of by vote of the House. However, it may be withdrawn by the movant at any time before a decision or amendment.

(3) Whenever any question whatsoever shall be under discussion, the only motions relative thereto shall be:

- First: To lay on the table;
- Second: To postpone to a certain time;
- Third: To postpone indefinitely;
- Fourth: To commit;
- Fifth: To amend;

Which motions shall have precedence in the order named.

(4) The first two motions shall be decided without debate and shall be put as soon as made.

(5) Whenever any of the first four motions mentioned above shall be decided in the negative, it shall not be revived the same calendar day in regard to the main question under discussion. If a motion to amend in a specific manner is defeated, it shall not be revived on the same calendar day.

#### **RULE 26. TIME LIMIT ON SPEAKING**

(1) No member shall speak longer than ten minutes or more than twice on the same

question without leave of the House. However, the movant of the matter pending shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

(2) Where a member yields the floor to another member, his time shall continue to run, unless such yielding shall be to allow a specific question to be asked.

#### **RULE 27. INDEFINITE POSTPONEMENT**

When a question is postponed indefinitely, the same shall not be acted upon again during the regular or special session in which it was introduced.

#### **RULE 28. PREVIOUS QUESTION**

The object of the motion for the previous question is to end debate. It shall always be in order, except as otherwise provided herein. It shall require a two-thirds vote of the members present in the House at the time the motion is made to carry it. Whenever the motion shall be carried the movant of the main subject under discussion shall be permitted to close the debate, after which the main question, subject to the order of priority, shall be put; provided that said movant may delegate to another with right to close.

#### **RULE 29. RECONSIDERATION**

(1) When a motion has been made once and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for a reconsideration thereof; but any member who voted with the majority may move to reconsider it on the same or succeeding day of the session, and such motion shall take precedence of all other questions except a motion to adjourn.

(2) When a motion for reconsideration has been decided, that vote shall not be reconsidered.

(3) When a bill, resolution or other matter upon which a vote has been taken shall have gone out of the possession of the House of Representatives, and has been communicated to the Senate, a motion to reconsider shall be accompanied by a motion to request the Senate to return the same, which last motion shall be acted upon at once without debate and, if deter-

mined in the negative, it shall be a final disposition of the motion to reconsider.

#### **RULE 30. FIRST READING**

(1) The first reading of a bill shall be by its title; and if opposition be made to it, the question shall be: "Shall this bill be rejected?" which question may be debated. But no one shall speak more than once upon such debate, except the introducer of the bill, who may close the discussion.

(2) If the question to reject be decided in the negative, the bill shall go to its second reading without question.

#### **RULE 31. SECOND READING**

On second reading, a bill may be read throughout or may, on motion, be read by title only. It shall then be subject to a motion to commit. If it is not referred to a Standing Committee, or to a Special Committee, but is ordered to be considered in Committee of the Whole, a day for such consideration shall be determined by the Chairman of such committee. When the bill shall be reported from Committee, it shall take its place in the order of business for future consideration.

#### **RULE 32. THIRD READING**

(1) No bill shall pass third or final reading in the House unless printed copies of the bill in the form to be passed have been made available to the members of the House for at least 24 hours. Form to be passed means the form in which a bill is to be either (a) passed on third reading in the House, (b) concurred to by the House after amendments have been made by the Senate, or (c) passed by the House after a conference committee has agreed upon it. The 24-hour period shall commence with the placement of a printed copy of the Bill in the form to be passed upon the desk of each member, as reported from the last committee to which the bill has been referred, upon the convening of, or during, each day's session. In the event that a bill is amended on the floor of the House, the 24-hour period for a bill shall commence at the time printed copies of the bill in the form to be passed are placed upon the desk of each member of the House. In each instance, the time that a bill shall be made available as aforesaid shall be duly entered in the House Journal by the Clerk.

(2) A bill on its third or final reading may be read by its title only and the Speaker shall then ask the House, "Shall this bill pass its third reading?" or "Shall this bill pass its final reading?" as the case may be. Such bill may be amended or recommended on its third reading. Upon the final passage of any bill, the Ayes and Noes shall be called and such passage shall require the affirmative vote of a majority of all the members to which the House is entitled. The vote upon final reading shall be upon a motion that the bill pass third reading, rather than upon adoption of a committee report, so that amendments to the bill may be offered at third reading and voted upon.

#### **RULE 33. BILLS PROPERTY OF THE HOUSE**

All bills introduced in the House shall be deemed the property of the House, and under its control until they shall become law, subject to the right of the Senate to amend or refuse to agree to the same. Any bill pending at the final adjournment of a regular session in an odd-numbered year shall carry over with the same status to the next regular session; provided that if such bill shall have passed third reading in the House in an odd-numbered session, it shall again be placed in the third reading file and pass at least one reading in the House in the next regular session upon its return to the House from the Senate.

#### **RULE 34. PASSED BILLS CERTIFIED**

(1) When a bill shall pass, it shall be certified by the Speaker and by the Clerk, noting the day of its passage at the foot thereof.

(2) When a bill originating in the House passes its third reading or when a bill received from the Senate is amended and passes its third reading in the House, or when a carry over bill from an odd year session originating in the Senate passes its third reading in the House in an even year session, such bill or such amended bill, shall immediately be certified by the Speaker and by the Clerk and sent to the Senate.

#### **RULE 35. GENERAL RULES**

(1) Bills which pass first reading may be immediately sent to printing and after printing and circulation, referred to the various

committees. After consideration and report by the committees, the bills shall be returned to the Clerk of the House and thereafter placed in the second reading file. When the time arrives for consideration, they shall be considered in the order in which they appear on file.

(2) Bills which pass second reading shall be arranged in the order of their passage, irrespective of the date of reference to committee, or of the committee report, and shall be in order for consideration on third reading as arranged. A list shall be made on such order to be called the third reading file, providing that whenever the third reading of any bill is set for any particular date, such bill shall be omitted from the general file.

(3) Bills which shall carry over from a regular session in an odd-numbered year to the next regular session shall retain the numbers assigned to them. The Clerk shall keep a record of the status of all bills in possession of the House at the end of the odd-numbered year session and shall publish the record of the status of all such bills prior to the convening of the next regular session.

(4) Resolutions, except congratulatory resolutions, before being placed on the calendar for adoption shall be printed and circulated to the members of the House, unless otherwise ordered by the House.

(5) Resolutions or other matters on which consideration is not had and complete at the time of introduction into the House, if not ordered for consideration at a stated date, shall be placed upon the general file in the order of consideration with bills.

#### **RULE 36. SPECIAL FILES**

(1) All bills and other matters set for consideration upon particular dates shall be arranged in the order, by date, when such assignments were made.

(2) A list shall be made of such special orders and when the time for consideration arrives, such bills shall be considered in the order of assignment. If an adjournment shall be had before all such special orders are disposed of, the remainder shall go over and come up under the head of "Unfinished Business" on the following day, unless otherwise ordered.

#### **RULE 37. DEBATE, ORDER, DECORUM, PUNISHMENT**

(1) No person shall sit at the desk of the Speaker or Clerk, except by permission of the Speaker.

(2) While the Speaker is putting any question or addressing the House, no one shall walk out of the room or across the floor, nor in any such case or, when a member is speaking shall entertain a private discourse, nor, while a member is speaking shall pass between him and the Chair.

(3) If any member shall conduct himself in a disorderly manner during any session of the House, the Speaker shall order such member to keep his seat and preserve the peace; and, if he shall then persist in his disorderly conduct the Speaker shall order the Sergeant at Arms to remove him from the House and he shall not be permitted to take his seat during the remainder of the day's session, except upon a pledge given by him to the House of good behavior.

(4) When any member is about to speak, he shall rise from his seat and address himself to the Speaker, to wit: "Mr. Speaker," and when recognized, he shall face the Speaker, confine himself to the question under debate and avoid personalities.

(5) If any member in speaking or otherwise transgresses the Rule of the House, the Speaker, or any member, may call him to order, and the member so called to order shall immediately sit down. The Speaker shall then decide the question of order without debate, subject to an appeal to the House. The Speaker may call for the sense of the House on any question of order.

(6) Whenever any person shall be called to order while speaking, he shall be deemed to be in possession of the floor when the question of order is decided, and may proceed with the matter under discussion.

(7) If any member be called to order for words spoken in debate, upon his demand or on that of any other member, the words objected to shall be taken down in writing and noted by the Clerk and, if required, shall be read for the information of the House.

(8) No member or officer shall smoke within the hall of the House during any of

the sessions of the House, except by permission of the Speaker.

(9) The House may punish its members for disorderly behavior or neglect of duty by censure. The House may also, by a two-thirds vote of the total membership of the House, suspend or expel a member.

(10) The House may punish by fine, or by imprisonment not exceeding thirty days, any person not a member thereof who shall be guilty of disrespect of the House by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislator's function, threaten harm to the body or estate of any member of the House; or who shall assault, arrest or detain any witness. But the person charged with the offense shall be informed, in writing, of the charge made against him and have an opportunity to present evidence and be heard in his own defense.

#### **RULE 37-A. DISCLOSURES AND PUNISHMENT OF MEMBERS**

(1) At the times and in the manner prescribed by law for the filing of disclosures of financial interest and any deletion, addition, transfer or termination thereof with the Ethics Commission of the State of Hawaii, each member shall file a copy of such disclosure of financial interest and any deletion, addition, transfer or termination thereof with the Speaker.

(2) If a matter of legislative action shall arise before a member has had the opportunity to comply with the filing requirements of this Rule and if the matter of legislative action be such as to affect the member's undisclosed interest, the member shall, before voting on such legislative matter, make oral disclosure of his interest to be followed by a written disclosure according to law.

(3) Any member who has filed a disclosure as required by this Rule need not make a further oral disclosure on the House floor of any interest so filed.

(4) All disclosures filed with the Speaker shall be reasonably available for examination by the public under standard procedures prescribed by the Speaker.

(5) The Speaker may under the provi-

sions of Rule 51(1) (b) appoint a special committee to investigate a member for misconduct, disorderly conduct, neglect of any duty or violation of Chapter 84 H. R. S. or Rules of the House, and the House may punish a member for misconduct, disorderly conduct, neglect of any duty or violation of Chapter 84 H. R. S. or its Rules by censure or, by a two-thirds vote, suspend or expel a member.

#### **RULE 38. ORDER OF BUSINESS**

After prayer, the daily order of business shall be as follows:

(1) Roll Call;

(2) Reading and approval of the Journal unless the House by motion dispenses with such reading;

(3) Messages from the Governor;

(4) Reports and Communications from the heads of departments (or matters whereon information has been requested or for information); and miscellaneous communications;

(5) Bills, resolutions and other matters from the Senate shall be reported to the House of Representatives to be placed on the calendar;

(6) The Order of the Day, including Third and Second Readings of House Bills;

(7) Reports of Standing Committees;

(8) Reports of Select Committees;

(9) Petitions, Memorials, and Communications;

(10) Resolutions and Introduction of Bills;

(11) Unfinished Business, upon which the House was engaged at the time of its last adjournment;

(12) Any miscellaneous business on the Speaker's table;

(13) Announcements

#### **RULE 39. SPECIAL ORDERS**

The House may, by previous motion, direct that any matter named shall be made

a special order of business and that such special order shall take precedence of all business after the fourth order or that it shall take any other position lower down on the calendar.

**RULE 40. PREFERENCE OF BUSINESS**

The unfinished business in which the House was engaged at the time of the last adjournment shall have the preference in the Orders of the Day; and no motion or any other business shall be received without special leave of the House until the form is disposed of.

**RULE 41. QUESTION OF PRIORITY**

All questions relating to the priority of business to be acted upon shall be decided without debate.

**RULE 42. QUESTIONS OF ORDER**

A question of order may be raised at any stage of the proceedings, except during the calling of the roll when the Ayes and Noes are called for. Unless submitted to the House such question shall be decided without debate by the presiding officer, subject to an appeal to the House. Laying such appeal on the table shall be held as sustaining the ruling of the presiding officer.

**RULE 43. ATTENDANCE**

No member shall absent himself from the service of the House unless he has leave of the House, or be sick and unable to attend.

**RULE 44. REPORTERS**

Stenographers and members of the press wishing to take down the debates or report the proceedings of the House may be admitted to the House by the Speaker. The Speaker shall assign such persons a place and facilities which will not interfere with the operation of the House.

**RULE 45. NEW RULES**

No Rule of the House shall be altered or rescinded, nor shall any new rule be adopted without a day's notice being given of the motion therefor. All alterations, rescissions, and new rules shall be adopted by a

two-thirds (2/3) vote of the total membership of the House.

**RULE 46. SUSPENSION OF RULES**

No Rule of the House shall be suspended unless by the affirmative vote of a two-thirds (2/3) vote of the total membership of the House.

**RULE 47. WHEN RULES SILENT**

The rules of parliamentary practice of Cushing's Manual of Parliamentary Practice as set forth in the New Revised Edition (1961) by Paul E. Lowe, and as practiced in the House of Representatives of the United States, where not inconsistent with these rules, shall govern the House.

**RULE 48. INVENTORY**

An inventory of all property belonging to the House shall be made by the Clerk with the assistance of the Inventory Clerk and the Sergeant-at-arms and a certified list filed with the Journal Committee. Receipt from the Superintendent of Public Works shall be taken of all property submitted to his care to be turned over to a future House.

**RULE 49. WITNESS FEES**

Any witness subpoenaed to appear before the House or any of its Committees shall be paid the same witness fees and the mileage as allowed by the Circuit Courts of the State.

**RULE 50. PAPERS**

The several committees of the House shall, within the day of the final adjournment of the House, deliver to the Clerk of the House all bills, resolutions, petitions, and other papers referred to the committee, together with all evidence taken by such committee, and in the event of the failure or neglect of a committee to comply with this Rule, the Clerk of the House shall report such delinquency to the Speaker.

**RULE 50(A). ISSUANCE OF SUBPOENA AND ADMINISTERING OF OATH**

(1) The Speaker or other presiding officer of the House; the chairman or acting chairman of any joint committee established by a concurrent resolution of the

Senate and the House, or a committee of the whole, or of any committee of the House, to take testimony or other evidence, may issue subpoenas requiring the attendance of witnesses or the production of books, documents or other evidence in any matter pending before the House, or committee.

(2) The Speaker or a chairman, or acting chairman of any joint committee established by a concurrent resolution of the Senate and the House, or of the committee of the whole, or of any committee of the House, may administer oaths to witnesses in any case under their examination. Any member of the House may administer oaths to witnesses in any matter pending in the House or any committee of the House.

## PART II

The Standing Committees, their duties and functions, shall be as follows:

### **RULE 51. COMMITTEE ON LEGISLATIVE MANAGEMENT**

The Committee on Legislative Management shall consist of 3 members. It shall be the duty of the Committee to audit and settle all accounts which may be charged to the House and to regularly report to the House in accordance with data supplied by the Manager of the Print Shop, the numbers and amounts of the various bills, resolutions and other documents printed by the Print Shop. It shall also periodically report on the amounts of materials used by the Print Shop and the costs of such materials. It shall make recommendations to the House as to improvements in printing procedures, and as to ways in which the Print Shop may be more efficiently operated. When directed by the House, the Committee shall procure cost estimates as to commercial printing of various documents and report its findings.

### **RULE 52. COMMITTEE ON AGRICULTURE**

The Committee on Agriculture shall consist of 15 members. It shall be the duty of the Committee on Agriculture, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to agriculture, the operating budget of the Department of Agriculture and other pertinent matters referred to

it by the House and report thereon.

### **RULE 53. COMMITTEE ON FINANCE**

The Committee on Finance shall consist of 16 members, including at least one member from each of the counties and the City and County of Honolulu. It shall be the duty of the Committee on Finance to consider reports of the finance officers of the State, and all bills, petitions, resolutions and matters relating to revenues and proposed expenditures referred to it by the House and report thereon. Budgets from the Executive, when printed, as well as all resolutions and petitions for the appropriation of moneys, and all bills for the construction of roads by way of advancement out of the revenues of the State, the same to be reimbursed out of the proceeds of the sale of public lands and pension bills shall be referred to said Committee with or without prior policy determinations having been made by other standing committees of the House which have jurisdiction over the various departments and agencies of the State government. It shall, should said matters be referred to it, examine into the accounts of the several counties and public departments and report whether the public moneys have been disbursed in conformance with law. It shall recommend such measures as may be necessary to add to the economy of the several counties and departments and the accountability of their officers. It shall establish, within the revenue raising ability of the State, as determined by the appropriate standing committee of the House, the general level of total governmental expenditures. The Committee shall also inquire into the state of public debt and the general financial condition of the State and report thereon.

### **RULE 54. COMMITTEE ON ECONOMIC DEVELOPMENT**

The Committee on Economic Development shall consist of 16 members. It shall be the duty of the Committee on Economic Development, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to the economic development of the State, the operating budget of the Department of Planning and Economic Development and other pertinent matters referred to it by the House and report thereon.

**RULE 55. COMMITTEE  
ON EDUCATION**

The Committee on Education shall consist of 19 members. It shall be the duty of the Committee on Education, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to education, the operating budget of the Department of Education and other pertinent matters referred to it by the House and report thereon.

**RULE 56. COMMITTEE ON  
PUBLIC EMPLOYMENT**

The Committee on Public Employment shall consist of 10 members. It shall be the duty of the Committee on Public Employment, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to government efficiency, civil service, classification and retirement, the operating budget of the Department of Personnel Services and other pertinent matters referred to it by the House and report thereon.

**RULE 57. COMMITTEE ON FEDERAL,  
STATE AND COUNTY RELATIONS**

The Committee on Federal, State and County Relations shall consist of 15 members including at least one member from each of the counties and the City and County of Honolulu. It shall be the duty of the Committee on Federal, State and County Relations to consider all bills, petitions, resolutions and matters relating to relations between the Federal, State or County governments as may be referred to it by the House and to report from time to time its opinions and recommendations thereon. The Committee shall also inquire into the state or Federal Grant Programs, the availability of Federal funds to the State and Counties, and the State Grants-in-Aid Program.

**RULE 58. COMMITTEE ON  
TRANSPORTATION**

The Committee on Transportation shall consist of 18 members. It shall be the duty of the Committee on Transportation, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to harbors, airports and transportation, the operating budget of the Department of Transportation and other pertinent matters referred to it by the

House and report thereon.

**RULE 59. COMMITTEE ON  
HAWAIIAN HOMES**

The Committee on Hawaiian Homes shall consist of 12 members. It shall be the duty of the Committee on Hawaiian Homes, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to Hawaiian Homes and the Hawaiian Homes Act, the operating budget of the Department of Hawaiian Home Lands and other pertinent matters referred to it by the House and report thereon.

**RULE 60. COMMITTEE ON  
HIGHER EDUCATION**

The Committee on Higher Education shall consist of 16 members. It shall be the duty of the Committee on Higher Education, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to higher education, the operating budget of the University of Hawaii and other pertinent matters referred to it by the House and report thereon.

**RULE 61. COMMITTEE ON HOUSING  
AND CONSUMER PROTECTION**

The Committee on Housing and Consumer Protection shall consist of 15 members. It shall be the duty of the Committee on Housing and Consumer Protection, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to housing and consumer protection, the operating budget of the Department of Regulatory Agencies and other pertinent matters referred to it by the House and report thereon.

**RULE 62. COMMITTEE ON JUDICIARY**

The Committee on Judiciary shall consist of 15 members. It shall be the duty of the Committee on Judiciary, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to judicial questions, the Rules of the House, the operating budgets of the Department of the Attorney General and of the Judiciary and other pertinent matters referred to it by the House and report thereon. In the event of a contest, it shall investigate and report upon the certificates of election of members. The Committee



shall consider all petitions and other matters relating to elections and returns referred to it by the House and report thereon.

#### **RULE 63. COMMITTEE ON LABOR**

The Committee on Labor shall consist of 13 members. It shall be the duty of the Committee on Labor, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to labor and employment problems, the operating budget of the Department of Labor and Industrial Relations and other pertinent matters referred to it by the House and report thereon.

#### **RULE 64. COMMITTEE ON LANDS**

The Committee on Lands shall consist of 16 members. It shall be the duty of the Committee on Lands, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to public lands, land classifications, land use, land appraisal, land valuation and jurisdiction over land assessment, the operating budget of the Department of Land and Natural Resources and other pertinent matters referred to it by the House and report thereon.

#### **RULE 65. COMMITTEE ON MILITARY AND CIVIL DEFENSE**

The Committee on Military and Civil Defense shall consist of 13 members. It shall be the duty of the Committee on Military and Civil Defense, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to Military and civil defense and other pertinent matters referred to it by the House and report thereon.

#### **RULE 66. COMMITTEE ON PUBLIC HEALTH, YOUTH AND GENERAL WELFARE**

The Committee on Public Health, Youth and General Welfare shall consist of 19 members. It shall be the duty of the Committee on Public Health, Youth and General Welfare, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to public health, youth and general welfare, the operating budget of the Department of Health and other pertinent matters re-

ferred to it by the House and report thereon.

#### **RULE 67. COMMITTEE ON PUBLIC INSTITUTIONS**

The Committee on Public Institutions shall consist of 13 members. It shall be the duty of the Committee on Public Institutions, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to public institutions and social services, the operating budgets of the Department of Social Services and other pertinent matters referred to it by the House and report thereon.

#### **RULE 68. COMMITTEE ON PUBLIC UTILITIES**

The Committee on Public Utilities shall consist of 13 members. It shall be the duty of the Committee on Public Utilities, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to public utilities referred to it by the House and report thereon.

#### **RULE 69. COMMITTEE ON TOURISM**

The Committee on Tourism shall consist of 16 members. It shall be the duty of the Committee on Tourism, unless otherwise directed by the House, to consider all bills, petitions, resolutions and matters relating to the development and regulation of the tourist industry referred to it by the House and report thereon.

#### **RULE 70. SELECT COMMITTEE OF HAWAII REPRESENTATIVES**

The Select Committee of Hawaii Representatives shall consist of all of the elected House members from the County of Hawaii. It shall be the duty of the Select Committee of Hawaii Representatives to consider all special laws, bills, resolutions, petitions and other pertinent matters of primary concern to the County of Hawaii as may be referred to it and report its findings and recommendations thereon.

#### **RULE 71. SELECT COMMITTEE OF KAUAI REPRESENTATIVES**

The Select Committee of Kauai Representatives shall consist of all of the elected House members from the County of Kauai. It shall be the duty of the Select

Committee of Kauai Representatives to consider all special laws, bills, resolutions, petitions and other pertinent matters of primary concern to the County of Kauai as may be referred to it and report its findings and recommendations thereon.

**RULE 72. SELECT COMMITTEE OF MAUI REPRESENTATIVES**

The Select Committee of Maui Representatives shall consist of all of the elected House members from the County of Maui. It shall be the duty of the Select Committee of Maui Representatives to consider all special laws, bills, resolutions, petitions and other pertinent matters of primary concern to the County of Maui as may be referred to it and report its findings and recommendations thereon.

**RULE 73. SELECT COMMITTEE OF OAHU REPRESENTATIVES**

The Select Committee of Oahu Representatives shall consist of 13 members, including at least one member from each of the Representative Districts of the City

and County of Honolulu. It shall be the duty of the Select Committee of Oahu Representatives to consider all special laws, bills, resolutions, petitions and other pertinent matters of primary concern to the City and County of Honolulu as may be referred to it and report its findings and recommendations thereon.

**RULE 74.**

Notwithstanding the number of members assigned to the Committees by Rules 51 through 73, the House, by resolution, may change the number of members assigned to any committee.

**RULE 75.**

The Official Rules of Procedure Adopted by the House of Representatives, State of Hawaii, Sixth State Legislature, as set forth above, shall remain in effect until superseded by the Rules of the House of the Seventh Legislature of the State of Hawaii; provided, that the Rules may be amended by a two-thirds (2/3) vote of the members to which the House is entitled.